

**PUBLIC WORKS AND SAFETY
STANDING COMMITTEE MINUTES
Monday, July 25, 2022**

The meeting of the Public Work and Safety Standing Committee was held on Monday, July 25, 2022, at 5:02 p.m., remotely via Zoom. The following members were present: Commissioner Bynum, Chairman; Commissioners Ramirez, Markley, Kane, Johnson, and BPU Board Member Groneman. The following officials were also in attendance: Monica L. Sparks, Acting UG Clerk; Brett Deichler, Interim Assistant County Administrator; Casey Meyer, Senior Counsel; James Bain, Assistant Counsel; Jon Khalil and Jeff Conway, Assistant Counsel; Ashley Hand, Director of Strategic Communication; Mark Weckwerth, Environmental Engineer, Air Quality; Laura Cromwell, Management Analyst, Police Department; Jeff Fisher, Executive Director of Public Works; Dave Reno, Public Works Community Engagement Officer; Matt May, Emergency Management Director; Gayle Bergman, Health Department; John Droppelmann, Deputy Chief/Fire Marshal; Rob Anderson, Public Works Asset Manager; Troy Shaw, County Engineer; and Brittnie MacDonald, Clerk's Office.

Chairman Bynum said before I call the meeting to order I want to announce that due to some committee members, staff, and the public are attending remotely via Zoom as well as on-site. All participants joining by phone should mute their phones when they're not speaking to avoid background noise. During the meeting, please make sure you announce yourself by name and title when you speak so the public that is observing knows who is speaking. This is critical given the number of remote participants and it's also current guidance from our Kansas Attorney General.

The public is allowed to participate by Zoom or submit comments by email prior to the meeting and those comments will be included in the record of the meeting. The public can also indicate their intent to provide remote public comment by contacting the Clerk's Office by 5:00 p.m. on the Thursday prior to the meeting. The public will also have an opportunity to provide brief comments tonight either by telephone or Zoom or from our fifth floor conference room here tonight.

Chairman Bynum said I will now call our meeting of the Public Works and Safety Standing Committee to order and ask the Clerk to please call the roll. Roll call was taken, and all members were present as shown above.

We have two revisions.

APPROVAL OF STANDING COMMITTEE MINUTES

Approval of standing minutes from February 28, 2022. **On motion of Commissioner Markley, seconded by Commissioner Ramirez, the minutes were approved.** Roll call was taken, there were six “Aye,” Groneman, Kane, Markley, Johnson, Ramirez, Bynum.

IV. Committee Agenda

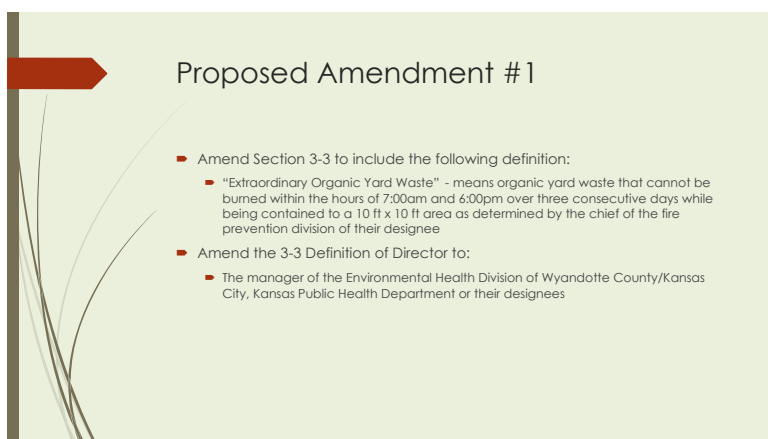
Item No. 1 – 211743...ORDINANCE/RESOLUTION: AMENDING CODE PROVISIONS FOR OPEN BURN (REVISED PER BLUE SHEET)

Synopsis: An Ordinance/Resolution amending the code provisions 3-3 Definitions and 3-17(h)(1)(a) related to Open Burning, submitted by Jon Khalil, Assistant Counsel, Legal Department. *This item was previously before the Standing Committee on March 28, 2022.*

Chairman Bynum said under our committee agenda the first item is an ordinance and resolution amending code provisions for open burn, and it again was revised with a blue sheet this evening. We've previously had a discussion on this matter and requested a variety of amendments, and we're here tonight to have a look at the revisions. We have Jon Khalil from Legal. Is that right, are you with Legal? Okay, God bless you. You've been with us so long I didn't know what department you were in anymore. Why don't you go ahead and make the presentation for us.



Jon Khalil, Assistant Counsel, said this is our presentation that is to reflect the previous discussions we've had on the proposed changes to our open burning ordinance.



The first proposed amendments to the ordinance would be to amend Section 3-3 to include the definition of Extraordinary Organic Yard Waste. This definition would read that “Extraordinary Organic Yard Waste” means, organic yard waste that cannot be burned within the hours of 7:00 AM and 6:00 PM over three consecutive days while being contained in a 10 ft x 10 ft area, as determined by the Chief of the Fire Prevention Division, or their designee. The second amendment would be to amend the Section 3-3 Definition of Director, to the manager of the Environmental Health Division of the Wyandotte County/ Kansas City, Kansas Public Health Department, or their designees. This amendment would bring the ordinance into line with the current structure of the Health Department.



Proposed Amendment #1 (Cont.)

- Amend the 33 Definition of Approvable air curtain open pit destructor to:
 - Approvable Air Curtain Open Pit Destructor means a device specifically approved by the director as being consistent with engineering and design requirements established by the director and used to accomplish the controlled high temperature, minimum emission burning of land clearing debris (trees, brush and vegetation only, or other non-residential waste or extraordinary organic yard waste). Such device shall consist of a large blower or fan designed to deliver at least 800 standard cubic feet per minute of air for each foot of length of the pit in which the burning is accomplished and a nozzle equipped plenum chamber designed to deliver air at a minimum air velocity of 130 per second in a flat sheet or curtain of air blowing diagonally downward across the pit. The pit used to accomplish the burning with the air curtain destructor must be the exact length of the manifold plenum chamber, 12 feet or deeper (consistent with local solid conditions) and have all four sides vertical. New pits conforming to these requirements shall be excavated as necessary to replace pits in which the high temperature operation has resulted in crumbling or erosion of the burning pit such that the pit no longer had the required four smooth vertical walls and/or no longer consistent with the dimension requirements provided herein. The director may also require any additional design and/or operating conditions for the air curtain open pit destructor as are necessary to accomplish minimum emission, smokefree burning of the land clearing debris or other non-residential waste or extraordinary organic yard waste.

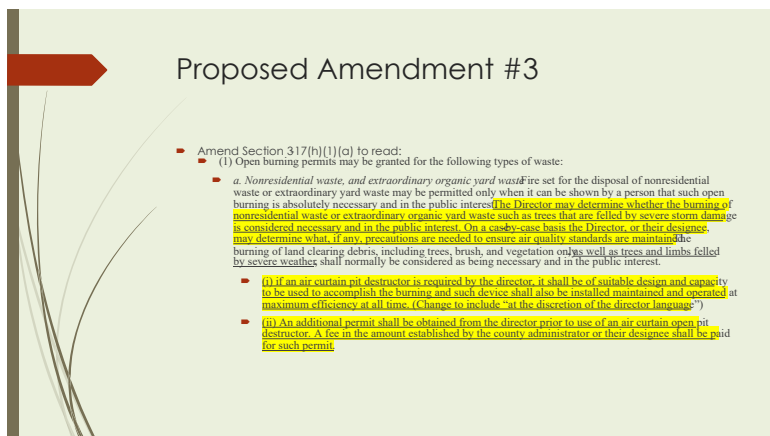
Another definition amendment would be to amend the definition of a provable air curtain open pit destructor to include a reference to other non-residential waste or extraordinary organic yard waste.



Proposed Amendment #2

- Amend Section 3-17(g)(3) *Open Burning Prohibition Exceptions* to read:
 - Open burning of vegetation such as grass, woody species, crop residue and other dry plant growth for the purpose of crop, range, pasture, wildlife or watershed management. Provided that prior written approval is obtained from the Director and the Chief of the Fire Prevention Division.
 - This amendment would but our language in alignment with the current state regulations on open burning.

The second proposed amendment would be to amend Section 3-17(g)(3). The “Open Burning Prohibition Exceptions” to read open burning of vegetation such as grass, woody species, crop residue, and other dry plant growth for the purpose of crop, range, pasture, wildlife, or watershed management, provided that written approval is obtained from the Director and the Chief of the Fire Prevention Division. This amendment would bring the language of the current ordinance into alignment with the current state regulations language on open burning.



Proposed Amendment #3

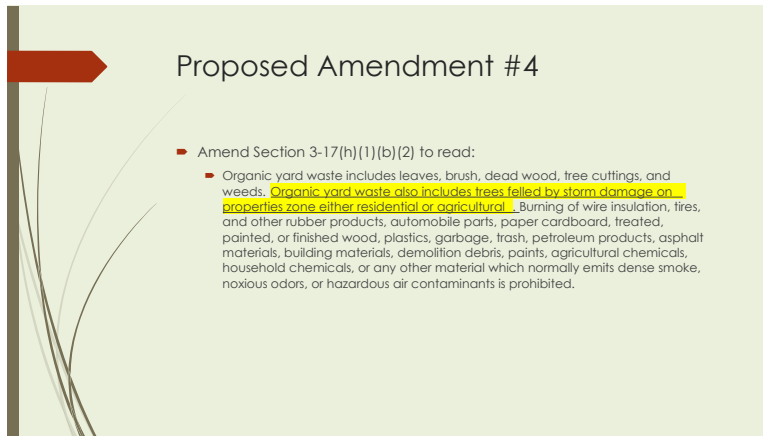
- Amend Section 3-17(h)(1)(a) to read:
 - (1) Open burning permits may be granted for the following types of waste:
 - a. *Nonresidential waste, and extraordinary organic yard waste* Fire set for the disposal of nonresidential waste or extraordinary yard waste may be permitted only when it can be shown by a person that such open burning is absolutely necessary and in the public interest. *The Director may determine whether the burning of nonresidential waste or extraordinary organic yard waste such as trees that are felled by severe storm damage is considered necessary and in the public interest. On a case-by-case basis the Director, or their designee, may determine what, if any, precautions are needed to ensure air quality standards are maintained.* The burning of land clearing debris, including trees, brush, and vegetation only, as well as trees and limbs felled by severe weather, shall normally be considered as being necessary and in the public interest.
 - (i) *If an air curtain pit destructor is required by the director, it shall be of suitable design and capacity to be used to accomplish the burning and such device shall also be installed maintained and operated at maximum efficiency at all time. (Change to include "at the discretion of the director language")*
 - (ii) *An additional permit shall be obtained from the director prior to use of an air curtain open pit destructor. A fee in the amount established by the county administrator or their designee shall be paid for such permit.*

The third proposed amendment would be amending Section 3-17(h)(1)(a). To read that open burning permits may be granted for the following types of waste, (a) non-residential waste, and extraordinary organic yard waste. Fire set for the disposal of non-residential waste or extraordinary organic yard waste may be permitted only when it can be shown by a person that such open burning is absolutely necessary and in the public interest. The Director may determine whether the burning of non-residential waste or extraordinary organic yard waste, such as trees that are felled by severe storm damage is considered necessary and in the public interest. On a case-by-case basis the Director, or their designated designee, may determine what, if any, precautions are needed to ensure air quality standards are maintained. The burning of land clearing debris, including trees, brush, and vegetation only, as well as trees and limbs felled by severe weather, shall normally be considered as being necessary and in the public interest.

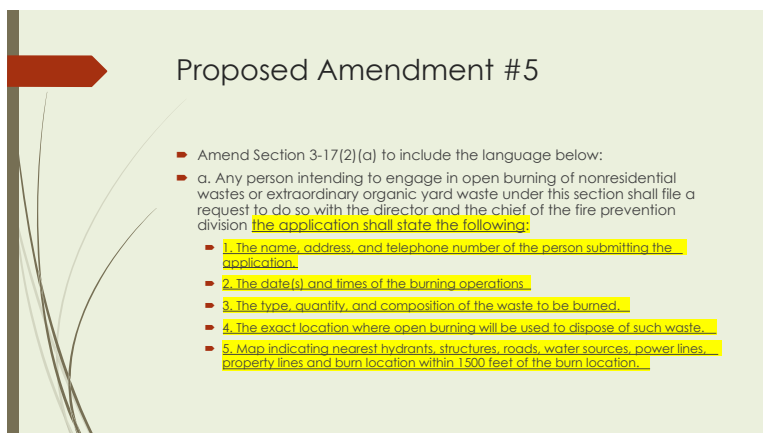
Then it would also read if an air curtain pit destructor is required by the Director, it shall be of suitable design and capacity to be used to accomplish the burning, and such device shall also be installed, maintained, and operated at maximum efficiency at all times. This change would include the open pit destructor being ordered to be used at the discretion of the director rather than it being required as it is now. The current ordinance reads shall rather than may or may determine what precautions are needed. The second bullet point that you see on the screen actually in the revision is to be struck stricken from the ordinance. That's what the revised ordinance reads. I'm not sure why that didn't get changed in the PowerPoint.

Commissioner Kane said can you repeat that?

Mr. Khalil said I'm not sure why it didn't get changed in the PowerPoint, It was changed in the revised PowerPoint that I submitted.

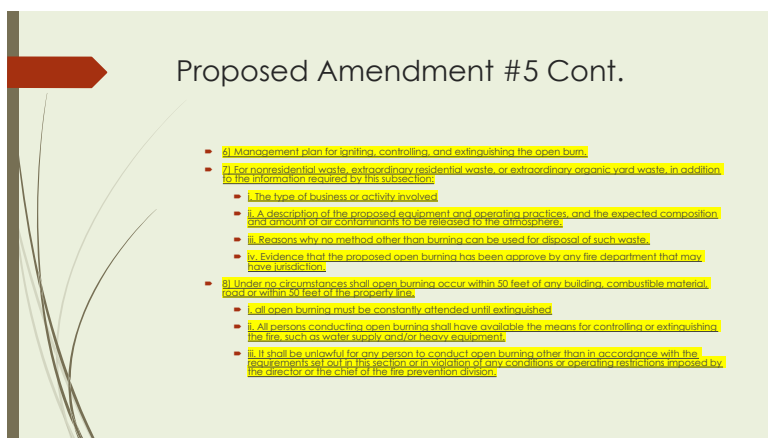


The fifth proposed amendment would be to amend Section 3-17(h)(1)(b)(2) to read organic yard waste includes leaves, brush, dead wood, tree cuttings, and weeds. Organic yard waste also includes trees felled by storm damage on property zoned either residential or agricultural. Then the burning of wire insulation, tires, and other rubber products, automobile parts, paper cardboard, treated painted, or finished wood, plastics, garbage, trash, petroleum products, asphalt materials, building materials, demolition debris, paints, agricultural chemicals, household chemicals, or other material which normally emits dense smoke, noxious odors, or hazardous air contaminants is prohibited.

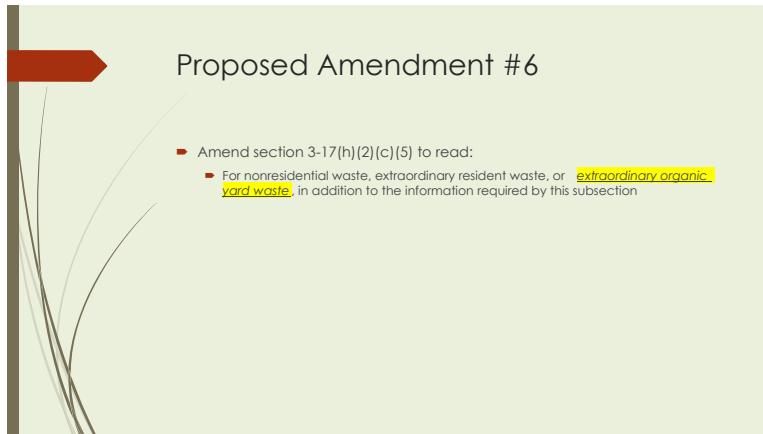


The proposed amendment number would be amendment number six to amend Section 3-17(2)(a) to include the following language; Any person intending to engage in open burning of non-residential wastes or extraordinary organic yard waste under this section shall file a request to do

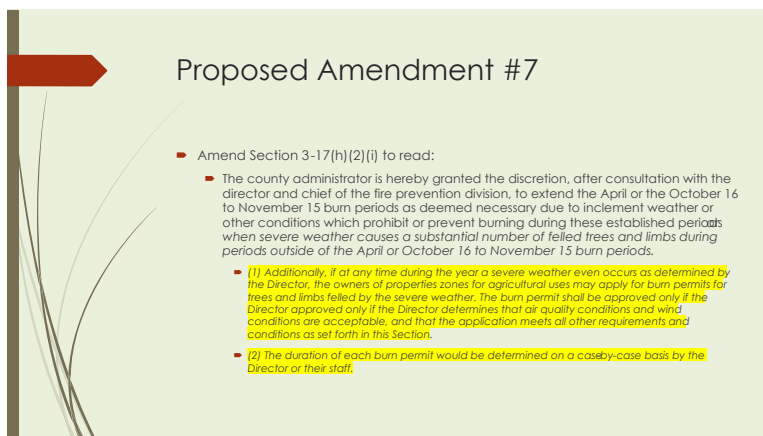
so with the directory and the Chief of the Fire Prevention Division. The application shall state the following; The name, address, and telephone number of the person submitting the application, the date(s) and times of burning operations, the type, quantity, and composition of the waste to be burned, the exact location where urban burning will be used to dispose of such waste, a map indicating the nearest hydrant, structures, roads, water sources, power lines, property lines, and burn locations within 1500 feet of the burn location.



A management plan for igniting, controlling, and extinguishing the open burn. For non-residential waste, extraordinary residential waste, or extraordinary organic yard waste, in addition to the information required by this subsection, the type of business or activity involved. A description of the proposed equipment and operating practice, and the expected composition and amount of air contaminants to be released to the atmosphere. Reasons why no method other than burning can be used for disposal of such waste. Evidence that the proposed open burning has been approved by any Fire Department or the Director of the Health Department that may have jurisdiction. Under no circumstances shall open burning occur within 50 feet of any building, combustible material, road, or within 50 feet of the property line. All open burning must be constantly attended to until extinguished. All persons conducting burning shall have available the means for controlling or extinguishing the fire, such as water supply and/or heavy equipment. It shall be unlawful for any person to conduct open burning other than in accordance with the requirements set out in this subsection or in violation of any condition or operation operating restrictions imposed by the Director or the Chief of the Fire Prevention Division.

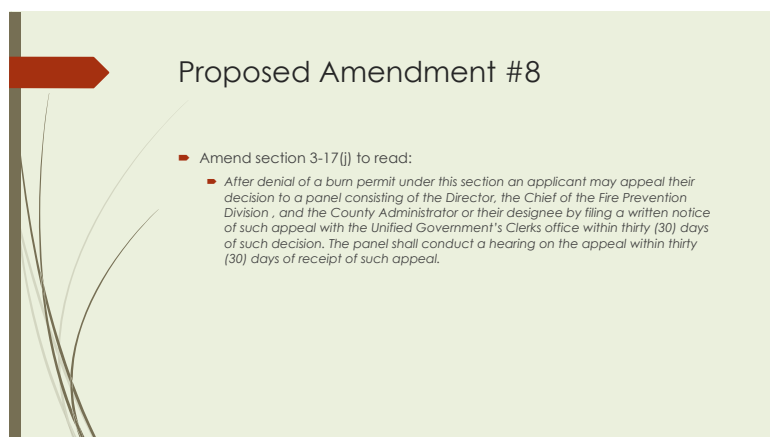


The seventh proposed amendment would be for non-residential waste, extraordinary residential waste, or extraordinary organic yard waste, in addition to the information required by the subsection. This requires the type of business or activity involved, a description of the proposed equipment, operating practices and the expected composition and amount of air contaminants to be released into the atmosphere, reasons why no other method other than burning can be used for disposal of such waste and evidence that the proposed open burning has been approved by any fire department or the director of the health department that may have jurisdiction. The additional sections of this were cut off for some reason.



The proposed amendment number seven, the amendment amending Section 3-17(h)(2)(i), to read the County Administrator is hereby granted the discretion, after consultation with the director and the chief of the fire prevention division, to extend the April or the October 16th to November 15th burn periods as deemed necessary due to inclement weather or other conditions which prohibit or prevent burning during these established periods or when severe weather causes a substantial number of felled trees and limbs during the period outside of the April or October 16 to November

15th burn periods. Additionally, if at any time during the year, a severe weather event occurs as determined by the director, the owners of the property zoned for agricultural uses may apply for burn permits for trees and limbs felled by the severe weather. The burn permit shall be approved only if the director determines that air quality conditions and when conditions are acceptable, and that the application meets all of their requirements and condition as set forth in this section. The duration of each burn permit would be determined on a case-by-case basis by the director or their staff.



Then proposed amendment, this is proposed amendment number nine, I think that this is an old version of the PowerPoint would read that after the denial of a burn permit under this section an applicant may appeal their decision to the Wyandotte County District Court within 30 days of the denial. Are there any questions?

Chairman Bynum said questions from the committee?

Commissioner Ramirez said thank you, Jon. There is one amendment that was in the updated PowerPoint but wasn't presented on the public one. It was the striking of Sections 3-17(f). I just wanted to make sure there wasn't one more missing.

Mr. Khalil said oh yes, and that amendment would be the striking of Section 3-17(f). Which reads it shall be prima facie evidence that the person who owns or controls property on which open burning occurs has caused or permitted such open burning. That would be stricken from the ordinance under the revised amendments.

Commissioner Kane said we've worked on this for how long? **Chairman Bynum** said since March or February. **Commissioner Kane** said right, hopefully, we'll put this to bed. We appreciate the changes. I make a motion to pass this on to the rest of the commissioners.

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

Chairman Bynum said thank you very much, we have a motion and a second. Before we vote I have a question. Assistant County Administrator Deichler or Ms. Meyers, when will it go to full commission?

Brett Deichler said I need to check but that would probably go to Thursday. Monica, which is the meeting coming up first on August 11th? **Chairman Bynum** said it would just go on its regular schedule, not with a fast track. **Mr. Deichler** said it wouldn't need a fast track in this case.

Chairman Bynum said thank you very much. August 11th would be the full commission meeting where this would come to the full commission for adoption. I do need to ask before we vote if there's anyone online or in person or if any written comments were received. **Monica Sparks, Acting UG Clerk,** said no comments have been received and no hands are raised.

Chairman Bynum said thank you very much. Anyone in person who wants to speak on the item? **Gayle Bergman, Health Department,** said the Health Department Air Quality is here. We wanted to speak on the item. **Chairman Bynum** said you can come to the podium and give us your name, and you have three minutes.

Gayle Bergman, Health Department, said I am the supervisor of the Air Quality Division. I guess we thought we were going to get to talk to you guys about the proposed amendments. We had some comments as the technical experts who carry out these permits.

One thing we were wondering about was the striking of the permit for the air curtain destructor, and that's one of the many burn permits that we issue for a variety of reasons. These incinerators are permitted by the state, and we are just concerned that if we are not issuing a permit

as well that we won't know about the incinerator and that the developer, whoever's clearing land, that we won't know about the piece of equipment. Then they would be out of compliance with state regulations. We're just concerned. We don't want them to be caught off guard and our service interaction be negative so, we were just wondering about that strike. That's comments currently from the Health Department.

Chairman Bynum said thank you, is that I don't want to interrupt you if you have more questions or concerns. Is that the main concern? **Ms. Bergman** said nope that's all.

Chairman Bynum said okay because I want, since you've brought that up, then I'm going to ask for clarification because I thought I understood that the director who would issue the permit is within the Health Department. Did I misunderstand that?

Mr. Khalil said so the director under the new amendments, the director would be part of the Health Department, but the requirement for the issuance of the permit is proposed to be stricken from the ordinance. **Chairman Bynum** said oh, that's going away. **Mr. Khalil** said yes, that was one of the things that weren't reflected in the PowerPoint.

Chairman Bynum said how can we if we adopt our ordinance with its changes, what administrative or technical step could we insert by way of simply making sure that they know, so that we don't have someone who's out of compliance with state regulation. Is there just an administrative step that could just be a matter of making sure that our Air Quality folks in the Health Department are aware that the permits have been issued? **Mr. Khalil** said the state permit has been issued?

Chairman Bynum said yes, I believe I understood you to say that if we issue the permit, we may put someone out of compliance with state regulation without requiring the...

Ms. Bergman said yeah, we're just concerned that someone who's using it might not know they need a state permit, and our involvement ensures that we talk to them, and they know they have to get a permit, if they go to a company that already is permitted instead of renting it on their own. If

they rent it on their own, they have to get a permit. Go through a company that has it permitted and that operator at that company operates it, then it's already permitted. The issue comes when you have someone who wants to rent it on their own and do it themselves and they might not know how to operate it. They don't know how big the pit needs to be. The whole point of this type of machinery is to reduce the emissions from burning because you only use this if you have a lot of organic waste that you're burning. It's not for like regular, you know I've got some limbs from a tree. It's for like you're clearing trees.

Chairman Bynum said yeah, okay, hold tight there. Commissioner Kane.

Commissioner Kane said when you're a developer and you're going to build homes, you're going to wipe out a bunch of trees. You're going to have one of these. This is for when we had like the situation with the storms. You know that—figure out a way to get it all in a pile because these things are very expensive to rent and/or buy. You have to have somebody give you a permit to look at it anyway, but you're talking when the storm went throughout out West, and it came down to Hollingsworth and got over to Dub's Dread. There's no way Dub's Dread could afford one of those to go out there just to burn the trees. The same thing with the farmers. This doesn't happen that often. We're going to be looking at—the Health Department folks will be looking at this anyway. This isn't something that's just you're going to willy-nilly rent one of these and if you're going to rent one, you're going to know how to run it.

Chairman Bynum said okay all I want to do is make sure that what we pass has an allowance in it somewhere that makes sure that whoever's going to operate it knows that a state permit is required. that's really all, and I've got a hand raised. Why don't you go ahead and come forward.

(Inaudible public speaker)

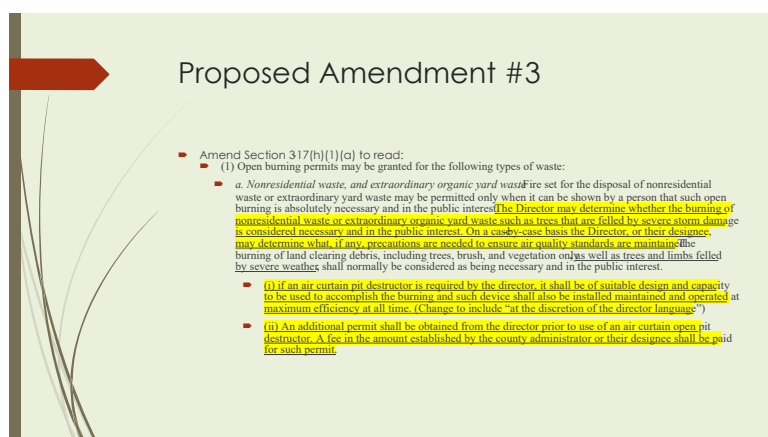
Chairman Bynum said okay thank you so I'm still on my same question. I'm just asking for a step in the process. I don't know that it needs to be changing because I know you've worked hard on getting this done. I'm just asking administratively for a step in the process and I'm asking if it's feasible and possible. We're dealing with federal law. Yes sir, name, and address, please.

(Inaudible public speaker)

Chairman Bynum said right, so you're suggesting that it at that moment within the ordinance changes, is when they will be notified of any other regulations.

(Inaudible public speaker)

Chairman Bynum said thank you very much, sir. Mr. Khalil can you take us back to the section being discussed by the two gentlemen? **Mr. Khalil** said yes if I get my presentation back up. **Chairman Bynum** said because that's what I want to make sure we all understand.



Mr. Khalil said, Commissioner, this is this section being discussed and I think putting this in the context of the way that the current section reads would help bring some clarity here. The current section reads that under these circumstances, the director shall require the use of an air curtain pit destructor. Under this amendment, one of the things that we would do is we would be giving the director discretion on if they do require the air curtain pit destructor, that then if the air curtain is required under the most recent language, the air curtain is required to be of suitable design and capacity to be used to accomplish the burning. What's being removed is our requirement for the additional permit.

Chairman Bynum and yet we still have proposed amendment 7, I believe section 3-17(2)(a), that does file a request to do so with the director and chief fire prevention application shall state the

following etc. So we have an application? **Mr. Khalil** said yes, so that application. This is the information that would be required for the application when they're trying to get a burn permit under this section.

Chairman Bynum said so let me ask you a question. In your opinion, does the amendments and changes that are proposed that we now have a motion and a second on, adequately address the air curtain potential situation? Because we have a director that may require an application and once that determination is made then we are surely going to make sure that applicant knows that there are federal and state laws at play. Am I right or wrong about that? **Mr. Khalil** said I guess I don't quite understand. Under the current amendments with us not requiring them to get a permit, we would not be double checking if they're following all of the state and federal requirements, but we do require it be of suitable design. And we could inform them that they would need to get federal permitting in this process without requiring a specific local permit **Chairman Bynum** said okay, that's what I'm trying to get to the bottom of and I'm going to ask Commissioner Markley to speak to that very succinctly.

Commissioner Markley said no, I think that's right. I think the question is, once we have the application in hand, we have the opportunity to say there's a federal permit required. We're not going to follow up on that because we're not requiring a separate permit but that gives us the notice that we would need to provide notice to the applicant about what they may or may not need to do. **Mr. Khalil** said yes.

Chairman Bynum said I think we could even add, you know by my signature, legal, legal, legal, I declare that I am aware of. **Mr. Khalil** said yeah.

Chairman Bynum said I mean, and that to me is all technical administrative work, that's not policy. Okay, other comments or questions? Yes, sir please come forward.

John Droppelmann, Deputy Chief/Fire Marshal said, hello, Chief of the Fire Prevention Bureau. In regard to your last question about the amendment that didn't show up on here. Section 3-17(f). We had stricken, or somebody has stricken, prima facia evidence that the person who owns

or controls the property on which open burning occurs, when open burn occurs is responsible for it. If you remove that from this ordinance, you highly restrict us to be able to cite people for doing this. A significant number of illegal environs we run on, people will start a fire and whatever and then leave, or a contractor or a property owner will hire somebody. "hey, go clear my property, I don't care how you do it because it costs too much to haul off or whatever." We don't want to cite these contractors, we want to cite the property owner for doing that and if you remove that from us, you take that ability for us to be able to do that in numerous circumstances.

Chairman Bynum said okay and what if someone wants to respond would be our rationale for the striking of this Section 3-17(f). What did we hope to gain there? Just one moment ma'am. We'll get to you, just hang tight.

Mr. Khalil this amendment was specifically requested by Commissioner Kane. **Chairman Bynum** oh this particular strike. **Mr. Khalil** said this particular striking was. **Chairman Bynum** said okay, do you want to speak to that?

Commissioner Kane said all I'm trying to do is when we have an incident like we had happen, which was huge, that we have a way to get it in a timely manner and they've already go out and have to look at the property. Mr. Droppelmann was at this particular property. The Mayor was out there. Lynn Melton was out there. The Health Department was out there. We had everybody and his brother out there. That's why we're here now trying to finalize what's going on and if it's on a guy's property, I don't know how you couldn't give him a ticket. If that person owns the property, I don't know how you would not give them a ticket. I guess I'm a little surprised by that.

The bottom line is trying to condense this to make it simple as possible and, like I said before, you know, when they take developments and stuff like that, they have to build the pit, they have to put that over there, they have to do that stuff. This is after a significant storm and it's in a small area. This isn't something that's in a hundred different acres unless it hits the whole hundred and some odd acres. Trying to simplify it to make it more user-friendly for all of us.

Chairman Bynum said okay thank you, Commissioner. Casey Meyer, if we remove that section, does it remove our ability to hold property owners accountable for what's happening on their property?

Casey Meyer, Senior Counsel, said I don't have it in front of me, but usually prima facie, it just makes it easier. It doesn't remove our ability to prosecute, so we will still have an opportunity to prosecute as long as we have evidence to support it. That's correct, it would shift the burden of proof, so it makes it easier if it's in there, but it doesn't make it impossible. **Chairman Bynum** said okay thank you very much.

Shirley Carter, 804 S 89th St. Kansas City, Kansas, said I'm concerned hearing this because some people bought seven acres next to me. One night I looked out my kitchen window and that whole thing was ablaze and, of course, we call the fire department. It took 550 gallons of water to put it out and they had no permit. This could happen anywhere.

Chairman Bynum said, Chief Droppelmann, could you address that, I think it's an entirely separate situation. We have someone who apparently was open burning outside of open burning time with no permits. (Inaudible speaker) Yes, please and thank you.

Chief Droppelmann said okay, so to simplify this whole thing, the Air Quality Department signs a permit and so do I. Air Quality signs a permit because they determine whether or not it should happen. Okay, is the weather good or are we on a red alert day, is it necessary to do this, that's the Air Quality's part. The Fire Department's only part is, can you do it safely, now the distance is there, do you have suppression sources, whatever. That's my only part in it. Now, the other part that the Fire Department has is we are the ones that are called out to handle the complaints. In her case, she looked out, she called somebody was burning something, they went out and put it out. Now it's like getting pulled over by a police officer, whatever. We don't like to issue municipal summonses, we completely avoid it when we can. It's a long process to do, it's 20 to 30 minutes to write a little paper summons. We educate people as long as they cooperate and understand it. Myself or the investigators that are on duty don't get called to them. It's when somebody cops an attitude with the fire crew, or threatens them, or it's happened multiple times. We can check on the

CAD as we run it, then we go out and issue a summons, but we never do it on the first time unless there's some kind of controversy that takes place.

Chairman Bynum said thank you very much. I appreciate that. Other questions or comments.

Ms. Sparks said, Commissioner, we have a hand online. Mr. Calhoun you'll need to unmute. Mr. Calhoun are you still with us? Okay, he's not responding. **Chairman Bynum** said okay, thank you.

Mr. Budd said I think the idea of the prima facie being removed is we don't want to assume that the guilt of someone that's a property owner that he's guilty before he's had his day in court. The bottom line is the teeth, as your legal staff said, are still there the burden is on the Fire Department and Health Department. (Inaudible). To prove that this person did it. It's not different if you're speeding, the burden proof is the radar gun telling that you're speeding or you're not. It's the same thing here. We don't want to presume that someone's guilty before they're found guilty.

Chairman Bynum said thank you very much. We have a motion and a second on the item. I'm going to call the roll on the item, please roll call.

Roll Call: Roll call was taken, there were six "Ayes," Groneman, Kane, Markley, Johnson, Ramirez, Bynum.

Chairman Bynum said thanks to everybody for all the work and effort.

Item No. 2 – 211821...RESOLUTION/APPROVAL: ADOPTING A FAMILY REUNIFICATION PLAN

Synopsis: Adopting a Family Reunification Plan as an amendment to the existing Wyandotte County Emergency Operations Plan (EOP), submitted by Matt May, Director of Emergency Management, and Susan McMahan, Deputy Director of Emergency Management. Plan files are located at: <https://xfer.wycokck.org/file/d/Vendors/Emergency%20Management/>

Tracking #: 211821

Matt May, Emergency Management Director, said actually Susan McMahan is also with us. I just wanted to take a second to go over this with you. This is going to be an addendum to our existing County Emergency Operations Plan under the Mass Care Element ESF6. What we've recognized is that we need an organized plan for how we reunify, particularly minors, but even just members of families who've gotten separated as a result of a major event. This could be a storm, this could be an active shooter. Particularly an active shooter scenario what typically happens is those scenes become crime scenes and police very appropriately cordon those off, but if you dropped your child off, let's say at Sporting, to go see a soccer game and your instinct is to go back to where you drop them off, you can't get there anymore. That usually causes great angst among parents in particular, but for any family member.

What we're trying to do is develop a plan that everybody can kind of live with that tries to relocate those folks quickly. Usually, some location close by. Again, using my Sporting example, we typically would look at maybe the Legends field. We can provide access there, we can get in and out of the rain if it's you know bad weather, it's not enclosed per se, but it would give a place to have people be protected and get the traffic away from the scene. That's just one example but we can pick lots of those. That's what this plan is intended to do, is to try and set a framework for how we start that. We can't answer every possible question because we don't know like a lot of the elements that we deal with.

But what you'll see in here is basically it's relatively short, about a 20-page coverage of the plan, how we're going to communicate to the public that we've done this. That's going to be by mass broadcasting. You know we're going to tell the PIO and PIO's are going to tell them, "If you're coming to pick your kid up, go down here". We're going to make it close because everybody's going to want to go to the scene, so they're going to be nearby. We're going to do our very best to get that and, of course, we're going to share that with the people who are in charge of the scene, so that they know the right information to give and do that in coordination with them. You'll see that all lined out, you'll see there's an org chart on page 11 to show all we wouldn't necessarily fill every position, we may not need to. It's going to be as an "ad hoc" basis. We've got some contact information in there. We've vetted this with law enforcement and we've vetted it with the juvenile intake folks. We've looked at lots of different plans across the country. We think this is unique in the region.

There are lots of reunification plans for schools, schools are a different animal. They know who their students are, and they know how to identify them, that's not what we're dealing with. We're going to deal with folks that we don't know and how do we re-release them to people whom we can't really vet out quite as easily. We really wanted law enforcement's buy-in on that and we'll require a little bit of their resources, but we're going to try and minimize that mostly with a secure perimeter. Again, another advantage of a location like Legends, you can be inside the gates and be relatively secure and yet still have plenty of room to bring in traffic pattern vehicles in and out. Get people back to their kids, get the kids back to the people, and off they go and everybody's happy. That's the purpose behind this.

I felt it was significant enough to warrant bringing it to your attention as opposed to just sticking it in as an addendum, but we would like to add it as an addendum as opposed to an integrated part of the plan. Give us a little bit of leeway to make changes since this is kind of a first. We're going to probably make changes as we tweak it. We'll exercise it once we kind of get it vetted out with everybody and then we'll see what kind of changes we need to make. Beyond that, if I may, I can ask for Susan to interject. Susan, is there anything I miss that you'd like to cover?

Susan McMahan, Deputy Director of Emergency Management, said no, this is just another piece of the puzzle as we plan for all the emergencies and all the hazards that happen within the county itself. This is just a needed piece that we have come to vision. This is why we have brought it to you, just to let you know how important it is, but also where it fits and how we'll utilize it. That's all I have.

Chairman Bynum said I just want to say that I really appreciate the work of you and your department. You take so much time and specificity in making sure that our emergency plans are as robust and up-to-date as we need them to be. Sadly, we have to think about these types of situations and even more sadly, we've seen these exact types of situations play themselves out in communities. I'm just offering my thanks and gratitude to you and your department, I'm sure on behalf of the whole committee. Any questions or comments?

Commissioner Ramirez said I second everything that Commissioner Bynum said. Emergency Management is kind of like our Health Department. We don't hear about them until something

happens. They're not at the forefront like our Health Department was during the pandemic. They were at the forefront, they were the face of our government at the time. Again, Emergency Management isn't that until something happens. So, thank you for all that you and your team do to have these plans all set and always reviewing them and bringing back changes as necessary to make sure that we're being efficient for our community and keeping them safe.

I do have a couple of questions. You kind of touched on the first one. You kind of touched on it for like the location of the actual reunification center, is that going to be—again you may not know, it just depends on the situation, would it be close to the event or would there be a consistent location?

Mr. May said there won't be a consistent location because we do want to be somewhat close to the event because that's where folks are going to go looking for their family. We can't be too far away. On the other hand, we want to be far enough away to be safe. That'll be a determination that we'll look to. If it's a shooting event, it'll be a law enforcement plan and we'll say, where do you want us to be or where can we be. I will tell you that I go to my old standards, which is my Red Cross shelter list. Those are facilities that we know. We know they've been vetted out. The simple matter of having enough bathrooms is important, you know, you take a couple of thousand people and you shove them into some place, you got to have facilities for them. To say it will be just specifically the same location is very unlikely. We're going to do it based on the event, but we've got some criteria written in here for that. What we need to see out of those locations, again, a perimeter is ideal or at least a building that we can secure. If I had to pick and that scenario I gave you was Sporting, that's not ideal because it's basically an outdoor venue but at least it's got cover and it's got bathrooms. Honestly, these happen very quickly. They're going to happen in the first few hours after an event and within a few hours everybody's going to be reaffiliated with their families and it's going to be over. It's going to have to come up quickly and go down. We shouldn't have to have them out in the weather very long. That's just an example, but we're going to look at every situation. If it's the middle of winter, that's a whole other situation where we're going to look for an indoor venue. So, it really depends.

Commissioner Ramirez said okay thank you. The second and my last question in the plan, I was just curious, it references JIAAC. For the public who doesn't know JIAAC, is our Juvenile Intake and Assessment Center. In the process of this, what's their responsibility? What do they

provide during this time? **Mr. May** said let me defer to Susan because she had that conversation with them. Susan if you would.

Ms. McMahan said yes, when the Sheriff's Office and the Police Department reviewed this plan and then we gave it also to Legal, they came back saying that we need to add JIAAC because in the event that we don't get all the unaccompanied children back to a parent in a timely manner, then that would trigger them to have to go through the process that the Police Department has of how to secure that child, and to make sure if we can't find a legal guardian or a parent, that JIAAC will step in and help us locate that child's legal guardians. That is the step that already happens when there's an incident and they have an unaccompanied minor. That already happens in the law enforcement world. So, they just wanted them added to ensure just in case type situations where we can't get a child back to their parents.

Chairman Bynum said other questions or comments? Is anyone online that wishes to speak? **Ms. Sparks** said no hands are raised. **Chairman Bynum** said anyone in person and any written comments received? **Ms. Sparks** said no comments were received. **Chairman Bynum** said thank you very much, is there a motion?

Action: **Commissioner Markley made a motion, seconded by Commissioner Ramirez, to approve as submitted.** Roll call was taken and there were six "Ayes," Groneman, Kane, Markley, Johnson, Ramirez, Bynum.

Item No. 3 – 211817...GRANT: FY22 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM – FEDERAL

Synopsis: The Police Department is seeking approval to apply for and accept the FY22 Edward Byrne Memorial Justice Assistance Grant in the amount of \$99,209. There is no match required for this grant, submitted by Laura Cromwell, Fiscal Analyst - KCPD.

Chairman Bynum said we have Laura Cromwell here from the Police Department. Any comments you want to share Laura?

Laura Cromwell, Fiscal Analyst for the Police Department, said this is what they would consider an Entitlement Grant or a Formula Grant. That's where the \$99,209 came from. It's a direct allocation to KCK Police Department. I just was going to share some plans we had for what we would use that funding for. We plan to purchase six ATVs or all-terrain vehicles to be used by officers at our three patrol stations. This was a specific idea concept from Chief Oakman, he thought it'd be really beneficial for our department to have these. They're necessary for when officers need to gain safe and quick access to areas otherwise inaccessible by regular patrol vehicles and funding would also be used for any extra equipment we would need to outfit those vehicles, light bars, and things to make sure people would know that they were actually Police Department vehicles. The remaining funding would be used for command staff leadership through the Senior Management Institute for Police. That's probably going to take up all \$99K. Once awarded, the PD would have until September 30th of 2025 to spend down the grant funds. This is 100% federally funded.

Chairman Bynum said any questions or comments? **Commissioner Kane** said move for approval. **Chairman Bynum** said thank you very much. Did we have any comments from the public? **Ms. Sparks** said no comments were received, and no hands online. **Chairman Bynum** said thank you. Is anyone in person?

Action: **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve as submitted.** Roll call was taken and there were six "Ayes," Groneman, Kane, Markley, Johnson, Ramirez, Bynum.

Item No. 4 – 211819...GRANT: FY23 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM – STATE

Synopsis: The Police Department and Sheriff's Office are requesting approval to apply for funding through the FY23 Federal Edward Byrne Memorial Justice Assistance Grant (JAG) program overseen by the Kansas Governor's Grants Program and the Kansas Criminal Justice Coordinating Council. There is no match required for this grant, submitted by Laura Cromwell, Fiscal Analyst - KCPD.

Laura Cromwell said this one's actually a little different, the two grants are related. The State of Kansas also received a direct allocation from the federal government. They are seeking pass-through entities to award that funding. This will be a competitive process. The state was allocated \$2M and they're looking to break that up amongst the state. So, only one application can be submitted per unit of local government, and we typically work with the Sheriff's Office and put together a joint application just so we both can request funding for various projects. This one's pretty open-ended similar to the one before. We just take a look at our current needs and put together an application.

The Police Department would like to request funding to pay for two analyst positions and the necessary equipment needed to support our efforts on combating fentanyl trafficking in our city. Specific equipment items will include high-powered or high-speed computers for analytic purposes and surveillance cameras and equipment. The estimated cost for our proposal is \$196,100.

The Sheriff's Office would like to request funding to purchase mobile license plate reader units to place in six sheriff's fleet vehicles as well as six license plate reader cameras to be affixed to intersections in Bonner Springs and Edwardsville. These cameras will interface with the existing camera network that's already been established by the Police Department and other local and regional government agencies to allow for seamless information sharing. The Sheriff's Office estimates that their total cost will be \$308,859 and that's what they'll be putting together in their portion of the proposal. The project period will extend from October 1st of this year through September 30th of next year. And similarly, to the previous grant, this is also 100% federally funded.

Chairman Bynum said thank you, any comments received or hands up? **Ms. Sparks** said no comments were received, and no hands online. **Chairman Bynum** said anyone from the public?

Action: **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve as submitted.** Roll call was taken and there were six "Ayes," Groneman, Kane, Markley, Johnson, Ramirez, Bynum.

Chairman Bynum said question for you before I let you depart, do you manage pretty much all of the external grants for the Police Department? **Ms. Cromwell** said yeah, I do all the grants. I manage all the grants primarily. We have some task force grants that are overtime related and those are managed by Angie Maxwell. She was previously in our Public Safety Business Office. When it was dissolved, she moved to Accounting. She assists me with those, thankfully, and then I do all of the other ones, the ones that buy things or services and then I also manage just the entire Police Department budget. No big deal.

Commissioner Kane said I don't think we met before, but I think you and I should sit down since we're coming up infrastructure so maybe she can give us some ideas. **Chairman Bynum** said right, so we are looking at the trickle-down, probably a terrible word to use, of the so many millions and billions of infrastructure dollars. **Commissioner Kane** said I just kind of want an idea of what you do, so when we dig into this deeper, we know what questions to ask. **Ms. Cromwell** said sure, like just through the application process? Yeah. **Chairman Bynum** said okay thank you very much and my curiosity was around the notion of in our community, our Police Department manages, our Animal Services Division is a division of our PD. **Ms. Cromwell** said yes. **Chairman Bynum** said I don't think that's true everywhere. However, it's true here. I would be interested in if you ever saw or your colleagues saw grant funds through the Federal Government that might be specific to improving our ability to deliver animal services. I don't know, that may not exist since not every PD does that, but I'm just asking if you could look.

Ms. Cromwell said yeah, that's a great idea. Two things, a lot of the grants that we look to apply for, the focus a lot of times is on reducing violent crime. Sometimes we get direct allocations specifically for that. One of the emphasis areas on the second grant that we're looking at is drug enforcement. A lot of times they're kind of focused, they're open-ended, but they give you those priority areas. But I think the Unified Government has a contract with iParametrics which is a grant-writing team. Then I know one of the things that the grant management group is doing at the Unified Government under Kathleen VonAchen and Rebecca Sandow is putting together a spreadsheet where we can put in items that we want funding for that we might not have current grant opportunities that we know about. Then as that iParametrics team is researching grants, comparing with that spreadsheet to see what our needs are as they're you know coming through all

the hundreds of great opportunities that are out there. That's something we can add to that spreadsheet just so everyone's on the same page and can be mindful of those, so that's a great idea.

Chairman Bynum said thank you very much. PI appreciate anything you could do, and I'll circle back around as well. **Commissioner Kane** said we need to invite Commissioner Stites. **Chairman Bynum** said oh right. So, we have a three-commissioner subcommittee. It's the reason why Commissioner Kane is saying he and I and Commissioner Stites. We will make sure that we make arrangements to visit with you soon. **Ms. Cromwell** said oh sure, yeah, that'd be great.

Item No. 5 – 211816...RESOLUTION: INFRASTRUCTURE SUBCOMMITTEE OUTCOMES AND STRATEGIES DOCUMENT

Synopsis: Resolution adopting the Infrastructure Subcommittees and the Outcomes & Strategies document, submitted by Jeff Fisher, Executive Director of Public Works.

Chairman Bynum said we had the special session where the infrastructure subcommittees made our reports and I think you've brought us the bigger document. Mr. Fisher, I'll go ahead and turn it over to you.

Jeff Fisher, Public Works Director, said do you mind if I give a brief history for the viewing public? **Chairman Bynum** said please do.

Mr. Fisher said three or four years ago Public Works began to collect a lot of data around infrastructure and infrastructure conditions, streets, bridges, and facilities and started to put that story together and tell that story. That became—starting to paint a grim picture of our infrastructure here in KCK and so the former Commissioner Alvey commissioned three subcommittees made up of commissioners and staff, that started in August of 2021. I believe we've met somewhere around 30 times since then. A lot of work by commissioners went into that, a lot of work by a lot of staff, not just Public Works, and created this outcomes and strategies document. I believe there is enough interest among those subcommittees to memorialize that work through a resolution that's before you tonight. I believe we've sent the outcomes and strategies document to the members. We're ready to entertain any questions you have.

Chairman Bynum said are there comments?

Commissioner Kane said this all kind of ties in with the infrastructure money, I think, that we should go after to help you guys get what you want. **Mr. Fisher** said yeah, I believe the infrastructure dollars are going to be helpful to the needs of the community. **Commissioner Kane** said and a large portion of its water? **Mr. Fisher** said we have a large degree of wastewater needs and stormwater. **Commissioner Kane** said that's my point. This doesn't just do the roads. It does the sewers, it does the water, it does the internet, it does a lot of things and, in fact, I got the pamphlet from the meeting some of you guys went down to Wichita not too long ago. I think we need to have another meeting with them to see what they learned combined with what I've learned since then. I think this ties directly into what you're trying to do versus the monies that we can capture that are out there now.

Chairman Bynum said I would submit to our committee here that if we formalize the outcomes and strategies by adopting it as a resolution, it just makes a grant request stronger because we've committed it by a vote of your elected public officials that are saying, yes, these are the strategies, these are the outcomes we not only want, but we actually must achieve.

Commissioner Kane said I'm bursting at the bubble here. That's exactly what they need or what we need to get those monies. I know they have projects that are ready to go right now if they had the money to fix them, so I agree 100%. I think that's what we should do to make their lives better and then we can use the monies that we get to cover those expenses and then get other projects done. Anyway, is that a motion you made?

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

Chairman Bynum said are there other comments that we need to hear?

Commissioner Ramirez said I just again want to thank Jeff and your team for being persistent and being open with us. I chaired the subcommittee over parks and facilities. We had good

conversations. I think it was about time commissioners and staff had that open conversation and for us to get down in the nitty-gritty of the issues that are facing our infrastructure. I just want to thank you again. I'm ready to get to work, we've created this document, now let's put it into play.

Chairman Bynum said I don't think it's lost on any of us that since the presentation we closed another bridge sadly, so this is dire. You didn't have to, I wasn't expecting a reaction or a response. It's just further evidence. Madam clerk comments written or hands up online? **Ms. Sparks** said no comments and no hands. **Chairman Bynum** said thank you. Does anyone in the public here want to address this? Roll call, please

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

Item No. 6 – 211815...APPROVAL: TRANSFER OF REAL PROPERTY TO THE CITY OF EDWARDSVILLE

Synopsis: Approval to transfer properties from UG ownership to the City of Edwardsville, submitted by Jeff Fisher, Executive Director of Public Works, and Troy Shaw, County Engineer.

Troy Shaw, County Engineer, said this is for the Quiet Zone Project which we started in Edwardsville and Bonner Springs, I don't know a few years ago. That project's getting close to wrapping up and for the project we had to purchase a chunk of property in Edwardsville. We don't want it, Edwardsville is currently maintaining it. We just want to give it back to them, but we need Commission approval to make that effort. We're just here to get that approval. **Chairman Bynum** said so it's just a transfer of property that we purchased from them, now they're taking care of it, we're going to transfer that to the city of Edwardsville.

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

Chairman Bynum said other comments or questions from our committee members? I have one question, Troy Shaw, do you know off the top of your head the value of the quiet zone investment

in the city of Edwardsville? **Mr. Shaw** said I don't know about specifically the city of Edwardsville, but the overall project by the time we're done with dealing with the railroad and everything else will be somewhere between \$1.8M and \$2M roughly. I can break down the Edwardsville portion if you want to later, but I don't I can't off the top of my head. It would be let's say a quarter or three-quarters of that would be in Edwardsville and one-quarter in Bonner Springs roughly, just by the number of tracks there are. **Chairman Bynum** said fair enough. Madam clerk, any comments written or hands up online? **Ms. Sparks** said no comments no hands. **Chairman Bynum** said comments from the public here?

Roll Call: Roll call was taken and there were six “Ayes,” Groneman, Kane, Markley, Johnson, Ramirez, Bynum.

Item No. 7 – 211810...APPROVAL: HONORARY STREET SIGNS

Synopsis: Request to approve honorary street signs: Faith City Christian Center, to commemorate Mr. Walza R. Starr II: St. Andrew Missionary Baptist Church, to commemorate Rev. Dr. Seth Harris, submitted by Jeff Fisher, Executive Director of Public Works.

Troy Shaw said we actually have two petitions that we received. I don't know if it's easier, should we just do them both separately? **Chairman Bynum** said yes.

Mr. Shaw said the first one we have on there is from Faith City Christian Church and we have received all the documentation. They followed the appropriate steps, so we're here. I believe there's a member to speak on behalf of the petition. **Chairman Bynum** said come on forward and make sure the microphone is turned on with the green light, can you see the button? Then give us your name and city of residence and up to three minutes.

Mia Williams said I am a resident of Wyandotte County, a member of Faith City Christian Center. I'm here on behalf of our church to give a little back history on my pastor and why we are wanting to honor him with the street sign. Why is he our star, he's a success story born and raised right here in Wyandotte County, graduate from Wyandotte High School in the class of 1985. He served in the United States Navy for 23 years on active duty. Retired as a Senior Chief Petty Officer, and

career Navy recruiter, counselor. He volunteered in five tours of recruiting, three of which he's a hometown recruiting right here in Wyandotte County. Whereas he himself successfully assesses hundreds of men and women achieving their employment through education goals. The same passion transitioned through the New Start Career building builders. A company founded by him and his wife who were aggressive job coaches for the state of Kansas City, particularly partnering with the Department of Child and Family Services and established many programs assisting in the employment of education and unemployment, whereas under individuals here in the Kansas City metro area. Mr. Starr has been consistent in the employment of citizens in our county through the OSHA program since 2015. He's enrolled approximately 119 residents of disadvantaged communities within the Kansas City area. 119 of them roughly 96% have successfully completed the OSHA certification training and approximately 81% have been placed into gaining employment. From the ministry and giving a helping hand, Pastor Starr has always been an outstanding role model in both our communities' church and families. **Ms. Sparks** said one minute remaining. **Ms. Williams** said he is what we call a possibility. He is a Faith City Christian legacy with a street ban dedicated to him he gives him his flowers while he is still here striving for excellence with the spirit of excellence. Pastor is a humble human with selfless goals. A person who gives his all in anything he is a part of. I'm asking you to help me give him this sign in honor of him in his name.

Chairman Bynum said thank you very much. Questions or comments from the committee.

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

Chairman Bynum said comments received or hands up online? **Ms. Sparks** said no comments, no hands. **Chairman Bynum** said I am appreciative of you taking the time to be here and we're getting ready to vote on the street naming. So, for those in the audience that may not know, where is the Faith City Christian Center located? **Ms. Williams** said 2500 South 44th Street, and we do have another member here who would like to speak on his behalf. **Chairman Bynum** said absolutely, okay, thank you very much.

Lynetta Watson said I am also a proud member of Faith City Christian Center for 10-plus years now. I'm speaking on behalf of my Pastor. He has been the Pastor for 18-plus years and refuses to take a salary. That is commendable. He constantly pours into our ministry. He's a man of integrity, he walks with honesty. He is concerned about the whole man. He teaches about the importance of being mentally, physically, spiritually, and financially strong. He advocates about the importance of seeking help for any mental illness concerns and not being ashamed or hesitant to seek that professional help. He doesn't mind getting his hands dirty and getting the work done. Anytime there's something that needs to be done around the church, he gets right in there and makes it happen. He is not one of those people who is a dictator and delegates everything to everyone else, he is a hands-on pastor. He mentors and encourages our youth to be, you know, all that they can be and not only in the church but also in the community. He has a heart for empowering and encouraging men specifically. He does a lot for our young men in our church. He loves to encourage them. He supports their activities outside of the church with their sporting events and things like that. He encourages them to get involved and be all that they can be, thank you.

Chairman Bynum said thank you so much I appreciate both of you coming forward to speak on this man and for this honorary street naming. Any other comments? We've got a motion and a second on the item. I'll have a roll call, please.

Ms. Sparks said Commissioner, we do have a hand now online from Pamela. **Chairman Bynum** said okay, please allow her to speak. **Ms. Sparks** said Pamela go ahead. You'll need to unmute. Pamela are you there? Pamela, we can't hear you. Commissioner, she's not responding. **Chairman Bynum** said okay, thank you both very much. We do have a motion and a second on the items, so I'll have a roll call.

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

Chairman Bynum said congratulations and tell your pastor congratulations.

Mr. Shaw said we have another honorary street sign petition. This one's submitted by Saint Andrew Missionary Baptist Church. This is located, I forgot to give you the location of the last one, on North 53rd Street, just north of Parallel. I know they have submitted all the documentation, it's all correct. We should have a representative either online or in-person to discuss that one as well. **Chairman Bynum** said, Madam Clerk, do we see anybody online to speak? **Ms. Sparks** said I have a James DeWitt online.

James DeWitt said I am a member of Saint Andrew Missionary Baptist Church. I just want to speak on behalf of our pastor. Our address is 2200 North 53rd Street, right at 53rd and Parallel. Our pastor, his name is Dr. Reverend Seth C. Harris. He's been the pastor of Saint Andrew Missionary Baptist Church for the past 28 years, spending a total of 35 years as a preacher of God, God's word. We just think that he deserves to have this street named after him because of his tireless work in the community. He has been a lifelong resident of Kansas City, Kansas, grew up here. He is right now presently he has a heart for the youth. He mentors students from the Kansas City, Kansas School District USD 500, as well as he's been a school crossing guard for the USD 500 since 2000. Presently he also is a consultant to the Kansas City, Kansas Police Department. He has been dedicated, working hard with the youth in our church and in the community to help them to make a better life for themselves as well as their family. We just believe that he qualifies to have a street named after him because of his dedication to the residents of Kansas City, Kansas.

Chairman Bynum said, Mr. DeWitt, thank you so very much for speaking to us tonight. Are there others online or in person that want to speak to the application? **Ms. Sparks** said no hands are raised online.

Action: **Commissioner Markley made a motion, seconded by Commissioner Johnson, to approve as submitted.** Roll call was taken and there were six "Ayes," Groneman, Kane, Markley, Johnson, Ramirez, Bynum.

Chairman Bynum said that motion carries, Mr. DeWitt thank you very much for taking your time to tell us about your pastor and his work in the church. Please share our congratulations with the Reverend Dr. Seth C. Harris.

Item No. 8 – 211814...PRESENTATION: SIDEWALK & CURB REPLACEMENT INCENTIVE PROGRAM

Synopsis: Review of the existing policy and whether non-residential/501(c)(3) properties should be eligible to utilize this program, submitted by Jeff Fisher, Executive Director of Public Works, and Troy Shaw, County Engineer. *For information only*

Troy Shaw, County Engineer, said a little very quick background. We've talked about the Curb and Sidewalk Incentive Policy a few times before. Last time we were here, I think it was a couple of months ago, I know that the meeting was jam-packed, much like this one, but through the outcome of that meeting in discussions we added non-profit 501(c)(3)s to the eligibility for this program after September 1st, after residents had a chance to use it. Then there was discussion brought up about businesses and their ability to use it. I know there was some back and forth about small businesses, seemed like a good idea, but you guys said something about larger businesses like Walmart and others along those lines not wanting to. Then there's concern about how you distinguish one business from another from a legal standpoint and saying well we can give it to them but not them. We said after that meeting, we'd come back and kind of just have a little bit of time to discuss that and how you wanted to proceed with businesses, if we wanted to include it or how we wanted to move forward with that in this policy. Really just here to have a discussion so we can get some closure on hopefully figuring that out.

Commissioner Kane said how much money. **Mr. Shaw** said I believe this year it's \$125K I believe. **Commissioner Kane** said \$125K doesn't go very far. I mean at 50/50 you can't get that much for that little money. I think we should have more money set aside for that program. **Chairman Bynum** asked, Commissioner, did you say that you want to get more money for that program, is that what you just said? I sincerely did not hear you. **Commissioner Kane** said yes, I said we should set more money aside. **Chairman Bynum** said we're splitting the cost with whomever and are you—it's an information only item.

Mr. Shaw said I think it's information from my standpoint because we don't need a vote on the policy per se. It's more of just how do we want to structure, it's already there we have the policy. It's just a structure, do we want to add some stuff and I believe we can do that since it's a policy, but it's a program that we already have in place and we're just updating how we manage it basically. **Chairman Bynum** said okay, fair enough, and if we were to be able to support it with

more funds, then we could just do more incentive program projects? **Mr. Shaw** said correct. **Chairman Bynum** said okay, any comments?

Commissioner Ramirez said I second everything Commissioner Kane said of adding more money. We need to and we have our infrastructure outcomes and strategies - we just as a committee adopted it. We haven't fully adopted it yet, but I agree that we need to put more to it. That is something that we as commissioners hear a lot about is the curbs and the sidewalks. I know it in the policy here today states there already currently needs to be a curb or sidewalk before the program can kick in. I remember when we were having a discussion about the 501(c)(3)s and the businesses. I'm going to be open and honest, I'm I still don't know where I'm at on the business, because I understand small businesses may not have the wherewithal to be able to provide or upkeep or repair what have you for their sidewalks. Whereas Walmart or Target, they have the ability, but as Legal last time had mentioned, it's not the best legal way to differentiate businesses, and then there's no legality to it. I don't know where I'm at on that. I'm still thinking about it, but I do agree the 501(c)(3)s and the nonprofits, yes, after the residents have had an opportunity to get in dip from the pot get to apply for it and get the funds and what's remaining, of course, 501(c)(3)s. But businesses, I am still wrapping around my head and trying to think through. I guess I'm not much help tonight for guidance, but I do agree with the 501(c)(3).

Commissioner Markley said I do support all of the changes and to Commissioner Ramirez's point, I would just comment, we also do not distinguish between wealthy homeowners and poor homeowners. If you have a mansion, you can still use this program, Just like if you're a Walmart, you can still use this program as well. Maybe that's neither here nor there to your analysis, but it's a reality.

Chairman Bynum said just a question as I continue to ponder whether I was even present for this conversation last time. It wouldn't apply to a new development would it, where we're creating a development agreement that's going to include sidewalks and streets and it wouldn't apply to that?

Mr. Shaw said the way it's written right now, it only applies to existing curbs and sidewalks. It's sidewalk and curb replacement, not a new installation. However, if a development came in and rehab an infield development and took over something that already had a sidewalk

and a curb, they could probably apply for it, I would guess. I'm trying to think of how we would answer that if they did, they'd probably, from our standpoint we would just get it and not really know an owner would apply for it. Well especially if it was residential. We really wouldn't know if it was a commercial. Then currently we wouldn't approve it. I'm trying to run through that as we're talking.

Chairman Bynum said just curious because it doesn't seem very compatible with new development. I mean we generally have that laid out in a development agreement, all that they will do in order to create their product. **Mr. Shaw** said correct and for most of the new development that builds on open fields and new sites, this program wouldn't apply. But like I said, if someone did come in and we allowed commercial businesses, they probably could apply for it the way that it's set up currently. **Chairman Bynum** said okay actually that makes sense.

Mr. Groneman asked, is there a cap on the amount, seeing how there's only \$125K. **Mr. Shaw** said no, there's not currently a cap on the amount. The way it's set up now is residential properties get until September 1st to use it without anybody else being eligible. Most residential properties their cap is the frontage of their property for the most part. It's usually not an issue because most individual lots it's not a big chunk individually. Every once in a while you'll get a corner one that'll take up half more than it uses. But typically, it's residential to start with. If you get in before September 1st, that's usually not an issue. However, after September 1st if a bigger, say church, that owned a lot of property came in currently and applied for it, they could get that funding after September 1st whatever's left to do that year.

Mr. Fisher said just a couple of thoughts as I was listening. If we could do faith-based as was discussed. We could do commercial if there's a strong interest in that. What we might do I thought, and I spoke with Gunnar Hand today, maybe we look at C1 only. That might be helpful to sort of keep the bigger businesses away from it. Then maybe you could put a cap on at least until the fund grows enough that it's healthy and can do a lot of good work. So, you could keep the September 1 for residential. Whatever is left give access to faith-based and C1 and put a cap on both of those. Something to think about.

Commissioner Ramirez said may or may not know, more of a Gunnar question. Do you know how many properties or zones are in C1? **Mr. Fisher** said I don't. Yeah, but it would be primarily your small businesses. **Commissioner Ramirez** said okay, going back to what Commissioner Bynum said, what you were saying about development possibly using that. A good example for my district and off of Rainbow, the Hudson Apartments just demolished the existing old buildings that were there and there's a side of their sidewalk there. It looks different not having a building there. I'm excited that they're going to start building The Hudson Apartments there, but that's a good example of the development possibly could have because there are already existing curves and sidewalks. I just wanted to give an example.

Chairman Bynum said, Mr. Groneman, I'm sorry was that your only question or did I cut you off? **Mr. Groneman** said no, he answered my question.

Commissioner Johnson said I was almost ready to make a motion but yes just recommendations in addition to what Mr. Shaw has brought. I think there should be a cap because at \$125K, that money could be wiped out with one project. I do think that there should be a cap on that. What that number should be I don't know, but then I'm going to kind of talk out of both sides of my mouth. I do think we need to increase funding for that. How we pay for that, on the other hand, I'm still in the same place. **Chairman Bynum** said but at the same time, you know when the members of this standing committee are expressing that support, you know that carries to the full commission for more conversation and support for that funding. **Commissioner Johnson** said right, it just causes other conversations to be had as far as I'm concerned. That's the only comment I had.

Chairman Bynum said thank you very much and it's not a voting item, it's an information only.

Mr. Shaw said I have one question just for clarification. We're talking about a cap, do we want to just put that cap before September 1st? I just don't want someone to come in October and we say well your cap is \$20K or whatever it is, but we still have money left in the program that doesn't get used because we cap somebody at the end of the year. I just don't want to limit someone that may come in when we actually do have funding available and most of the time we don't have funding available, but just in case. **Mr. Fisher** said we can review this policy every two years and

make adjustments. **Chairman Bynum** said I think we're agreeing with what you have said. For year '22 that we're currently in right now, is there still money? **Mr. Shaw** said yes, there is still money but there won't be by the end of the year. We've got a list. **Chairman Bynum** said so you do have projects. **Mr. Shaw** said yeah, we're working through the projects right now.

Chairman Bynum asked, did we answer your question? **Mr. Shaw** said yeah, I think so and we can if we want to, we can make minor modifications to this, and given the fact that like our funding is \$125K, I don't know, I mean we could include businesses whatever we need but most likely there's not going to be any money left anyway. Doesn't matter to me either way or is it something we want to kind of keep it how it is. We can come back next year if we can find more money somewhere to kind of expand the program and also once we do that even advertise it and try to get that information out there so people realize it's there too. **Chairman Bynum** said well maybe if we managed to secure more funding, maybe we could come back earlier in the year and talk more. **Mr. Shaw** said okay, that'd be great. **Mr. Fisher** said we can do that.

Chairman Bynum said thank you very much. Again, that was for information, and that item actually concludes our Public Works and Safety Meeting for this evening. I will take a motion to adjourn.

Action: **Commissioner Markley** made a motion to adjourn, seconded by **Commissioner Johnson**.

Chairman Bynum said we have a motion and a second for adjournment, roll call.

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

Adjourn:

Chairman Bynum adjourned the meeting at 6:36 p.m.

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