PUBLIC WORKS AND SAFETY
STANDING COMMITTEE MINUTES
Monday, May 23, 2022

The meeting of the Public Works and Safety Standing Committee was held on Monday, May 23, 2022, at 5:00 p.m., remotely via Zoom as well as on-site. The following members were present: Commissioner Markley, Acting Chairman; Commissioners Kane, McKiernan, (substituting for Commissioner Bynum); Johnson, Ramirez, and BPU Board Member Tom Groneman. Commissioner Bynum was absent. The following officials were also in attendance: Brett Deichler, Interim Assistant County Administrator; Bridgette Cobbins and Emerick Cross, Assistant County Administrators; Misty Brown, Chief Legal Counsel; Henry Couchman, Senior Counsel; James Bain, Assistant Counsel; Angel Obert, Director of Parks & Recreation; Jack Webb, Deputy Director of Parks & Recreation; Andrea Vinyard, Deputy Treasurer; Wilba Miller, Director of Community Development; Jeff Fisher, Executive Director of Public Works; Troy Shaw, County Engineer; Sarah Shafer, Public Works CMIP Program Manager; Gunnar Hand, Director of Planning & Urban Design; Stephanie Stauffer, Community Development Program Coordinator; Bonnie Bloesser, Senior Human Resources Partner; Shakeva Christian, Manager, Human Resources; Monica Tyrell, Human Resources Partner; David Wimberly, Senior Human Resources Partner; Laura Cromwell, Fiscal Officer, KCKPD; Captain Kevin Vivian, KCKPD; Assistant Chief Major Nunez, KCKPD; Terri Kimble and Tifani Portley, UG Clerk's Office.

Chairman Markley said before I call this meeting to order, I want to announce that some committee members, staff, and public are attending remotely via Zoom 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 you announce yourself by name and title every time you speak so the public observing knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

The public is allowed to participate by Zoom or submit comments by email prior to the meeting, and those comments will be included in the record of this meeting. The public may also indicate their intent to provide remote public comment by contacting the Clerk's Office by 5:00

p.m. the Thursday before the meeting. The public also will have an opportunity to provide brief comments either by telephone or via Zoom from the 5th Floor Conference Room, Suite 512, of the Municipal Office Building.

Chairman Markley called the meeting to order and asked the Clerk to call the roll. Roll call was taken and members were present as shown above.

Chairman Markley said there are two revisions to tonight's agenda, removal of Item No. 1 and Item No. 2 authorizing survey and description of lands to be condemned. We will move Items 7 and 8 into those position numbers one and two on the agenda. That's the sidewalk item and the stormwater item. So, 7 and 8 are becoming Items 1 and 2 tonight for scheduling purposes.

Approval of standing committee minutes from January 24, 2022. **On motion of Commissioner Ramirez, seconded by Commissioner Johnson, the minutes were approved**. Roll call was taken and there were six "Ayes," Groneman, Kane, McKiernan, Johnson, Ramirez, Markley.

Committee Agenda:

Item No. 1 (as appeared on the agenda)– 211578…RESOLUTION: AUTHORIZING SURVEY & DESCRIPTION OF LANDS TO BE CONDEMNED

Synopsis: A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the location, laying-out, construction, installation, expansion, repair, maintenance, operation and use of a sanitary sewer pump station located north of Central Avenue on N. 4th Street, submitted by James Bain, Assistant Counsel.

Action: Item removed per blue sheet.

Item No. 2 (as appeared on the agenda) – 211581…ORDINANCE: AUTHORIZING SURVEY & DESCRIPTION OF LANDS TO BE CONDEMNED

Synopsis: An ordinance directing the Chief Counsel to commence legal proceedings to acquire the property described in the survey and necessary for the project, submitted by James Bain, Assistant Counsel.

Action: Item removed per blue sheet.

Chairman Markley said first on our Committee Agenda is Item No. 7, if you're tracking our discussion, Sidewalk and Curb Incentive Program.

Item No. 1 (shown as Item 7 on the agenda)– 211572…DISCUSSION: SIDEWALK AND CURB INCENTIVE PROGRAM

Synopsis: A presentation of the Sidewalk and Curb Replacement Incentive Program, submitted by Jeff Fisher, Public Works.

Troy Shaw, County Engineer, said this is our Curb and Sidewalk Incentive Policy which we brought to the Commission, I think, late 2019 and updated it. We kind of had an informal policy before that, so we formalized it. Pretty much after we did that, we haven't used it because we—COVID happened, and this program wasn't in the budget for two years. It's back in the budget now.

One thing we've found with the policy, it's a little unclear as to who all qualifies for the policy. It was written in general for residential properties. There's a couple of things, and I'll kind of tell you how we've been operating in the past before we had this policy. Really, what I'm looking for is just guidance on how we can clarify this policy and get what we want out of it. Then we can make the edits so that it reflects that moving forward.

Right now, it's written for residential properties to do a 50/50 split for sidewalk replacement or curb replacement with the Unified Government. We fund—until July 1st of every year, we fund equally in every commission district. After July 1st, if there's more interest in another district and we have people in waiting, we'll let them hop in there. Then after September 1st, the policy says the funds may be used first come/first serve basis for sidewalk removal and replacement of properties adjacent to UG's facilities, parks, or schools.

So, one of the questions that has come up—in the past, we used to operate with non-profit, charitable organizations qualified as well. So, roughly 501(c)(3) properties, we used to allow to do it too. That's not specifically written in the policy, so we had a question about that, it came up. Our Right-of-Way manager's response, because he's newer since we previously did it; said well, it's not in the policy so I can't do that. The question is, historically we did that. We offered it after September 1st to those organizations as well. Do we want to include that going forward? If we do, I can make the change to the policy, clearly identify that, and then it'll help going forward.

That's really all I had on this. If you have any more questions, be glad to answer them but that's really what we're looking for, just direction on how to clarify this should we add those charitable organizations to this as well to be able to use this program.

Chairman Markley asked. members of the committee, questions, comments, or offer your opinion on the question before us?

Commissioner Ramirez said still thinking and debating in my head what to do. I did have a couple of questions for community members out there who knows, and just so for information purposes. Before COVID, how many residents would you say applied for this program?

Mr. Shaw said I can't tell you the number, but we did usually spend the full budget every year, which is roughly $125K. Sometimes they're bigger. Whole neighborhoods do it together, so I don't know the exact number, but we did end up spending about $125K a year on the program.

Commissioner Ramirez said okay. I had another question, but I lost it.

Chairman Markley asked, anyone else want to go while Commissioner Ramirez thinks about it again? It'll come back to you.

Commissioner McKiernan said well, Troy, you and I have definitely talked about this. How interesting that I'm here tonight. **Mr. Shaw** said yeah, it worked out well.

Commissioner McKiernan said yeah, complete coincidence. My first thought, as you and I talked, was a sidewalk, is a sidewalk, is a sidewalk, and I didn't understand how we were staggering. I mean, I understand the commission split up until July and then consolidating that all, but I didn't understand the holding everything but residential until September. So, I just throw out, for the purpose of consideration, a sidewalk, is a sidewalk, is a sidewalk.

You could argue that a commercial property or a not-for-profit might have a greater capacity to raise the private match than would an individual homeowner, but it would seem to me that there are hurdles, different hurdles, but still potential financing hurdles for not-for-profits and for businesses as well. So, I'd ask us to be open-minded to making this all applications from the beginning, again, with the district specific up to July 1st and then consolidating everything after that.

I certainly would advocate that we increase the funding for it. I know that ultimately it circles back around to me, but I'd advocate that if we spent all that we had allocated in the years before COVID, that we might be able to spend more than that now and especially because this doubles our money by requiring, well, it almost doubles our money depending on whether it's one or several continuous properties.

Does this now—it used to be just sidewalk replacement, but we are now covering curb replacement as well? **Mr. Shaw** said correct. We've added curb into it when we redid the policy in 2019.

Commissioner McKiernan asked, can curbs be done as standalone projects or does it have to be in conjunction with the adjoining sidewalk? **Mr. Shaw** said they can be standalone.

Commissioner McKiernan said beautiful, thank you.

Chairman Markley said which is amazing because some of our neighborhoods only have curbs, so this gives them an opportunity to get their curb replaced if they don't have a sidewalk.

Commissioner Kane said I say since we were doing it in the past, we might as well continue to do it. Commissioner McKiernan’s right. We should probably up the ante on this, a significant amount, so we can get more done.

Mr. Shaw said I would say, if we are going to allow commercial properties such as—I’m just thinking, obviously, this is out of the box—but Walmart could apply if we're allowing commercial properties. And if we're going to allow commercial properties, we certainly, I would say, increase the budget because if I owned a commercial business, I would certainly take advantage of it.

Commissioner Kane said I don't know about that commercial stuff.

Commissioner Johnson asked, so would you say that the entire budget was $125K? **Mr. Shaw** said correct.

Commissioner Johnson asked, how many square feet can you get for $125K? **Mr. Shaw** said I'm not going to do the math in my head. Right now, the sidewalk is about 12 square feet for removal and placement of a sidewalk.

Commissioner Johnson said say that again. **Mr. Shaw** said about 12 square feet or $12 a square foot for removal and replacement of sidewalk. Curbs are about $48 a foot, roughly.

Commissioner Johnson said so, we're not getting a whole lot of bang for our buck out of this. **Mr. Shaw** said so, that's the total price. So, when public-so half of that would be, but you're right. Yeah, infrastructure is expensive.

Commissioner Johnson said and it's only getting more expensive per year. I'm probably leaning into the increase in the budget for sure, especially if we're going to do commercial along with residential.

Commissioner McKiernan said so, Troy, I definitely appreciate—I think you say you're worried that if we opened it up to commercial from the very beginning, that one large commercial project could bankrupt or take the entirety of our funding for a year before anybody else got an opportunity to do it. **Mr. Shaw** said correct. That would be my thought that might happen.

Commissioner McKiernan said all right. Well, that's what it is, basically held until… **Mr. Shaw** said no. Commercial, we we've never allowed commercial. We've allowed non-profits in the past.

Commissioner McKiernan said ah, non-profits. Then commercial after September might be something to consider, giving all the residential and not-for-profits an opportunity to get into the program early. Then, if they don't expend all the funds, then it would be open for commercial projects after that. That's something to think about.

Commissioner Kane said I would hate to give somebody like Walmart or something—we've already given them a tax abatement—to give them any of this money. I don't believe that would fit. If I was the guy that wanted a deal next year—maybe we'll hold the money over until next year if we have some left over. I sure don't want to give the place that we're already giving a significant tax break the opportunity to dig in us a little more and take it away from the people that live here.

Commissioner Ramirez said I completely agree with Commissioner Kane. It's commercial properties more so. The example we're using is Walmart. They have the funds. They have the ability to put in the money for a sidewalk whereas next door homeowner might not. So, they have to have multiple homeowners band together to do just a part of a sidewalk. I think we keep the current policy but allow the 501(c)(3)s into it from the beginning just as homeowners because they can create partnerships within each other to redo sidewalks. I think commercial, they have the ability, the wherewithal to do that if they want to redo their sidewalk. They have the funds to, or the capability in some way, shape, or form to do financing. I am of the mind that we leave it with just residential but adding 501(c)(3) from the beginning as well.

Commissioner Johnson said I'd add, though, just for the sake of conversation, there's a big difference from a Walmart to a small, for-profit business, a mom-and-pop startup, or maybe even one that's been here for a while; a restaurant that's local, that's a big difference. I don't know that you can kind of categorize the size of business when you do that, but at least it is something that we should be conscious of as we're making the decision one way or the other.

Chairman Markley said, Commissioner Johnson, I knew that that's what you're going to say. That's exactly where I was going with it. I agree with the concerns about larger businesses, but then I worry that we're not offering a benefit to these really small sorts of John and Jenny owned sandwich shops on the corner sort of businesses who probably don't have the financial means of replacing their own sidewalk, and who would certainly benefit from this program. Legal, I'm guessing there are concerns with trying to make that distinguish between different types of businesses. I don't know if you have any thoughts on whether there's a way for us to make a cutoff at size, or profit, or something like that, or whether it needs to be all one side or all the other.

Misty Brown, Chief Counsel, said yes, Commissioner, I think there are concerns about how one would do it equitably. If this is something that the Commission would like us to look at, I'd want to dive into it a bit more to make sure we were doing something that is defensible when we're starting to look at commercial properties.

Chairman Markley asked, is there interest from the committee in hearing more about that? I mean, I even wonder if we could do it by, like census tracts where there are businesses in certain lower income census tracts that would be eligible but a business in another census track might not be. It's up to the committee. If the committee would like to hear some more information at a future meeting, we could ask for this to come back with a little more information.

Commissioner Johnson said count me in.

Mr. Shaw said for clarification on my part, we can do that and come back to a future meeting to talk more about the commercial side of it. Would you still like me to update the policy to include the 501(c)(3)?

Chairman Markley said I think so. I think that was the consensus. **Mr. Shaw** said that's what I thought, I just wanted to make sure.

Chairman Markley asked, any more questions, comments from the Commission? Were there any questions or comments from the public, Clerk? **Tifani Portley, UG Clerk's Office,** said Commissioner, none were received.

Action: For information only.

Item No. 2 (Shown as Item 8 on the agenda) – 211571…UPDATE: STORMWATER CREDITS/APPEALS

Synopsis: An update to present findings and an overview of the stormwater credits/appeals, submitted by Jeff Fisher, Executive Director of Public Works.

Troy Shaw, County Engineer, said fortunately, Jeff has given me the honor to kick off the stormwater presentation that we're all very familiar with at this point. Last time we were here, I think a couple of months ago, we were given direction to kind of move forward getting the stormwater rates into the budget for the future, looking at how that works out. Also, look at a couple of things: the Credit Program, which we gave you a draft of, I believe, as well as looking at an alternate rate for non-profit companies or non-profits. We've kind of prepared that in this presentation. We'll go through it really quick. We only have like 18 slides. Trying to get through it as fast as possible so we can have a discussion.

CURRENT RATE STRUCTURE

	2021 (& prior)	2022	2023
Residential	$4.50	$6.00	$6.00
Non-Residential	$4.50	$14.00	$14.00
Revenue	$3.5M	$5.3M	$5.3M
Fund Balance	Solvent	Solvent	Insolvent -$1.8M

These are the rates that we've shown you before. This is nothing new. One thing I'll note, in 2021 that's what our fees were. You guys updated them in 2022 so that our fund is solvent. If you look at 2023, this is what we showed before to provide the services that we've shown in the past the fund is insolvent as of next year again. Just a real quick background of that.

INDIVIDUALLY CALCULATED

	2024	2025	2026
Monthly Base Charge	$4.73	$5.30	$5.46
Rate per 500 ft²	$0.80	$0.90	$0.93

Monthly Bill Examples – Rate per 500 ft² + Monthly Base Charge

Hard Surface	**2024**	**2025**	**2026**
1,200 ft²	$6.65	$7.46	$7.69
2,500 ft²	$8.73	$9.80	$10.11
4,000 ft²	$11.13	$12.50	$12.90
10,000 ft²	$20.73	$23.30	$24.06
20,000 ft²	$36.73	$41.30	$42.66
75,000 ft²	$124.73	$140.30	$144.96
150,000 ft²	$244.73	$275.30	$284.46
500,000 ft²	$804.73	$905.30	$935.46

Then, same slide you've seen before. It just shows the individually calculated rates going forward with what we've talked about in the past. This includes the Credit Program that you see in the draft. It's just an estimated percentage that we've said get the credit based on experience and what other cities have seen. That's how these rates were calculated.

I'm going to turn it over to Sarah Shafer, one of our Senior Engineers, to talk about the actual Credit Program and highlight that real quick.

Sarah Shafer, Public Works CMIP Program Manager, said as Troy mentioned, the Credit Program that we're going to go over is included in the rate structure that you have been reviewing to date.

CREDIT PROGRAM HIGHLIGHTS

Quality Credit	%	Technical Criteria
Level 1	10%	Meet Current Requirements
Level 2	10-25% (Above Level 1)	Exceed Current Requirements

Quantity Credit	%	Technical Criteria
Level 1	10%	Meet Current Requirements
Level 2	10-25% (Above Level 1)	Exceed Current Requirements

Discharge Credit	%	Technical Criteria
Type 1	5%	Ongoing compliance with NPDES or UG Permit
Type 2	75%	Direct Discharge

Our Credit Program, we have quality credits, quantity credits, and discharge credits. We have those credits in two levels, a Level 1 and a Level 2. They are at a specific percentage based upon technical criteria that are met within there. So, each one of them has a minimum and a maximum. In order to achieve a Level 2 option, you have to achieve the Level 1 minimum criteria.

CREDIT PROGRAM HIGHLIGHTS

Ratio Credit	%	Technical Criteria
	50%	Total parcel area to impervious area is at least 30:1

Appeals		Example
Parcel Ownership		Incorrectly assigning billing
Impervious Area		Correcting an impervious area calculation. Correcting material surface area such as gravel.
Distribution of Billable SWUs		Property with multiple leases/ownership with BPU bill

Maximum Credit Opportunities

- Q Credit: 50%
- Ratio Credit: 50%
- Direct Discharge: 75%

Note: The aggregate maximum stormwater credit cannot exceed 75% credit opportunity.

We have a ratio credit, and this is a total parcel area to impervious area ratio. So, if you think of a very, very large property of pervious space, and a very small percentage of that is going to be where that roof, that concrete, potentially that gravel driveway is. So, if there's a very large parcel with a very small amount of impervious space, they may meet the ratio credit for up to a 50% credit.

The appeals examples are parcel ownership, impervious area, and distribution of billable SWUs, so stormwater units on their bill. Parcel ownership. We have incorrectly assigned the billing so we have to update that accordingly to get the bill out to the right person. Impervious area is correcting an impervious area calculation, so maybe we've over calculated something, and they want us to correct that, or correcting a material surface. If we've indicated that that is impervious area and they come back and say actually it's impervious or it's a gravel, so they are able to get a different rate on that particular square footage. Distribution of billable. This is a property with multiple leases or ownership with BPU bills. This could be a strip mall or a large apartment complex or small apartment complex; ultimately multiple people on that same property that would take ownership of that particular bill.

If you take a look at these particular credit programs, again, these are just the highlights that we provided in that manual. You have your Q Credit which has a maximum of 50%, a Ratio Credit with a maximum of 50%, and a Direct Discharge which has a maximum of 75%. You are only eligible to get one of these particular credits. They cannot exceed well, you can get multiple aggregates, but you can only receive up to that 50% maximum. If you have the Direct Discharge, you're not able to necessarily also obtain additional opportunity with your Q Credits or your Ratio Credits.

One other question that was brought to staff was, what about a different rate for our not-for-profit organizations? We have Anna White with us today to discuss the opportunities with a discount program.

Anna White, Black & Veatch, said we've put together an analysis just to kind of highlight what a discount program could look like for the UG. Based on the land use codes that are available in the County's Tax Assessor's Office data, we are able to identify a group of parcels made up of the categories we are showing there: churches, places of worship, charitable institutions, religious living quarters, and religious administration headquarters. So, just that small group of parcels that we identified there makes up a total of 360 parcels. That's what we used for our example. There are, though, over 6,000 parcels that are considered tax-exempt from the Tax Assessor's Office but, again, we just took a small sample of non-profit organizations just to get an idea of how the discount program could work and how it would impact your rates.

We've assumed that the discount would be a 20% reduction of actual impervious area. I know it's been worded as a different rate or discount rate. Ultimately, this is a reduced rate, but we're taking it as a reduction of actual impervious area. Just based on these 360 parcels and the amount of impervious area that we have for all 360 of those, if we reduced it by 20%, that would be revenue of $32,300 loss from that discount.

EXAMPLE OF DISCOUNT

Bethel Neighborhood Center @ 14 S 7th Street Traffic Way

Impervious Area	SWUs	Monthly IA Based Charge	SWUs Less Discount	Monthly IA Based Charge	Monthly Discount
13,047	26	$20.88	21	$16.80	$(4.08)

Mission Adelante Inc @ 22 S 18th Street

Impervious Area	SWUs	Monthly IA Based Charge	SWUs Less Discount	Monthly IA Based Charge	Monthly Discount
22,546	45	$36.07	36	$28.80	$(7.27)

Wyandotte United Methodist Church @ 7901 Oakland Avenue

Impervious Area	SWUs	Monthly IA Based Charge	SWUs Less Discount	Monthly IA Based Charge	Monthly Discount
24,427	49	$39.08	39	$31.20	$(7.88)

Cathedral of St. Peter @ 409 N. 15th Street

Impervious Area	SWUs	Monthly IA Based Charge	SWUs Less Discount	Monthly IA Based Charge	Monthly Discount
80,709	161	$129.13	129	$103.20	$(25.93)

An example of how that discount could impact some typical bills. These are four parcels here that would qualify under those categories that I showed on the previous slide that we were looking at. You can see that it kind of ranges anywhere from about $50 a year to about $300 a year, depending on the amount of impervious area. What we're doing in this calculation is just reducing the impervious area, the stormwater units, and then applying the same rates to that reduced impervious area to get the reduced monthly fee.

INDIVIDUALLY CALCULATED

With Discount Program	2024	2025	2026
Monthly Base Charge	$4.73	$5.30	$5.46
Rate per 500 ft²	$0.82	$0.91	$0.94

Monthly Bill Examples – Rate per 500 ft² + Monthly Base Charge

Hard Surface	2024	2025	2026
1,200 ft²	$6.70	$7.48	$7.72
2,500 ft²	$8.83	$9.85	$10.16
4,000 ft²	$11.29	$12.58	$12.98
10,000 ft²	$21.13	$23.50	$24.26
20,000 ft²	$37.53	$41.70	$43.06
75,000 ft²	$127.73	$141.80	$146.46
150,000 ft²	$250.73	$278.30	$287.46
500,000 ft²	$824.73	$915.30	$945.46

These are the rates that we have seen with the discount program. If we did implement what I just proposed, a 20% discount just for those 360 parcels and if 100% of those all applied and were granted the discount, these would be the revised rates. I'll show you on the next slide

INDIVIDUALLY CALCULATED

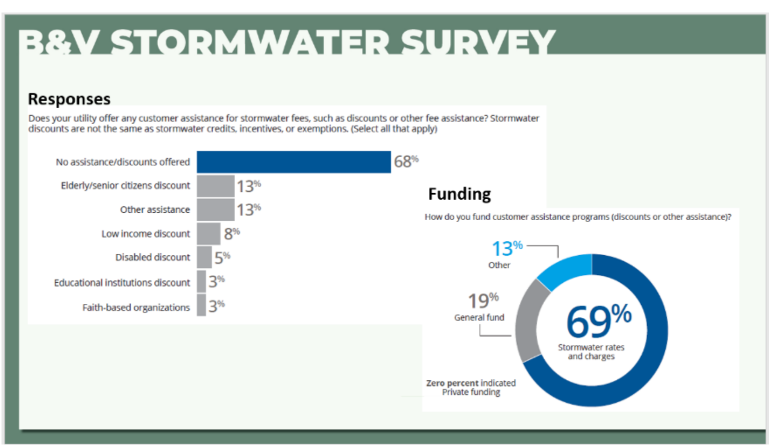
comparison

	2024 (C+A)	2024 (C+D+A)	DELTA
Monthly Base Charge	$4.73	$4.73	$0.00
Rate per 500 ft²	$0.80	$0.82	$0.02

Monthly Bill Examples – Rate per 500 ft² + Monthly Base Charge

Hard Surface	2024 (C+A)	2024 (C+D+A)	DELTA
1,200 ft²	$6.65	$6.70	$0.05
2,500 ft²	$8.73	$8.83	$0.10
4,000 ft²	$11.13	$11.29	$0.16
10,000 ft²	$20.73	$21.13	$0.40
20,000 ft²	$36.73	$37.53	$0.80
75,000 ft²	$124.73	$127.73	$3.00
150,000 ft²	$244.73	$250.73	$6.00
500,000 ft²	$804.73	$824.73	$20.00

Here, it's a little easier to compare them to the rates that Sarah just showed that does not include the discount. The monthly base charge does not change. What does change, though, is the rate for 500 square feet and it goes up $0.02. You can see if you look at the bill example shown on there, that the impact ranges from an increase of $0.60 per year up to $240 per year, just based on the values that we're showing there.



Black & Veatch conducts a stormwater survey every three years. We have about 75 utilities that participate in our survey, and we ask over 50 questions to each of those participants. One of the topics that we do ask in our survey is whether the utility offers any kind of customer assistance such as discounts as part of their rate structure. So, these two questions here are the questions that we ask with regards to discounts. You can see that the majority of the respondents are 68%

indicate that they do not offer any kind of assistance or discounts, but if you look at the discounts that are offered, about 13% either have an elderly or senior citizen discount or some other type. About 8% have a low-income discount, 5% a disabled, and then there's 3% that offer either an educational institution discount or a faith-based institution discount. So, again, the example that we ran was looking at the faith-based discount.

The other thing I want to point out, the question that we ask is how that discount, how that revenue that's lost from the discount is funded through the utility, and 69% recover it through the stormwater rates and charges. So, exactly what we had assumed for our assumption. For the example that we ran is that the existing, the proposed stormwater rates would increase in order to make up that difference in lost revenue.

Then, I just want to show you some example programs, other communities that do have a discount program. The closest one to us is Olathe, Kansas. Olathe does have a discount for parcels that do qualify as a 501(c)(3) entity. Olathe stormwater rate structure is very different from the UG. It's based on gross area, basically lot size not impervious area. It's tiered for all customers, and then there's a cap on the amount of impervious area or the amount of that top tier. I think right now it's capped at maybe 750,000 square feet. Every couple of years they update that cap. So, what the discount program is for Olathe is that if you qualify, the cap that's in place the year that you qualify, is the cap. It's never increased for those entities, so that's very different than what we're talking about here.

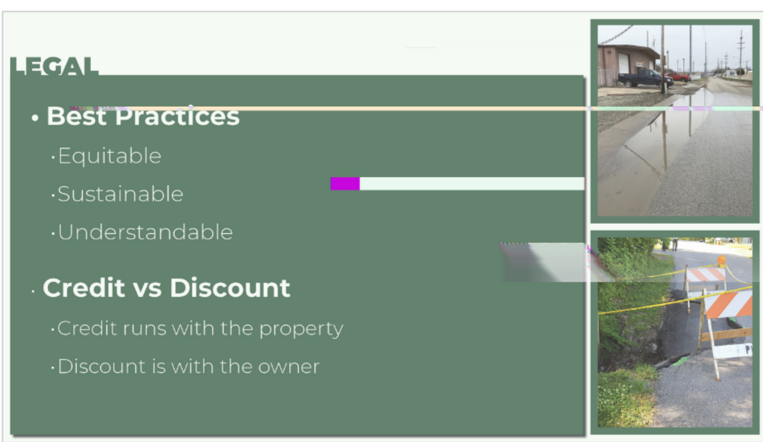
Some other examples, though, that are a little more related to what we're discussing. Miami Gardens, Florida, they have an impervious area-based fee. Their rate structure is a flat fee for residential and individually calculated for non-residential. They have a 50% discount off the monthly charge for houses of worship, very similar to what we're talking about here.

Bremerton, Washington, also impervious area-based fee. The same rate structure. Flat for residential, individually calculated for non-residential. Public school district properties get a discount on the monthly charge in that community.

Philadelphia, Pennsylvania, also impervious area-based. The same rate structure as the others, flat fee residential, individually calculated for non-residential. Their discount was passed over 20 years ago by the City Council, so it's been in place for a long time. It's a 25% discount on the monthly charge for charitable institutions, hospitals, and education institutions as well.

One other one that I want to point out is Ferguson, Pennsylvania. It's just a little bit different. An exemption is given if the stormwater fee is greater than 1% of that organization's revenue. It's based a little bit different than what we've been talking about in our example. Instead of a discount off of impervious area for anyone who qualifies as a non-profit, it's only if your bill is a certain percentage of the revenue, so that's something to think about as an example.

Okay, I'm going to turn it over now to Misty to talk about the legal context.



Misty Brown, Chief Counsel, said this will be, thankfully, pretty quick for the Commission when we're talking about the legality of this. Luckily, when we first started with our stormwater utility back in like 2008 or 2009, it was still somewhat new. But laws now been safely established in it, the best practices going forward and defensibility when looking at the stormwater utilities is, you have an equitable structure, the most equitable one, the most highly favored, I guess in the law, would be your individually calculated.

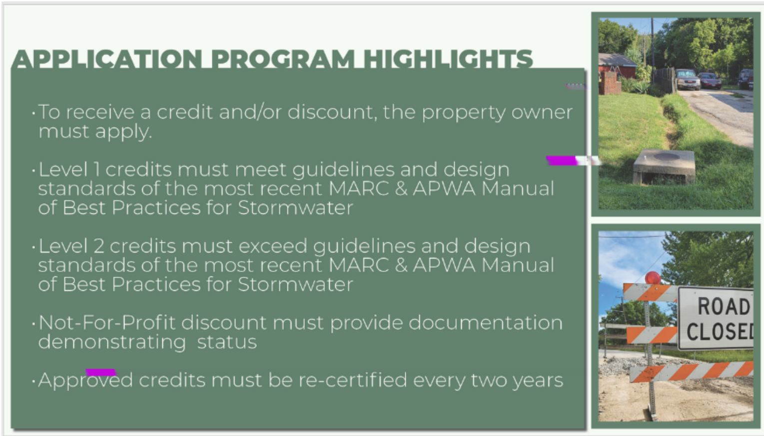
That said, you can see from the examples, there are many different ways to structure it such as a flat residential versus individually calculated for the commercial and various other tiered approaches.

Next, when you're looking at legality of it, is it a sustainable fund? Does it actually fund the utility in its entirety and simplicity. Is it understandable? Can everybody look at it and understand it? I see others getting in trouble when they get too articulate with way too many exceptions here and there.

The other thing I wanted to talk about a little bit is we have talked tonight about a credit versus a discount. They are distinct. I think the Commission generally gets this, but for those watching, a credit runs with the property because this is something that's being done that actually helps the utility in maybe increasing the quality of the runoff or decreasing the quantity of the runoff, whereas the discount is with the owner. If you have a property getting a discount, that is the example given, a place of worship, and ownership changes, then that discount would not necessarily stay with the property where the credit is.

So, that is the end of my legal analysis of this. I promised to be quick.

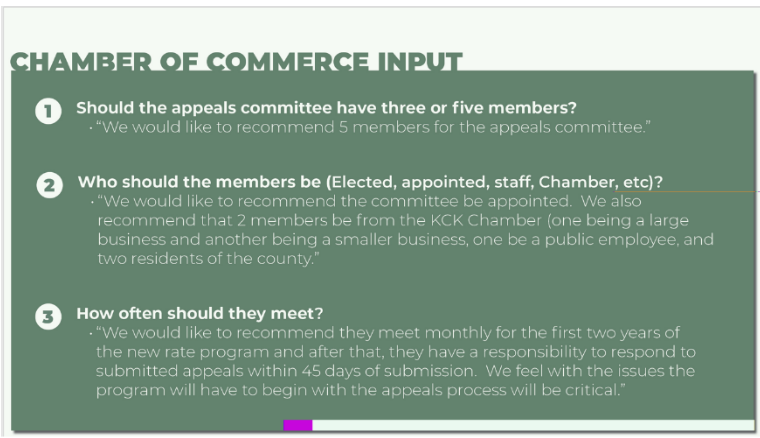
Mr. Shaw said Sarah Shafer is going to give a quick overview of the application and the process to get the credits.



Ms. Shafer said so one thing to note is with a credit and/or discount program is that they do not automatically get put into the bill. In order to receive a credit and/or discount, the property owner must apply for that particular credit or discount, and then demonstrate how they meet those credits or discounts. With a Level 1 credit, they must demonstrate that they meet the guidelines and the design standards in order to state they are meeting the current requirements of that particular property. Level 2 credits, similarly they must demonstrate that they meet those design criteria that is required. So, we state that in order to receive a credit, you must meet the existing design criteria. They have to demonstrate those for both Level 1 and Level 2.

Not-for-profit discounts also must provide documentation demonstrating that particular status in order to receive that particular discount. Approved credits and/or discounts would then be recertified every two years. Currently, we have a BMP certification program that occurs every two years and this would roll right into that particular policy to support those particular Level 1, Level 2 credits and be administered easily.

Mr. Shaw said skipped one slide, we'll get back to it in a second. This is basically the wrap up slide that we're looking to the Commission for guidance. Just your thoughts on the credits and discount, what we've proposed so far. As we talk about an appeals group that Sarah just got done mentioning, how should that be made up? How many people on it? Should be there be three? Should there be more? Who should be on that group? The directors of departments within the UG? How often should this group meet? We've seen many examples throughout the city. I just threw some notes on there.



But we also asked this question to the Chamber as well. Here's the Chamber's thoughts on those three questions about the appeals process. I just throw that out there so you guys can see what it is. We're just we're here to answer any questions and looking for your feedback and thoughts as we move forward with this.

Commissioner Kane said say I'm an individual, 85-years old, and I think I've got a situation, but I can't explain it to you, but I think I got it, but I ought to qualify for a discount. How does a senior citizen know what's going on? And don't say go on the internet. I don't want to hear that anymore.

Mr. Shaw said I think they would, my guess is, just because it happens, they would call someone in the Public Works Department, and we would walk through and help them understand what's going on. That would be my thought as to how but…

Commissioner Kane said when you say walk them through, what do you mean?

Ms. Shafer said what we anticipate is that you would get a bill notification of what your bill for your property would be because then it's broken up into 12 months, you're paying every month on this particular bill, so you get your notification. Similarly, to your property estimates, you have information on how to appeal, ask questions, how to call, what are the discounts eligible so it'd be similar to property valuation notices.

Commissioner Kane said I don't like that process either. We have a multiple amount of seniors that might be able to qualify for that but don't understand the process. When you say you talk to them, over the phone or would you physically go out there?

Mr. Shaw said we would start over the phone, but if they would like to go out and talk about—we have gravel, I think I have gravel. We can look, yeah, well since I'm out there, to look at it.

Commissioner Kane said okay, I like that.

Commissioner Ramirez said I think overall, I'm in agreement with the credit program, but with the discount, I think kind of goes back to the previous item of the legality of keeping certain entities out. We're talking about the sidewalk and well, we can't leave all commercial properties out. There's a legality to it. With the discount, that's what also I'm just interested. Misty, your thoughts on that. If we just do just faith-based organizations or we do just educational institutions, where's the legality for that discount program? Let's just say it's just faith-based, and not picking on you, Commissioner Johnson, but if it's a faith-based organization where let's say a non-profit or a school district comes to us and doesn't believe that's fair. That is just one type of organization. So, in your thoughts, your legal analysis, what do you think is the legality of that?

Ms. Brown said well, I think it is a good question. When it came up, I struggled with it a little bit because it does open up questions that we're going to have to deal with and make policy decisions around. Now, we know that we've seen other communities, even Olathe, have made some of these decisions.

When I was talking about the defensibility of it, when we have a program that is simple to understand, it sustains itself and its individually calculated, we know that's pretty good. When we start going into making exceptions, what I don't recommend is saying certain type—you wouldn't want to say, well businesses that are this size can get it, but not this size.

If you're going to go with categorical that all faith-based institutions can do that, we know that hat's been done and it's been defended, then the Commission is going to have to address the questions that are going to come about. What about non-profits? What about educational facilities? What about hospitals?

If we get the guidance that the Commission would like to make these policy decisions to do something for faith-based versus educational versus 501(c)(3), we just need to make sure that we are being inclusive of all. Like if we're going to go with faith-based, all faith-based institutions, we're not trying to monitor what type of faith-based institution it is. Then that's what we would need to be inclusive for that category. But as the slide showed, not a lot of places do the discounts. A lot of them tend to go more with the credit. We can do it; we just have to be careful about how we do it and understand that it will cause some policy discussion amongst the Commission because everybody is going to want to have a part of that.

Ms. Shafer said if I could just add one thing to that. One thing to consider is maybe that the discount program is not permanent but just temporary for maybe a three-year period in order to allow those businesses that you select, if it's just the faith-based organizations or the non-profit organizations, time to adjust to get used to paying a higher monthly stormwater bill. Then, after that period if it's three years, it's then phased out.

Commissioner Ramirez said like I said, I'm all for the credit program, but I think the discount program idea or initiative is more—we should have that discussion as a full Commission, not just with the five of us, because as of right now, I don't feel comfortable making any type of decision or providing any guidance on that at the moment. There's five other commissioners who are part of this, who will be part of this conversation, and I want to hear their thoughts on it before I make any decision.

Pertaining to the appeals portion, I have done my fair share of research around the country of how other municipalities and other jurisdictions do their appeals process for the stormwater. I am kind of the mind of, yes, having an appointed board, but having it as like another Board of Commission that the Commission appoints residents, ratepayers themselves to be the Board of Appeals. It's nothing against staff, but I think it's—the people who will be appointed, these will be more open to listening and knowing what the other ratepayer is going for. I cannot think at the moment of what—I did research many, many different jurisdictions, but that's my opinion, that's my belief that if we are going to do an Appeals Board, I believe that it should be under another Board of Commission that the Commission and the Mayor appoint someone on there. The Chamber is open to have a seat on that if that's what we, as a Commission, so choose, but I think the main board should be ratepayers themselves.

Commissioner McKiernan said I'm definitely open to the idea of a discount or a credit or whatever it might be. I'm open to that idea. I think that we should—first of all, because I'm pinch-hitting tonight, I didn't get a copy of the presentation that was up on the screen here. I just have the redline copy that's in the agenda. So, if somebody could send this to me, that would be wonderful. **Mr. Shaw** said I'll send it to you.

Commissioner McKiernan said I would like us to be in line with the majority. If we choose to do something like this, I think we should be in line with the majority of our peers who are already doing something. We do not want to be an outlier, rather we want to be similar to any other jurisdiction that's already doing this.

On the issue of a board or a panel or a review committee, I appreciate what Commissioner Ramirez has said here, but I think our ultimate goal would be that we have a structure, we have a set of rules that can be applied without the need for having a review panel. That maybe that review panel is necessary for the purpose of constituting the framework of the discount program or the credit program, whatever it might be. But there's no need for routine review of individual properties. That's just the thoughts that are going through my mind at this point.

(Inaudible)

Commissioner McKiernan said I understand the appeal. I would still—this is pie in the sky. I get it, I would still hope that we could have a set of guidelines that can be applied and are applied. And if you meet those guidelines, that's it, we're done.

Chairman Markley said yeah, I do have concerns about appointing residents just because the—it really is based on an analysis of the property. My concern would be we might not get consistent results if the board is made up of people who are not experts at making that analysis. I wouldn't mind there being some mixture where we have some staff members who are able to make that technical analysis and some residents who are able to provide that additional perspective but, I think, ultimately the goal is for it to be fairly applied. If it's simply a matter of this percentage of your property is impervious and this percentage is not, and we're presenting that to a group of people who don't necessarily have that expertise in analyzing what's impervious and what's not, I'm not sure we get a consistent result from resident to resident, which can be really alarming for a resident if somebody was before the Board last week and got one ruling, and then a different resident comes forward and gets a different one when it appears to be the same set of facts. So, those are my thoughts.

Commissioner Johnson said that's a very interesting conversation. While we're on that discussion, it is lost on me as to how the appeals process goes for landowners that are appealing their taxes. Can anyone in this room speak to that process? Is it done through a department, through staff, or is, I mean, well, I know it's done through a department, staff, but who makes that decision as to whether or not to grant an appeal on their taxes? Staff? Oh boy, I must have really put something out there.

Ms. Brown said, Commissioner, I am going to butcher this a bit in that I have never appealed my taxes on it. But I believe what one does is they start; they fill out the appeals form. I believe what happens next is they have like a hearing, like an informal hearing. Staff is there. I believe there's another person that comes that acts as a, for lack of a better word, the judge for that. Then, if that is not successful, then I know they can go up to the Board of Tax Appeals and go up for different hierarchies on that. But I believe there's a first, a residential, an informal hearing locally that one has when they are appealing it. I'm going to clarify that, and I'll get just some more finite information on it.

Commissioner Johnson said yeah, I mean, I guess the only reason why I asked the question is if we're using that model already, why couldn't that be applied to the discussion that we're having right now? I don't know whether it's feasible. I don't know anything in terms of how to answer that, but if you could provide that, maybe it's something we could consider later on.

As I continue to think about this, my initial—I'm going to just kind of go through my thought process, which is a dangerous, dangerous thing. I'll just give you that caveat up front.

My first thought would have been to allow a discount/credit on all non-profit entities. But as we began to look at the numbers on the slide, that would probably not be equitable for us as the municipality. So, then if we just look at the 360 eligible religious institutions and you began to apply that credit or discount in terms of dollars, $32,000, is that on an annual basis or is that on a monthly basis? **Ms. Shafer** said that was annual.

Commissioner Johnson said okay. So, if that is annual, that doesn't make me pause at all. It makes me wonder, and not just because of my background, but it makes me wonder if maybe we could increase that number to—and I forget the actual percentages of the examples that you gave, but can you remind me of what those percentages are? **Ms. Shafer** said so it assumed a 20% discount on impervious area. Is that the..

Commissioner Johnson said that's the question. I'm saying the four different comparisons. What were the percentages for those comparative entities? **Ms. Shafer** said I think you're talking about the four parcel examples.

Commissioner Johnson said I'm talking about the four cities that you identified. **Ms. Shafer** said oh, okay. Yes, so Olathe was a little different in terms of it because it wasn't a percentage discount. But Miami Gardens was a 50% discount. Bremerton, we couldn't clarify what the discount was. We can look more into that. Pennsylvania was 25%.

Commissioner Johnson said because I was thinking I would recommend something higher for a religious institution. Then if you look at these four examples, how do we compare that into the tiered structure that you all are presenting to us? I mean are these examples of cities, municipalities that have a tiered format or that's just the way the policy reads. It's different than what we're proposing or what you all are proposing to us, I guess.

Ms. Shafer said it just so happens that all of these communities have the flat rate for residential and individually calculated for non-residential as that is the most common stormwater rate structure. **Commissioner Johnson** said right.

Ms. Shafer said so all the ones that we've identified here have that. We could also apply the discount program to the tiered rate structure as well. We didn't run that example to show you what the rates would look like under the tiered program, but we could do that.

Commissioner Johnson said okay. I think I just happen to run up on that question, but I do think that would be a good bit of information for us to know. I'm going to pause and let Commissioner Kane go. I'm going to have some questions after he gets through, I'm sure.

Commissioner Kane said I like the idea of a committee. I like the idea of having our constituents. I've got one ready to volunteer. I think staff sometimes, they get in their head that here's what the book says and here's the way we're supposed to do it. It's good to have outside thoughts about how it affects other areas. I would prefer that we have a committee, and I got a volunteer to run it.

Chairman Markley said, Commissioner Johnson, you had additional questions. (Inaudible) Well, I would just note while you're remembering, I think one item for us to balance is that the deeper—the discount is just getting passed along to everyone else, right, because we're still raising the same amount of money in the proposed plan. So, the deeper the discount to the churches, the higher everybody else in the county's rate is. So, we still have to think about striking that balance if we are considering deepening discount to the churches.

Commissioner Johnson said right. And I would say, that just in conversation, had there not been any precedence out there, then I would be a little more cautious about extending any discounts. But, for the fact that we have credible examples of others, that sets precedent for us, particularly from a legal standpoint. We know that there are other entities that are out there that have done this and, hopefully, will be able to provide some sense to us as to how they deal with the questions that are inevitable from the public for other institutions. I think that's all I have for right now. I'll relinquish my stance.

Commissioner Ramirez said kind of going to what you were talking about, Commissioner McKiernan. I completely understand and completely agree, but you could say the same analogy with our Board of Zoning Appeals. We really wouldn't need if we had a—which our zoning code is written to what it says should a land use should be. Then we shouldn't have it in my—please correct me if I'm wrong in my thinking—is why should we have a Board of Zoning Appeals?

The people that we put on Planning & Zoning, not all of them are from Planning & Zoning and not all of them have the knowledge and expertise, that's why they rely on staff to give the recommendation. They read through the staff reports and then that's when they're able to make their decision. That could be the same for this Stormwater Appeals Board, rely on staff to provide them the information.

I would hope our Planning & Zoning appointees get some training before their first meeting. I would hope so. I'm hoping that's what would happen with their stormwater, if that's what we would do. Those people have the proper training of understanding what the terminology and the everything. I just think I'm more for it because of just being open and transparent and giving our community another opportunity to be part of the process. That's my only thoughts and thinking.

Commissioner McKiernan said not convinced. Open to it, absolutely. The devil's always in the details. I understand the point you're trying to make, and I'm definitely open to continuing the conversation.

Chairman Markley said well, I think, if I can sum up the comments here tonight. I don't hear anyone saying no discount and no credit, so I think there's some level of consensus that a discount program, a credit program has support from this committee. It sounds like there are still some discussions to be had, possibly with the full Commission, about the details of how that would function. But, I think it's a step forward that there's some consensus, at least around the fact that we would like to head in that direction.

Clerk, do we receive any comments from the public? **Ms. Portley** said none were received. **Chairman Markley** asked, is there anyone from the public here in person who wishes to make comments? All right, this item was for information only, at least for tonight.

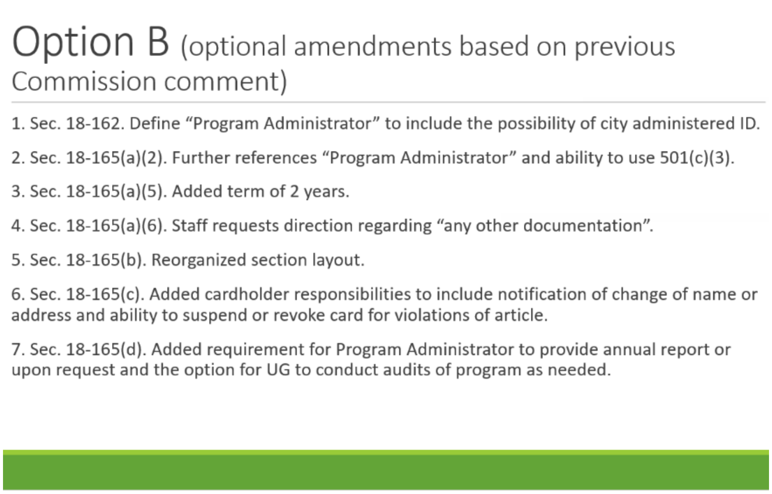
Action: For information only.

Chairman Markley said we are going to now jump back up to Item No. 3, which is the amendments to the Safe and Welcoming Act to comply with HB 2717.

Item No. 3 – 211582…AMENDMENTS: SAFE AND WELCOMING ACT TO COMPLY WITH HB 2717

Synopsis: Amendments reflecting changes necessary to comply with HB 2717, submitted by Casey Meyer, Senior Attorney.

Casey Meyer, Senior Counsel, said as you know, the State Legislature passed House Bill 2717. The Governor signed that bill in April and any sections of our Safe and Welcoming Act that conflict with the bill are void. So, what I've provided are two different drafts. The first draft basically goes through—we removed any sections that conflicted with the bill. The second draft, and that is the draft I'm going to focus on, resolves the conflicts between the bill and our act as well as addresses some of the comments that were raised during full Commission. I noticed as I was going through our materials, if you have paper, the highlights are just gray, but I think that if you got the yellow highlights, you can see them easier. So, I'm going to go through each one just to make sure that we don't miss any.



We're calling this Option B. These are the additional, optional amendments that were based on the previous full Commission. Under Section 18-162, we added a definition of Program Administrator which includes the possibility of the city administering the program. I know that was one concern brought up at full Commission. It still, obviously, includes the ability for a third-party administrator to run the program as well.

The next highlighted section is in Section 18-165(a)(2) and in that section we—well, again, for the reference Program Administrator and the ability to use a 501(c)(3). The point is we're not limiting ourselves to a 501(c)(3), we're opening it up to the city or city departments.

The next Section 18-165-85, we added a term, an expiration term of two years. I understand that was a concern, and also that a person must surrender the community ID card when the card expires or when the person no longer resides within the county.

Something I need direction on is in the two lists that basically list the documentation required for proof of residency and proof of identification. In our original draft, we have basically a catch-all at the very end which allows for any other documentation that the Program Administrator would deem acceptable. I need some direction on that from the Commission on whether or not we need to be more specific or eliminate that option.

The next section, the highlighted section, I kind of reorganized this just to make it a little clearer and I added a Section B titled, Implementation Acceptance by City Departments and Acts Prohibited. You'll notice it's not highlighted because the House bill changes the violation section. Also, is changed to be consistent with the state statute.

Section 18-165(c), that highlighted section. That adds some cardholder responsibilities. It would require the cardholder to notify the Program Administrator within 30 days of any change of name or change of address within the city. That would require them to obtain a new card. Also, the ability for the Program Administrator to suspend or revoke someone's possession of a community ID card if they violate any of the rules or regulations that are the act.

Then last we added the option for an annual report and audit. Section D(1) would require that the Program Administrator submit a report to the Mayor and the Unified Government Board of Commissioners annually or at the request of the Mayor, Board of Commissioners, or County Administrator. Also, that the Unified Government may conduct audits of the Program Administrator whether it be a 501(c)(3) or a city department to determine if they're complying with application requirements.

City-Issued (Data from 2020 special session presentation)

City	Little Rock, Arkansas	Johnson County, Iowa	Providence, Rhode Island
Population	198,606	149,210	180,393
Name of the program	Little Rock Municipal ID Card Program	Johnson County Community ID Program	IDPVD Municipal ID Program
When did the program start?	2017	2017	2008
Where is it housed?	Office of Multicultural Liaison	Auditor Department – Election Division	Office of Vital Statistics
Cost	Adults: $10 Children: $7	Adults: $8 Children: $4	14-17: $5 18-65: $15 65+ or low income: $5
Year One Estimated Cost		$180k - 250k	

Then last, I just wanted to reference this slide. This slide was presented, I believe, when Ken Moore covered this at a special session in 2020 during the pandemic. The staff had done research on the cost of a city or of other cities that ran this program themselves. The year one estimated cost was anywhere between $180K or $250K. That was primarily related to staff costs and personnel. But I just wanted to bring that up again.

So, we need direction on what you want to do. First option is just the required repeals that make this comply with the House bill. The second option is the draft that incorporates, of course, the required repeals along with some optional changes or amendments that address some of the concerns that were raised at full Commission.

Commissioner Ramirez said thank you, Casey and Misty, for working on this and trying to ensure that our laws are within compliance within HB 2717. I support Option B, but the—and I know Commissioner Johnson and Commissioner Markley who, the three of us helped try to get Safe and Welcoming through. They know my hesitation of using the Program Administrator definition that is in the second option. From what I remember from a consensus from my fellow commissioners was to not have the city operate it because of the cost, an annual cost that would be behind operating it and that's why we settled with just having an outside 501(c)(3) operate it. I know all of the other changes were pertaining to other issues that other commissioners had. I thank you for that, for listening to them and trying to incorporate that into the second draft or into the second Option B.

I'm going wait to hear what my other fellow commissioners have to say. I don't like opening the door for a city department to operate it because then that comes back to us of finding where in the budget—we just talked about wanting to increase the budget for sidewalk and curb replacement, now we're going to maybe have to find budget where we have to operate a city ID. I think that should stay with a 501(c)(3) that is outside of the Unified Government. I'll stop there and I want to hear thoughts and comments from my other commissioners on the committee.

Commissioner Johnson said when we had our initial conversation, Commissioner Ramirez, that was my time to kind of muddle through it and try to figure out whether I like, what I like, which one I like, if I like either one of them. But I would agree with you, so I think I'll just leave it right there that the first item that speaks to whether or not we should do it with a 501(c)(3) versus it being handled in-house. I think we were pretty strong in terms of not wanting that to be held inside the UG or to be directed through the UG, and particularly from cost. I think there might have also been some opinion from the public that it would be, some people have a hard time dealing with City Hall and might feel better in dealing with the non-profit 501(c)(3). I'll leave it right there. That's the only part. The rest of it I'm good with. I don't have a problem with it.

Chairman Markley asked, other comments from the Commission? I was going to say, I mean, I agree that I think the intent was for it to be handled by a third-party administrator outside the Unified Government, and that seemed to be a Commission consensus.

I'm curious what happens if we put it out for an RFP and we don't get a third-party administrator that we have interest in contracting with, and I'm wondering if that might have been part of what was in Legal's minds when they define it this way. But it's a possibility. I don't know. It's not a common enough service where there are just hundreds of people out there ready to apply through RFP. I do wonder what would be the situation. My thought is maybe it could be edited to just say, who may be a contractor/third party administrator, which still leaves the option that they may not be, but doesn't specifically say it could be a city department. I do have a concern that if we don't get an acceptable party who applies to the RFP, then what does that look like and how do we move forward would be my only concern.

Commissioner Kane asked, could you put the two of them back up, please? Do both of those follow the intent that was given to us by the state? (Inaudible) Okay.

Commissioner Ramirez said I hear your concern, I do. That was also a thought in my mind if we just leave it to a third party. What if there no one comes when we submit the RFP and make it public? I know after this part of this item is going to have public comment.

My question to the coalition, I know who's listening and watching, can you provide us names of an outside 501(c)(3) who'd be willing to be the Program Administrator? Because, in my mind, if you can provide us some names of organizations that would be willing to apply to the RFP, then I would be more comfortable just allowing the third-party administrator, just a 501(c)(3), to administer the program. When we get to the public comment, I would like a member of the coalition to speak to that.

Commissioner McKiernan said I, once again, as a pinch hitter, I'm catching up a little bit here. You reference an Option A in the PowerPoint. Is that the first redline strikeout that's in the agenda packet? Then, is Option B the second redline strikeout that also has some yellow highlighter in it? **Ms. Meyer** said that's correct.

Commissioner McKiernan asked, do we have any Cliff Notes version of the similarities and differences between Options A and B? Because you say Option A is fully compliant or with it says resolves conflict between HB 2717 and Safe and Welcoming Act. **Ms. Meyer** said right. Option B is identical to Option A but has the additional options of addressing the concerns that were raised at full Commission.

Commissioner McKiernan said all right, thank you. **Ms. Meyer** asked, does that answer your question?

Commissioner McKiernan said it does, thank you.

Chairman Markley said all right, commissioners. Any other comments before we go to public comment? Clerk, did we receive any comments from the public? **Ms. Portley** said, Commissioner, none were received.

Chairman Markley asked, is anyone from the public or on Zoom here who wishes to speak? **Ms. Portley** said we have a Karla Juarez. **Chairman Markley** said you'll be given three minutes to make comment. Please state your name and city of residence for the record.

Karla Juarez, Executive Director, Advocates for Immigrant Rights and Reconciliation, said my organization is a member of the Safe and Welcoming Coalition. We all know why we're here to speak on the Safe and Welcoming City Act. And quickly, Commissioner Ramirez, I, to answer your question, we do have ideas of who can be the issuer of IDs as a 501(c)(3) organization. But, I believe in having these conversations. I believe that is outside of our scope because of procurement policies or something like that. Misty, if you want to comment on that.

Let me just share quickly my public comment, because I have limited time. Unfortunately, the biggest portion of the protection piece is going away because of HB 2717. It is through no fault of anybody here really. We had air—we know that this HB 2717 and the reason why Safe and Welcoming City Act has to be amended could make it potentially unsafe for our community members meaning the protection piece going away, the largest most important portions of it. If the Unified Government wishes to administer this program, not only will that be expensive, but personal information will unlikely be private; therefore, deemed unsafe for community members to obtain an ID. I know as for my organization, AIRR, if the Unified Government chooses to go that route… **Terri Kimble, UG Clerk's Office,** said you have one minute remaining.

Ms. Juarez said if the Unified Government chooses to go that route, we will not promote the ID for community members. The reality of the situation is it took our community five years to pass such an amazing ordinance in collaboration with you all, and it is simply too fast to make a decision on either of these options which meaning Options A and B. To continue our democratic and respectful collaboration between government and community, I respectfully ask this committee to delay this vote until our community and the coalition discusses how we wish to move forward.

Judy Ansel, President, Cross Border Network, said we are also a member of the Safe and Welcoming Coalition. I want to second what Karla said. Also, state in response to Commissioner Ramirez's question that FaithAction, which I believe Commissioner McKiernan had conversations with, is a possible contractor even though they are not local. We know that they do this all over the country. I don't think there's a real question of somebody not applying but we'll leave it at that.

I want to speak specifically to one, why we want this postponed. I think you have time before the end of the month to actually do that. Frankly, the members of the and Welcoming

Coalition were extremely traumatized by what happened in the Kansas Legislature and we have not had a chance to meet. We were very discouraged after five years of work. We have not had a chance to meet and so neither Karla nor I can speak for the coalition. However, I think we can, in very good confidence, say that would be absolutely opposed to the city administering any kind of ID program.

Let me just give you an example. Say an undocumented immigrant gets an ID with their address on it and that person currently has no ID. Say they get stopped by the police for whatever reason. It could be jaywalking, could be suspicion to be driving without a license, could be a lot of things. By having that ID, they will then have divulged their address. While it is not necessarily the practice of the Kansas City Police Department or the Sheriff's Office to inform them to ICE…**Ms. Kimble** said you have one minute remaining.

Ms. Ansel said it is not prohibited, and so therefore, if the city has that information, it's even worse. But we really do have doubts about whether or not this program will be very popular with our immigrant community, which is what we intended it for because of House Bill 2717. That's why we need to meet, and we need to decide whether or not we want to go ahead with this. We should be able to do that within 10 days, I'd say, and give you a response. That's why we respectfully ask that you postpone any kind of vote on this until you've heard from the coalition which was the major force in pushing forward this ordinance.

Chairman Markley asked, Clerk, who's next? **Ms. Kimble** said I don't see anyone else. **Chairman Markley** asked, anyone here in public who wants to speak on this item? Team, this one is up for a vote should we choose to do. I will entertain a motion or if there are additional questions.

Commissioner Johnson said just want to clarify. If we strike out the first item and leave it or go back to the way that we had originally thought in terms of only allowing it to be administered by an outside 501(c)(3) with no reference to the city at all, we can approve that with that one item being stricken, is that correct?

Ms. Meyer said right, so it would be a motion to amend. You're asking that on Option B, which is the highlighted version, I remove the definition of Program Administrator, which in this version includes that if a department of the city can do it. But, if I remove that and you knew you were voting on Option B with that chunk removed then, yes, you could make a motion and vote on that.

Commissioner Johnson asked, could you make it specific? The Program Administrator specific to a 501(c)(3)? **Ms. Meyer** said I heard one option where it was Program Administrator who may be a contracted third party from, I believe, Commissioner Markley. I also heard your suggestion who shall be a contracted third-party administrator. I can make it either way.

Commissioner Johnson said I'd like to—let me make sure I'm getting this correct just for reference. **Ms. Meyer** said just for reference, in our original draft, we had written it as shall be a contracted 501(c)(3).

Commissioner Johnson said that's what I'm talking about. That's what I want. Now, if we approve that tonight to go to standing, to go to the full Commission, how long will it take? When is the next full Commission that we would have to vote on that? The only reason I'm asking that question is because the coalition says they need about 10 days, I'm wondering if the actual Commission won't look at this until a time that exceeds 10 days and we take out the information that they find troublesome. Can we just approve that tonight as opposed to just if you're holding this in stasis, I guess, until the next committee meeting?

Chairman Markley said I see some staff members nodding as to the number of days so, if somebody wants to throw it out there.

Brett Deichler, Interim Assistant County Administrator, said I was going to answer that the next full Commission is on June 9th and then there will be one with full and PZ on June the 30th. So that gives you a timeframe for reference.

Commissioner Johnson said it does, thank you.

Misty Brown, Chief Counsel, said so I would note in there so you could make this amended motion, this motion tonight, Commissioner Johnson, to amend the definition of Program Administrator to match what was in the original version and send this to full Commission for consideration on June 9th. At that point, you could defer it again, if need be, for later in that month. In an ideal world we would like to see the changes made so that we are completely compliant by July 1st and that appears like it would give the coalition some time to discuss on

June 9th and keep it at least progressing past standing committee. If not, we'd be looking at June 27th for Public Works & Safety's next meeting.

Commissioner Johnson said I think I want to do that, what you just said. That's my motion.

Action: Commissioner Johnson made a motion to approve Option B with the Program Administrator defined as it was in the original.

Chairman Markley said so you want to move to approve Option B with the Program Administrator definition made back the way it was in the original, to move it ahead to the full commission. Then there's additional discussion about what would happen if we needed additional time.

Commissioner Johnson said, so moved.

Commissioner Ramirez seconded the motion. Roll call was taken and there were six "Ayes," Groneman, McKiernan, Johnson, Ramirez, Kane, Markley.

Item No. 4 – 211597…GRANT: FY22 LOCAL LAW ENFORCEMENT CRIME GUN INTELLIGENCE CENTER INTEGRATION INITIATIVE

Synopsis: The Police Department is seeking approval to apply for and accept the FY22 Law Enforcement Crime Gun Intelligence Center Grant Award in the amount of $700,000, submitted by Laura Cromwell, Fiscal Officer, Kansas City Kansas Police Department. There is no match required from the UG.

Laura Cromwell, Fiscal Officer, Police Department, said here with me tonight are Captain Kevin Vivian and Assistant Chief Major Nunez. We are seeking approval to apply for and accept the federal Fiscal Year 2022 Law Enforcement Crime Gun Intelligence Center Integration Initiative Grant Award. This particular grant will be a competitive grant process with the maximum award amount equal to $700K, which is what we'll be applying for. We will use this funding to build on our relationships and support systems already established with the ATF to create a Crime Gun Intelligence Center located at Police Headquarters. In doing so, we plan to implement a technology solution that will help enhance our ability to detect gunfire within our city. Furthermore, we plan to install additional pan/tilt/zoom or PTZ cameras and automated license plate reader or LPR cameras to assist us in our gun crime investigations. Lastly, we plan to utilize a portion of the funding to pay overtime to both taskforce officers and detectives in an effort to bolster and better track our prosecution efforts. If awarded, the grant project period will extend for three years and there's no match requirement from the UG.

Chairman Markley said this is super exciting and deeply needed. I am both in favor of applying and hopeful it will win.

Action: Commissioner Kane made a motion, seconded by Commissioner Johnson to approve.

Chairman Markley asked, any other questions or comments? Clerk, anything from the public and/or anyone here who wants to speak? All right, we have a motion and a second.

Roll call was taken and there were six "Ayes," Groneman, Johnson, Kane McKiernan, Ramirez, Markley.

Item No. 5 – 211598…GRANT: FY22 COPS HIRING PROGRAM

Synopsis: The Police Department is seeking approval to apply for and accept funding through the FY22 COPS Hiring Program to fund 12 patrol officer positions for a three-year period. We are requesting a match waiver to cover these positions at 100%. Should we not receive the match waiver, we are estimating the total cost to the UG would be $173,355 per position over the three-year period, which would equate to $2,080,267 per 12 patrol officer positions over the three-year period, submitted by Laura Cromwell, Fiscal Officer, Kansas City Kansas Police Department.

Laura Cromwell, Fiscal Officer, Police Department, said the Police Department is also seeking approval to apply for funding through the Fiscal Year 2022 COPS Hiring Program to fund 12 patrol officer positions for a three-year period. This would increase our manpower strength from 369 officers to 381 officers, which is needed to help decrease violent crime in our neighborhoods.

These positions will be used to establish impact squads at each of our patrol divisions in an effort to build community trust. The primary responsibility of the division's impact officers is to work proactively with community groups and members of the community to identify and solve problems that are related to crime and/or disorder in order to improve the quality of life within the community. The impact squads will work closely with the district officers, community policing officers, narcotics, and intelligence detectives, violent crime detectives, and the property crime detective units in an effort to plan and implement strategies to reduce criminal activity within the patrol division boundaries.

In addition, impact squad officers will conduct follow-up patrol in areas of homicides, shootings, and robberies with hopes of developing new leads. These impact squad officers will be readily available to react to these new leads and assist detectives without delay. These officers would be able to provide that immediate response that so many people are looking for following violent crime occurrences. Ultimately, our goal is to promote a greater sense of safety and security in our neighborhoods by increasing police visibility and that's exactly what these impact squads would do.

The grant solicitation indicates that the federal share will only cover $125K per position for the period of the grant, and that would cover about 75% of the salaries for these officer positions over the three-year period. Then the UG would be required to pay the remaining 25% of the salaries and all of the benefits. However, we will be requesting a full match waiver in order to cover these positions at 100%. The match waiver will be applied for within our grant application.

I wanted to note that we did apply for a full match waiver when we applied for the Fiscal Year 2020 COPS Grant Award, and we were offered that full match waiver. So, we're hopeful that we'd be offered one again with this application.

Should we not receive that match waiver, we will be required to fund these positions over and above that 125% federal share per officer. Based on current projections, provided by the Budget Office, we are estimating that the total cost to the UG for both salary and benefits could be as much as $173K per position over the three-year period, which would equate to just under $2.1M for the 12 patrol officer positions over the three years. Again, these estimates include both salary and benefits, and they are high estimates with regard to benefit options. Based on actual benefit selections, the UG portion would likely be less.

For comparison, the total cost to fund these 12 positions for three years without COPS grant funding would be about $3.5M. Essentially, with no match waiver, we'd save $1.5M if awarded the grant and approved to implement these impact squads. With a match waiver, we'd be provided $3.5M in grant funding to implement these positions.

Lastly, the only sustainability requirement under this grant program is we'd have to commit to funding these 12 patrol positions at 100% for 12 months following the conclusion of the three-year grant project period.

Chairman Markley asked, commissioners, questions?

Commissioner Johnson said I guess that's a little bit different than the last grant request we just looked at. Wow. But we would only be required to match up to $173K per year or over the three-year period. **Ms. Cromwell** said yeah, that'd be the total for the three years, per officer.

Commissioner Johnson said okay. Then that does not scare me as much as I was originally uncomfortable.

Commissioner McKiernan said having a hard time following the numbers there, so I may ask you to repeat some of those numbers. **Ms. Cromwell** said no problem.

Commissioner McKiernan said if the UG were going to have to pay $173,355 over the three-year period, if I do my math right, that's about almost $58,000 per position, per year. That amounts to how much of the total funding? The $2M amounts to how much of the total funding?

Ms. Cromwell said so, it would cost $3.5M to fund all 12 positions for three years. The UG would have to, if it all goes according to plan, without a match waiver, the UG could have to pay as much as $2.1M. The federal government is only going to cover $125K per position. So, per those 12 positions, they would do $125K for each of the 12 positions.

Commissioner McKiernan said they're asking for more than 50% match. **Ms. Cromwell** said their focus is the salary. I'm just trying to take into account the benefits as well. If we were to hire these 12 positions, the federal government in this grant solicitation, their intention is to cover 75% of the salaries, which is basically how that would work out, based on our salary numbers. But then we would have to also take into account the benefits that we will have to pay these officers as well. That's kind of what I wanted to paint a big picture of.

Commissioner McKiernan asked, and is the expectation that these positions be continued at the end of the three-year grant period? **Ms. Cromwell** said the solicitation requires at least 12 months and then I'm sure that the Police Department would want to keep these on from that point forward.

Commissioner McKiernan asked, are these new lines within the Police Department personnel budget, or they would… **Ms. Cromwell** said yes, it would be new lines.

Commissioner McKiernan said they would be new lines, needed lines, within the Police Department personnel budget. **Ms. Cromwell** said we believe so. This would increase our sworn strength by 12 officer positions. So, by solicitation language, we wouldn't be able to supplant. So, we are budgeted for 369 officers. We don't have 369 officers, but that's our sworn strength. We're requesting to increase our sworn strength to 381, and this would be a means of getting some help in funding in order to do that.

Commissioner McKiernan asked, are the responsibilities of these new officers what you would look for if this grant were not on the table and you were simply seeking to hire new officers? **Ms. Cromwell** said I will let Major Nunez, Assistant Chief, kind of take that over, but I believe so.

Ray Nunez, Assistant Chief, said yes, to answer your question, absolutely. We would definitely want to first sustain 381 officers beyond the grant. They would be able to help assist with lowering violent crime.

Commissioner McKiernan said so as I understand it, these officers that would be grant funded have a little bit more of a focused mission in terms of Police Department in that they would be kind of like a special case or a hard case type unit that would focus more on violent crime, specifically.

Assistant Chief Nunez said yes, specifically. They would definitely focus on violent crime. Think of it more as a quick reaction force to real time crime that is occurring. We would have officers readily available that are not on call for service and that they would react quicker.

Commissioner McKiernan said it strikes me that this is a request that I think we hear quite a bit from our constituents to have a group of dedicated officers, like this, specifically looking at violent crime. With that as background, I would just share with anyone from the public who is watching this that it is expensive for us to meet a need that they desire very greatly. These are needed officers. I think they would be busy. I think they would make a positive impact on our city, but we all have to realize that that does come with an expense that we must be willing to bear if we want to get the benefit of their work.

Assistant Chief Nunez said yes, sir, and the Police Department agrees.

Chairman Markley said so, I just want to clarify. Best case scenario, how much money are we spending just for the benefits if we get the waiver? Then worst-case scenario is the $2M.

Ms. Cromwell said yes. Best case scenario is that we are 100% funding these officers at $3.5M. That's my estimate. That's what I would be applying for with a full match waiver. That would cover all of the salary and all of the benefits. Both components are going into our grant application, and we will be requesting a 100% match waiver.

Commissioner Ramirez asked, what is our full strength? What's the number for full strength? **Ms. Cromwell** said 369.

Commissioner Ramirez asked, and what are we at now? **Ms. Cromwell** said 329.

Commissioner Ramirez said 320, okay. I was just curious of those numbers.

Action: **Commissioner Kane made a motion to approve.** (Motion was inaudible.)

Chairman Markley asked, additional questions from the Commission? Clerk, any comments from the public and or anyone here present who would like to speak? **Ms. Portley** said no comments were received.

Chairman Markley said all right. Motion and a second. Roll call, please.

Roll call was taken and there were six "Ayes," Groneman, Kane McKiernan, Johnson, Ramirez, Markley.

Ms. Portley asked, Commissioner Markley, can we verify who seconded the motion? **Chairman Markley** asked, would anyone like to second the motion?

Commissioner McKiernan seconded the motion.

Chairman Markley asked, do we need to roll call again or can we just… **Ms. Meyer** said no, we don't need a roll call again.

Item No. 6 – 211574…OVERVIEW: FISHING PROGRAM AND BUDGET

Synopsis: An overview of the Fishing Supplies Budget, submitted by Angel Obert, Director of Parks and Recreation.

Angel Obert, Director of Parks & Recreation, said I will try to make this quick. With me is our Deputy Director of Parks and Recreation, Jack Webb. Tonight, we have a short presentation of our Fishing Program. We just kind of want to bring some information to you tonight, just of some things that we have been noticing in the past five years as far as trends go. Then also some things we are anticipating in the coming years as far as budget impacts and how that will affect our Fishing Program. As you know, we do have three lakes under our purview: Wyandotte County Lake, Pearson Park Lake, and Big 11 Lake. Also, as many of you know, we have a very robust Fishing Program in our community that is used by a lot of our citizens.

Fishing Supplies Budget

YEAR	BUDGET	ACTUAL
2018	$85,836.00	$85,835.71
2019	$94,622.00	$93,725.00
2020	$87,072.00	$87,071.86
2021	$87,195.00	$87,195.00
2022*	$94,000.00	$80,000.00

*2022 YTD 3/25/222

On this first slide we have here, we pulled some data and some numbers from the past five years starting in 2018 through 2022. We wanted to kind of walk you through what the budget has looked like for the Fishing Program starting in 2018. You'll see in 2018, we had allocated $85,836 to the Fishing Program for our three lakes. Then in 2019, we did see a little bit of an increase. The way that we were able to get that increase was we did have some savings at the end of the year that we moved over to support this program. Also in 2019, we had three extra fishing derbies that the Parks and Recreation Department supported for the community, three other community groups. In 2020 and 2021, you see those budget numbers go back to on average, that $87,000, for that program. Then also in 2022, you see that budget come back up by $6,805. The reason for that increase is in 2021, we started to notice some trends as far as the cost of fishing supplies and what it takes to stock our three lakes. We were able to adjust the budget just a little bit in 2021 to 2022.

Year	Permits Sold
2018	75,880
2019	84,455
2020	95,490
2021	92,140

This next slide here we will take you through the permits sold. In 2018, we sold 75,880 fishing permits. That was pretty standard in the years leading up to 2018. In 2019, we saw a significant increase in permits sold and that increase included an additional 8,575 permits that were sold. In 2019, as many of you can probably remember, we experienced a lot of rain that year. A lot of the surrounding lakes were closed due to flooding. In 2019, in particular, we had a lot of community members, especially across the metro, come to Wyandotte County Lake to use our lake. That is where we started noticing more that this trend of our fishing permits were increasing in sales. In 2020, again, we saw an increase. That increase was roughly 11,035 permits sold.

I'm sure many of you have heard me say this before but the pandemic highlighted just how important Parks and Recreation services were to our community, not just in Wyandotte

County, but also across the nation. In 2020, we believe that is why we saw a significant increase in permits sold as well. Again in 2021, that number stayed pretty high again at 92,140 permits sold suggest a decrease of about 3,350 between 2020 and 2021.

I also want to note that prior to the implementation of CivicRec in 2020, the Parks and Recreation Department, we didn't track permits, permits sold which were the resident permits versus non-residents. It was just not something we were tracking in the old software. We were just entering permits as they came in and not differentiating between the two.

I do want to just provide some data very quickly because since we have the new CivicRec software, we've been able to track and do a lot more with that. In 2021, we do have an entire year's first cycle of data. In 2021, we sold 3,499 resident fishing permits. We sold 918 non-resident fishing permits. We sold 153 resident day passes, and we sold 164 non-resident day passes and fishing permits. Our total revenue in permits sold in 2021 was just a little over $111K.

Pounds of Fish Purchased

	2018	2019	2020	2021	2022
Catfish	14,582 lbs	14,074 lbs	14,074 lbs	15,901 lbs	15,873 lbs
Trout	14,535 lbs	13,333 lbs	13,055 lbs	13,160 lbs	12,377 lbs
Crappie	4,500 lbs	1,013 lbs	1,119 lbs	1,800 lbs	Purchase in DEC
Walleye	1,276 lbs	1,136 lbs	950 lbs	N/A	Purchase in DEC

On this next slide, I just want to kind of do a high-level overview of the pounds of fish purchased per year and how we strategize and what our process is when we stock our lakes every year. We have four types of fish that we stock our lakes with. We have catfish, trout, crappie, and walleye. Then you can see the trend there from 2018 to 2022 on the pounds purchased per fish per year. Something I just want to highlight. Catfish, in particular, we've seen a 17.4% increase in price between 2018 and 2022. Then, also during that same timeframe, our budget has only increased 9.5%. A good example that I want to point out on this slide, in particular, if you look at catfish in 2021, we purchased 15,901 pounds. This year, having completed our catfish stocking and purchase, we purchased 15,873 pounds. As you remember me saying, we did have a slight increase in the budget, just about $6,000 from 2021 to 2022, and we still received less catfish for that. What we are noticing is the resources to stock our lakes is also increasing, which is not uncommon right now in the economy.

Anticipated Budget and Supplies

	2023	2024	2025
Proposed Budget	$114K	$119K	$124K

*We are unable to forecast the pounds of each type of fish we can purchase due to the fluctuating cost per pound.

This last slide we just want to wrap it up too on what to expect when you do see our budget request. We are anticipating this trend to increase as far as price per fish, pound per fish, to increase so we will be proposing a budget request for 2023 for $114K. That is $20K more, a 21% increase for this particular program from the 2022 budget allocation of $94,000. Then from 2023 on out, we will continue to do a small incremental increase per year of $5,000 to sustain what we believe the market rates will continue to be as we anticipate them to increase.

With that being said, it's a good problem to have because that just shows us that our community is out and they're utilizing their resources more. We know this is a big fishing community and they're out there enjoying our lakes, so we definitely want to make sure that our lakes don't get overfished, and we want to continue to stock them adequately for our community. Happy to take any questions that you might have with that.

Chairman Markley said I must say I've been on this committee for a dozen years now and I don't think I've ever heard the fish report. This is the first time, so appreciate it.

Commissioner Kane said maybe somebody asked for a report. How much money sales-wise, if you add up all the fishing licenses, did we bring in?

Ms. Obert said for 2021, the revenue received for a permit sold for all of them—resident, non-resident, the day passes—is just a little bit over $111K.

Commissioner Kane said the reason I say that is the lake is getting overfished. I'm out there every weekend. I see it every single weekend. We saw it during trout season, I mean the lake's getting pounded. I actually think that asking for $114K isn't enough. It's great to see the community out there, not just the Wyandotte County Lake, but all three lakes. I would think that you'd be asking for $120K to $125K now just so the lake won't be overfished. It's pretty neat when you cruise the lake and you see all those kids. If they're not fishing, they're at the playgrounds, they're having picnics, all day picnics, as a matter of fact. I think it's something that we need to consider to up what they're asking for. It's not in my mind, you know, another $10K isn't that much because we have that many people using the lake. I wish that we would go around and take pictures of how many people are using it because they have a hard time parking in some of the areas. I never saw it until the last couple of years. I haven't been out there till the last couple of years really. But what you guys have done with the parks, keeping it clean and then the trash picked up and all the stuff that goes along with that, but I do believe they need more money to provide more fish for the people that are out there.

Commissioner McKiernan said I certainly endorse and support increasing the amount of money that we use for maintaining this aspect of a few of our park facilities. I hope you're going to build this into your budget request for the 2023 budget. I agree with Commissioner Kane. I think you ought to build in more than this because certainly I think that the need is there and the payoff is there.

I'll go back to something I said a couple of meetings ago. I think we certainly took some funding from supporting our parks and our Parks Department back at the time of the housing downturn, and I don't think that we have adequately put that money back into the budget to support our parks, our parks personnel, and the public amenities that we want to have for our constituents. I we, as a Commission, need to buckle down and explore ways to restore funding for supporting our parks because that supports our citizens.

Commissioner Ramirez said 1,000% second what Commissioner McKiernan said. We all know I'm a Parks and Rec fan, hardcore Parks and Rec fan. I completely agree with Commissioner Kane. Please bring this budget, bring more. Bring more to the table. Request for more because it is something that is widely used and enjoyed. As you said, Angel, in your presentation, 2020, our parks, not just Wyandotte County, not just our lakes, but all our parks around the city and county were used during COVID the most. That, in my opinion, that had been used in a long time in that type of way.

I completely agree that we—I think every year we need to make a concerted effort of increasing Parks' budget all around. You guys do an amazing job, amazing work in the community. As I keep saying, we can have all the housing and all the development we want, but unless we don't have amenities to go with it, no one's going to want to live here. No one's going to want to build a business here. So, I completely agree with this, and I agree that you need to request more for this item.

I think with Commissioner McKiernan and let's get moving forward. I think every year we expect Parks and Rec to continue to ask for more a year after this, not just for our Fishing Program, but for all for other parts of the budget and programming because you guys do amazing work. So, I thank you for all that you do.

Commissioner Johnson said first of all, I do agree and, Angel, you already know I'm going to be definitely leaning in on your behalf, on behalf of the Parks Department in the coming days and months, particularly for those that are east of I-635. We will continue to have those conversations. As it relates to parks or to lakes and fishing, I'm not a fisherman, but I don't see as many persons down at Big 11 Lake. I think part of that might be the issue with regard to the algae. I'm not sure if that's relative to this year. I know it has been the case in prior years. Can you speak to where we are with regard to that? And then, also, are we supplying all four types of fish to Big 11 Lake or are we just talking about one type?

Jack Webb, Deputy Director, Parks and Recreation, said KDHE has lifted the algae warning on Big 11. The algae that it had comes with the heat. As you know, Big 11 is not fed by any watershed, by creeks so that's why that water heats up the way it does. They will continue testing, but right now it's been removed.

Commissioner Johnson said okay, but we haven't seen the extent of heat yet. There's still a possibility.

Mr. Webb said yeah, anything's possible. As far as the fish, we just stocked catfish at Big 11, but a lot of people put fish in Big 11 for us. That lake does have a fish kill about every six or seven years. For some reason the oxygen depletes. You'll be astonished the different kind of species of fish that are in that lake. But we do stock that three times a year with a small truck that comes in. We can only add 400 pounds of catfish at a time because of the size of the lake.

Chairman Markley asked, any other questions from the Commission? Clerk, do we have any comments from the public? **Ms. Portley** said none we're received.

Chairman Markley said this item was for information only, so if there are no further questions, we will let Angel go free.

Ms. Obert said I just want to say thanks for your time tonight, commissioners. I only wish I came asking for some money because it sounds like you would have been in our favor tonight, so thank you. We'll be back.

Action: For information only.

Chairman Markley said if you're following along in the agenda, you'll remember we moved Items 7 and 8 to Items No. 1 and 2, which means now we are ready for our last item on this Public Works and Safety Standing Committee Agenda.

Public Agenda:

Item No. 1 – 211575…APPEARANCE: MARTIN CUNNINGHAM

Synopsis: Appearance by Martin Cunningham to request discontinuance of herbicide spraying at Rosedale Park.

Martin Cunningham, Rosedale resident, said the issue I bring in front of the committee deals with safety and health equity. It's much too complicated to do it justice in three minutes so what I'm asking this time is for the committee to accept, it yet has to be written, evaluation of risks and benefits of spraying the county properties, in particular, the parks which we just heard about with a mixture of cosmetic toxic pesticides on all the turf land we have. The authors of that evaluation would include the Chief and the Deputy Health Officer of our own Wyandotte County Health Department and other highly qualified individuals. I ask that that particular evaluation become the basis of recommendation to the full Commission on whether to halt or continue application of herbicides, which are designed in this particular case, to kill the dandelions and the clover which, in reality, have a pretty detrimental effect on our most valuable population and a lot of the animals. I'll leave it at that.

Chairman Markley asked, so this report you mentioned, have you, or has it been given to the Clerk? **Mr. Cunningham** said no, it hasn't. No, we haven't discussed it yet actually. What I would ask too is that you give us permission to submit it to the to the committee and have that be the basis of the recommendation whether to put it in front of the full Commission.

Chairman Markley said okay, I misunderstood. I was thinking there was something written. **Mr. Cunningham** said not yet.

Commissioner Ramirez said thank you, Mr. Cunningham. I mean I would support that. I know you're not the first—I am your commissioner and you're not the first Rosedalian that has come to me about that issue, especially the Rosedalians that are on the trails. They have mentioned that so I would be completely open to hearing more about it and, of course, it's up to Commissioner Bynum who's the Chair of the committee. But I'm sure she would be open to it as well to hear the report and to get more information. **Mr. Cunningham** said you have 500 signatures of people who agree with us, incidentally, on a signature gathering application.

Chairman Markley said I was just going to say what I think I hear is Commissioner Ramirez is going to follow up with Commissioner Bynum and staff.

Commissioner Ramirez asked, and those 500 signatures, are the majority of them from Rosedale and surrounding areas? **Mr. Cunningham** said yes, they are. There are a few from Liechtenstein and a few from Germany too.

Chairman Markley said thank you, Mr. Cunningham.

Action: Constituent appeared and addressed the Commission.

Chairman Markley said with that team, we have made it to the end of meeting number one. We will adjourn our Public Works and Safety Standing Committee meeting.

Adjourn:

Chairman Markley adjourned the meeting at 6:56 p.m.

am