

**PUBLIC WORKS AND SAFETY
STANDING COMMITTEE MINUTES
Monday, September 26, 2022**

The meeting of the Public Works and Safety Standing Committee was held on Monday, September 26, 2022, at 5:00 p.m., remotely via Zoom or on-site. The following members were present: Chairman; Commissioners Ramirez, Johnson (arrived at 5:30 p.m.), Markley, Kane, and BPU Board Member Tom Groneman. The following officials were also in attendance: Alan Howze and Bridgette Cobbins, Assistant County Administrators; Casey Meyer, Senior Counsel; James Bain, SueZanne Bishop, and Jon Khalil, Assistant Counsels; Brandy Nichols-Brajkovic, Chief Municipal Court Judge; Dominic Geniuk, Municipal Court Administrator; Jeff Fisher, Executive Director of Public Works; Kent Anderson, Deputy Police Chief; John Droppelmann, Fire Marshal; Mark Weckwerth, Environmental Engineer, Air Quality; Jennifer Stewart, Environmental Health Manager; Robbie Anderson, Asset Manager, Public Works; Jay Clare, Information Systems Analyst, Asset Management Team; John Kelly, Director of Facilities; Jeff Miles, Interim Fleet Services Manager; Vince Billagio, Manager, Street Division; Serena Lopez, Fleet Division; Duane Smith, Street Operation Supervisor; Turina Lopez, DeWayne Smith, and Sam Her, Public Works; Diana Jimenez, Office Manager, Public Works; Trenton Foglesong, Engineer; Gail Bergman, Air Quality Supervisor; LaVert Murray, Economic Development Advisor to the Mayor; Monica L. Sparks, Acting UG Clerk; and Adelina Masingill, UG Clerk's Office.

Chairman Bynum said before I call the meeting to order, I would like to announce that some committee members, staff, and the public are attending remotely by Zoom as well as on-site.

All participants joining virtually should mute phones when 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 knows who is speaking. This is critical given the number of remote participants, it's also guidance from our Kansas Attorney General.

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

Chairman Bynum called the meeting to order. Roll call was taken, and all members were present as shown above.

Chairman Bynum said we don't have any revisions on tonight's agenda.

Approval of standing committee minutes from May 23, 2022, meeting. **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the minutes.** Roll call was taken and there were five “Ayes,” Groneman, Kane, Markley, Johnson, Ramirez, Bynum.

COMMITTEE AGENDA

Item No. 1 – 211964...OVERVIEW: GRANT AWARD AND ACCEPTANCE INTO COHORT

Synopsis: Update by Dominic Geniuk on acceptance into the cohort and grant award from Cities & Counties for Fines and Fees Justice (CCFFJ) Program, submitted by Dominic Geniuk, Court Administrator.

Chairman Bynum said I want to recognize Chief Judge Brandy Brajkovic and we'll turn it over to you if you would introduce your team for us.

Brandy Nichols-Brajkovic Administrative Judge, said absolutely. To my right is Joni Hirsch, she is from the Fines and Fees Justice Center. To her right is Priya Sarathy Jones, she is also from the Fines and Fees Justice Center. How we're going to start today is we're going to let them present on what the CCFFJ is and then we will follow up with the team and what our proposed project is.



Priya Sarathy Jones, National Policy and Campaigns Director, Fines and Fees Justice Center, said I will get started with introducing our organization. We are a national advocacy organization that works on the elimination of fees and their collateral consequences when unpaid and making fines equitably imposed and enforced around the country. We do our work in three ways primarily. One, on the national level where we work across the country with state and local governments who are interested in doing this as well as community-based organizations. We run state campaigns and legislative efforts in four states which are New York, Florida, Nevada, and New Mexico. We manage and operate a clearinghouse of information from around the country on reforms, data, research, pilot projects, just really anything in this area that is advancing reforms under the issue of fines and fees.

What's the difference between a fine and a fee?

FINES Monetary sanctions imposed as punishment for violating the law – either criminal or civil. Examples: <i>Fines exist for parking violations, littering, traffic offenses, truancy, sleeping on a park bench, walking dog without a license, cracked windshield etc.,</i>	FEES Costs, assessments, and/or surcharge imposed to access services or fund the justice system or other government services. Examples: <i>Probation Fees, Programming Fees, Counsel Fees, Drug Testing Fees, Civil Assessment Fees, Electronic Monitoring Fees, Warrant Fees, Phone Call Fees etc.,</i>
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We'll start today by first just level setting and identifying what is the difference between a fine and a fee for the purposes of our conversation. Fines, by definition, are the monetary sanction that are imposed as a punishment for violating the law. They can either be criminal or they can be civil. Fees, on the other hand, are really cost assessments and surcharges. They have different names in different jurisdictions, but they are not a part of the punishment; they are not a fine. They are also not a part of restitution, which are paid to victims of crime. They are something that is solely for the purposes of generating revenue and covering costs to operate our government services. When we talk about our policy positions, it's important to know the difference because we advocate for different policy solutions in these two different policy areas.



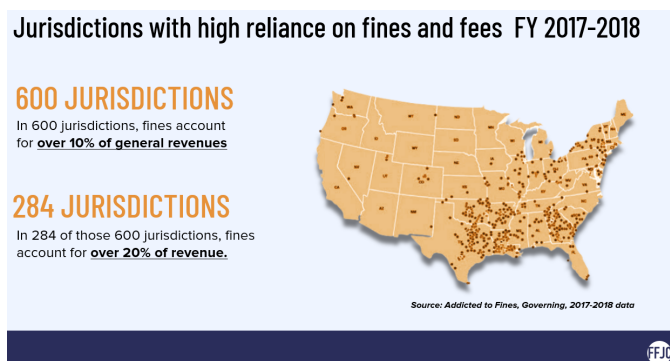
As we talked about, there's a difference between fines and fees but ultimately, people are experiencing them as monetary sanctions that they incur and have a debt that they have to pay off.

What happens when a person can't afford to pay? A series of things begin to happen. When a person doesn't have the ability to pay, it oftentimes leads to an increased amount of fines and fees that they owe. There are penalties, surcharges, interest often tacked on to unpaid fines and fees when a person doesn't pay them. Their punishments also become more severe. There is a slew of collateral consequences that vary from jurisdiction to jurisdiction that begin to attach.

One of the primary ones is when there is unpaid court debt, your driver's license is suspended. People, especially in most places in this country, really are required to drive to really access anything that involves their needs, jobs, and taking care of their families. So, more and more punishment begins to ensue when those types of things happen. The collateral consequences pile on, so you get things like driving on a suspended license; you oftentimes are uninsurable, or your insurance costs go up too much and you aren't able to keep insurance. In some places, it keeps you from registering to vote, having your records cleared, and a slew of other collateral consequences that really put up economic barriers and access to economic opportunities. It also ends up keeping people prolonged in the system and they aren't able to really cycle out of the system.

If you are arrested or charged with something and you're able to pay off your fines and fees, especially in these fines-only cases, then you're able to move yourself out of the system. But when you don't have the ability to pay, then those debts stay on you and the involvement with the system continues until you're able to relieve yourself of those financial sanctions. The communities that are most impacted by this are oftentimes already low- or lower-income

communities and it is driving families and communities further into debt, which then inhibits their ability to pay not only these debts but take care of their day-to-day needs as well.



There has been a growing reliance on fines and fees across the country. There was a study done by *Governing Magazine* a couple of years ago that looked at jurisdictions across the country and how much they rely on fines and fees. Six hundred jurisdictions across the country fines and fees account for over 10% of their general revenues with a little less than 300 of those jurisdictions over 20% of their revenues. The one thing to emphasize here is regardless of whether it's 2%, 10%, or 20%, when you really look into the numbers where those 2%, 10%, and 20% are coming from, are oftentimes low-income communities that can carry them the least.

I'm going to switch this over to my colleague Joni, who can really go into more about fines and fees and our cities and counties project.

MYTH: Fines and fees are effective sources of funding

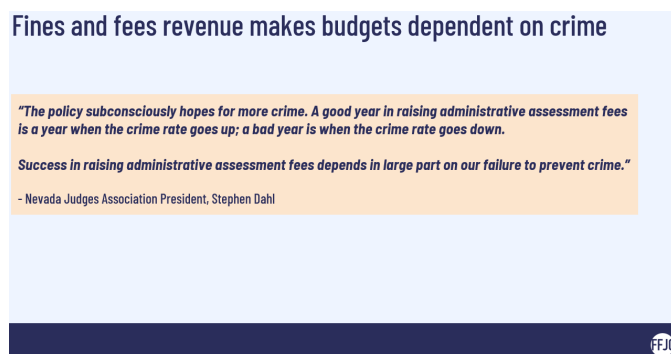
- Unreliable and inequitable funding source
- Cost of collection can outweigh the revenue generated
- Significant lack of data and transparency

**In New Mexico, counties spent at least 41 cents just to collect a single dollar of fine and fee revenue – that's 115 times more than the IRS spends to collect a dollar of income tax. Bernalillo County fairs worst of all, spending a whopping \$1.17 to collect a dollar.*

FFJC

Joni Hirsh, Local Initiatives Strategist, Fines and Fees Justice Center, CCFFJ, said so really quickly, I'm just going to run through a few sort of common myths that are believed about fines and fees then sort of what the data bears out and what anecdotal experience bears out that may be contrary to what folks think.

One is that fines and fees are actually effective sources of funding. Despite the fact that so many places rely on fines and fees for their budget, it's actually a very unreliable funding source. The cost of collection can often outweigh what's actually generated by revenue. You can see this example in New Mexico. Counties spent at least \$0.41 just to collect a single dollar of fine and fee revenue. When we think about the cost of collections, a lot of times we're not actually thinking holistically about how much it's actually costing to collect.



Another problem with this is that relying on fines and fees for revenue actually makes budgets dependent on crime. This phenomenon was described by the Nevada Judges Association President saying, "The policy subconsciously hopes for more crime. A good year in raising administrative assessment fees is a year when the crime rate goes up; a bad year is when crime rate goes down."



So, not surprisingly given these facts, we've actually documented that there's over \$27.6B owed. This is court debt that has not been paid across the nation, and this is actually just a pretty small amount of data that we were able to get from states. It's actually a number much larger than that. The rest is unknown.

MYTH: Fines and Fees are Effective at Deterring Crime

- According to Alabama Appleseed Survey, 38% of respondents admitted to committing at least one crime to help pay off their debt. 28% of those admitted to committing a felony, when their only previous conviction was for a misdemeanor or minor traffic offense.
- A study from Milwaukee found that imposing a mandatory \$200 surcharge on people convicted of misdemeanors increased their likelihood of reoffending.
- Imposition of juvenile fees associated with increased likelihood of recidivism.

Sources: Exploitative Revenues, Law Enforcement, and the Quality of Government Services, Goldstein, Sances, You, 2018; Alabama Appleseed Survey; The Noneconomics of Criminal Fines and Fees, Giles, 2021



Another myth is that fines and fees are effective at deterring crime. In fact, there is a survey out of Alabama. A thousand participants were surveyed and they found that 38% of respondents admitted to committing at least one crime to help pay off their debt. For many of these folks, they were committing a felony in order to help pay it off when their only previous conviction had been a misdemeanor or minor traffic offense.

There was also a study from Milwaukee that found that imposing a new mandatory \$200 surcharge on people convicted of misdemeanors increased their likelihood of reoffending and did not increase their chances of paying. We also know the imposition of juvenile fees is associated with increased likelihood of recidivism. You can see that increasing fines and fees is not effective at deterring crime.

Policing for Profit Makes Communities Less Safe

- Police "quotas" or other pressures designed to maximize arrests or ticketing as a source of revenue can also create a wedge between officers and the community and harm officer morale.
- Every 1% increase in revenue from fines and fees correlates with a 6.1% decrease in the violent crime clearance rate and an 8.3% decrease in the property crime clearance rate.
- Further when enforcement relies on police, it diverts officers from the performance of public safety functions.



Going back to what I was talking about earlier with sort of dependence on crime in order to fill revenue. Policing for profit is actually making communities less safe, and this is the case for a number of reasons. There was a study done recently that showed every 1% increase in revenue from fines and fees actually increased with a decrease in clearance rates. That was a 6% decrease in the violent crime clearance rate and an 8% decrease in property crime clearance rates. And further, when it becomes the police's job to be collecting and trying to think about revenue, it is diverting their attention away from normal public safety functions.



So, why are we here today? We, the Fines and Fees Justice Center, along with two other organizations, the Financial Justice Project in San Francisco and Results for America, started this project a few years ago called Cities and Counties for Fine and Fee Justice. The idea here is supporting local reform, fine and fee reform that is bold and equitable and can sort of create momentum for local reform across the country.



I'll just talk a little bit about sort of what this Cities and Counties for Fine and Fee Justice network is and what kind of grants and TA will provide, then I'll pass it over and you can hear a little bit more about what Wyandotte is planning on doing in the upcoming year.

The map here shows the jurisdictions that were a part of our first cohort and a part of our new cohort. The purple stars are a previous cohort, and the blue is our new 2022 to 2023 participants. As a part of the network, we'll just quickly highlight some of the successes that we saw with the first cohort. We saw reforms around jail phone call fees, making them free; and commissary fees, eliminating surcharges that were put on commissary items in jails.

One of our jurisdiction's passed driver's license suspension reform. We had folks focusing on parks and recreation fees, either eliminating those fees or making them more affordable for

folks with low incomes. Jurisdictions looked at their ticketing costs and ability to pay models. We also had one jurisdiction create the first publicly funded restitution fund.

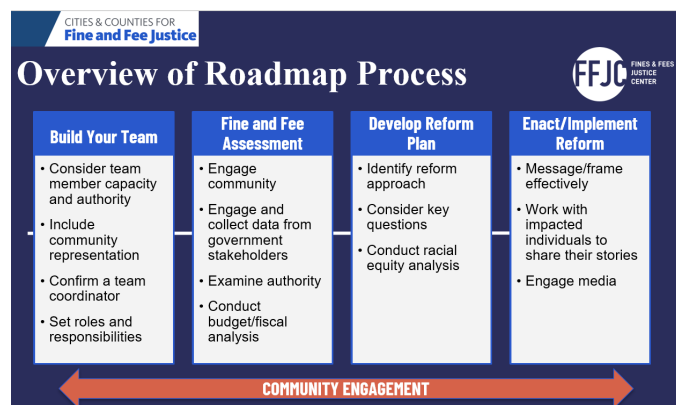


This new group, you can see the six participants. This was a really competitive process of jurisdictions applying to be a part of this leadership network of which Wyandotte was selected. They are focusing sort of on these four main categories of reform. So, eliminating what we call high pain/low gain fees, coming up with alternatives to fines; eliminating debt-based driver's license suspensions, and right-sizing fines through the ability to pay. You can see the other members of this cohort are Washtenaw County; the city of Wilmington, Delaware; Jefferson County; Chatham County; and Miami-Dade County.



Being a part of this leadership network involves getting technical assistance from us and our partner organizations. In addition to the \$50K grant, we provide various forms of tailored assistance. That includes the site visit, which is why we're here this week. In addition to monthly calls, one-on-one assistance, connections to others in the field, and research best practices. We also have webinars that we'll be hosting for issues that are most relevant to the jurisdictions and passing their reforms. Then also just connecting each other to one another and others in the field

through calls and convenings to make sure that folks know what's going on around the country and can sort of create this national momentum.

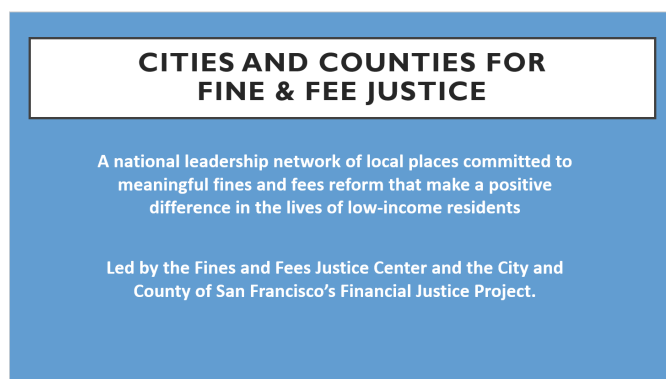


Then very quickly before I pass it off. This is sort of the trajectory of what teams go through as a part of this cohort experience. The first step is putting a team together. A big part of this is making sure that the community is represented. Then also just making sure that the team has the authority to actually be pursuing the reforms that they are setting out to pursue.

We help teams go through a fine and fee assessment to really understand the data and what fees are being imposed, what fees can be imposed, where there is authority to stop imposing, and to do some sort of budget and fiscal analysis. From there, we help teams develop a plan. So, really thinking strategically about what needs to happen in order to pass these reforms and then implementation. So, actually getting reforms passed and implemented and the communications and media support that may come along with that. Sort of throughout this process, we encourage and help with community engagement to make sure the reforms are really centered and the experiences of impacted individuals.

With that, I will pass it off to talk a little bit more specifically about Wyandotte and what you'll be focusing on this year.

Judge Nichols-Brajkovic said we actually saw this first opportunity with the first cohort come out in 2019, 2018 and we were really excited. We were really excited about participating because we were already starting this work. That was around the time that we asked you to drop our \$50 late fees to \$5 late fees. We changed some of our bond forfeiture processes to make sure they weren't just always going into the General Fund.



Just didn't really have the cohesion or the support at the time to move forward to attend that boot camp at that time. We missed the opportunity. So, when it came back the second time, I was unnervingly geeked out about it. It was right after we had the new Mayor and the new Interim County Administrator.

With the support of Bridgette Cobbins, we put together a team that we could go send out to the boot camp. It was myself, Dr. Edwards, Cheryl Harrison-Lee, and Bridgette. We went to this amazing boot camp with, I don't know how many people were in person—100, over 100, and there were several on Zoom. It was just a really exciting place to be learning about—we thought we were doing pretty good and we got so many amazing ideas from that.

We came back and we're like hey, we really want to look at this so we built our team. A key component of having a team is also having a community member because it's a move into understanding your community member is the subject matter expert, is how I think about it. We can think all day long about what we think is going to fix the issue or what we need to address, but we don't really know until somebody has been impacted by our decisions or our policies. Mr. Terry DeMoss will join us and he will be a key component. We're really looking forward to him.

Our specific project is sort of unusual because like when we talk about authority, we're lucky by having the support of the Commission. You guys make the policy so you can allow us to repeal the ordinances. We have the support of the County Administrator's Office, through Cheryl Harrison-Lee and Bridgette Cobbins, and the Mayor's Office. By being a city court, you guys control all those authorizing ordinances so we can come ask you to remove those.

There are several fees that are already in your ordinances that we do not assess. That's a public defender fee. We don't charge people for the public defender. We can actually charge people for each day they stay in jail, \$94 a day. We don't do that. We can charge people an appeal bond, to appeal our appearance bond, to appeal their court, their trial, their guilty finding to District

Court. We don't charge that. That's your constitutional right to appeal. We can charge a \$10 docketing fee for trials. We don't charge those because it's your constitutional right to set up for a trial. Part of this project is shooting fish in a barrel, is that the saying? We'll just ask you guys to repeal that. Another key component is it needs to have community engagement.

Wyandotte County/City of Kansas City, Kansas, along with five other jurisdictions, was announced as a new member of Cities and Counties for Fine & Fee Justice. The selected leaders represent jurisdictions that are rethinking their reliance on fines and fees revenue and committed to implementing reforms that support public safety and economic prosperity for all their residents. The other jurisdictions include:

- Chatham County, Georgia • Jefferson County, Alabama • Miami-Dade County, Florida
- Washtenaw County, Michigan • City of Wilmington, Delaware

As a participating jurisdiction of the 2022-23 CCFJ Cohort, we are receiving a \$50,000 grant to help support our fine and fee reform efforts/goals.

The Municipal Court is committed to eliminating as many costs as possible, and we have implemented several changes over the past few years towards this goal. An area, though, where we have not been able to make as much progress has been eliminating fees related to assessments and/or evaluation services for individuals ordered to probation and/or diversion as well as those persons identified through court interaction.

We will be utilizing the awarded grant funds to help pay for a position that will work with individuals, conducting assessments and evaluations, thereby eliminating the cost to the citizen. This position (Risk Engagement Assessment Liaison ... or "REAL") will also work at building relationships with community partners – we want to provide citizens with viable options and resources that will assist them in overcoming the barriers and obstacles that could lead them back into the criminal-legal system. Also, we understand there must be a consequence for negative actions, especially those actions that threaten public safety. As such, the REAL will explore ways to implement non-monetary sanctions (when feasible) as a way to engage citizens and change behaviors.

CCFJ Representatives will be here for a site visit on Tuesday, September 27th to help us launch this exciting opportunity!

Well, at the same time this boot camp came, was the same time that Dr. Edwards had called and asked me to co-chair the Public Safety and Justice Committee with Commissioner Ramirez. So, bam, we've got our community engagement already built in. We're super excited. Again, we can now ask this community group to be the one to bring it, if they want to support it, to you guys to ask for this action.

There are a couple of other court costs and fines in there that we still charge, and I just had the number up. So, in 2018, we brought in \$2.7M of revenue for fines and fees. Luckily, we are way below the 10%. We're way below the 1%, probably. Of that, the court costs were \$161K. The remaining fees that we're going to ask you to waive as part of this with court costs will be \$161K to the budget, not that you've ever asked us to justify that, but I just wanted to put some numbers since we're talking about numbers. We've been really fortunate. We've been bragging about our jurisdiction that you guys have never put any sort of pressure on us for revenue.

So, they challenged us to take another step. What are the unseen fees that people pay when they're in the criminal justice system? We started looking and really getting in there. When you go on probation, there are certain fees. If I order or Judge Schultz orders you to a drug and alcohol evaluation because of a DUI or a marijuana charge, that's going to cost you \$150. If you do a shoplifting class because we determine you need to for public safety reasons, that's going to cost you money. Shoplifting, there's a number of them. We said hey, you know what, if we've determined that you need these supports around you for public safety needs, because that's what

the public needs, we need to make sure you can get it without having a disparate impact to you. They should not be more severe if you make less money and less severe if you make more money. It needs to be equal across the board. We decided to propose like a real officer. This would be a position that would actually—and part of it would do that programming—do those evaluations free of cost. We order it, they go to this officer, and they get it done free of cost.

This also adds to another component of efficiency. We're going to be able to move those cases faster, which also makes our court just that much more efficient and easier to use. Efficiency really saves our taxpayers' money, right? Secondly, the faster you get to the sentencing stage after you get your evaluations, the faster you get to your expungement stage. So, by being able to speed people up to get their drug and alcohol evaluation for their DUI, we will speed up when they're done with probation and speed up when it comes off their record. Again, we're shortening that punishment, shortening that gap.

Part of this position, though, will expand beyond that. The idea is if you over-sanction a low-risk offender, you're going to increase the risk to reoffend. You have to find that sweet spot of, I don't want to just order all of these things in jail time if you have a low risk to reoffend. We're just going to fine you, make an ability to pay a determination and be done.

It's that middle-risk group. What do we need for you to support you so you don't have to see us again? That's really where we're going to get into this position. We foresee having outreach to Kansas City, Kansas Community College, having outreaches to our schools, to job development, to all these different other places because it could be that our driving while suspended person has a literacy issue and cannot get their driver's license. It could be that a person that has multiple theft charges needs a job and they need the help or the GED to do that.

This position is really—it will sit in the Probation Office, but it will not be probation. It will be designed solely to circle around this person and provide the support that they need without it being dependent on if they have the ability to access those resources or not.

The team that we built is Dr. Edwards; Bridgette Cobbins; Terry DeMoss, the community member; Dominic Geniuk, the Court Administrator; and myself. This has been kind of a dream project for us, so to speak.

I think I about covered it. If you have any questions, let me know and I can also call Dominic Geniuk because he was part of really building that officer. If you have any questions for me, I guess I'll stop talking for a moment.

Commissioner Ramirez said I want to thank you, Judge Brajkovic, for your hard work on this, your persistence. This is something I can tell you love it. I agree. I'm there with you. The first time, I remember, when I mentioned it to you, you already knew about it. I was like great. I remember the first time I found out about CCFFJ and just finding Fee Justice Center. I went down a rabbit hole, a rabbit hole looking at other jurisdictions, what they were doing and that's why I came when the Mayor created the committee on Community Safety Injustice. Yes, I chair it, and then Judge Brajkovic and a couple of others chair that committee as well. That was one of the things that I had mentioned to the community that this was something I think we need to do.

When people come to our Municipal Court, they're all ready, for whatever reasons they're there, they're already in a vulnerable spot. How can we, as a city and a county, more specifically a city pertaining to our Municipal Court, how can we lessen our vulnerabilities?

One of you talked about a cycle. It is a vicious cycle. People, you know, we do—our city, our county, our government, it's a little low-income community and there are those barriers and our Municipal Court shouldn't be one of those barriers.

I thank Judge Brajkovic and the Municipal Court staff and everyone who's working on this. Dr. Edwards, Bridgette, thank you for everything that you guys have been doing and working on it. I'm looking forward to it. I'm ready to help whomever I need to help get this through because when we brought it up to the committee, everybody said yes. I had not one person say no. They said that was the first good step for us to do.

I'm excited and I'm ready to work with the Fine and Fee Justice Center, work with our Municipal Court staff, work with Dr. Edwards, Bridgette, and all other staff to get this through because it's needed. It's innovative thinking and that's what a lot of our other departments need to do. Our Public Works Department is very good at being innovative and coming up with innovative solutions and this is just that. This is another example of how innovative our staff and our departments can be.

Commissioner Kane said I just asked if we had to make a motion. I understand we can't, but if we could I would. The work that you guys have done is unbelievable and there are certain people who just can't pay, and the hole gets deeper, deeper, and deeper. I appreciate what you're doing. Like I said, if I can make a motion, I'd make a motion.

Chairman Bynum said I appreciate that. I'll just turn to Legal Counsel because it's an information only item and it doesn't require our action to move it forward anywhere, right? **Casey Meyer, Senior Counsel**, said that's correct, Commissioner.

Chairman Bynum said thank you. Thanks for being here. Appreciate that. Congratulations on the cohort and the grant. That's exciting to know that we can be competitive in that way.

We're chatting about how often will you update us on the progress of what's going on. I'm just thinking about—I really appreciate the work and the effort, but my mind's in a different kind of place, I guess, because for so many decades here in Wyandotte County, we've worked really, really hard on things like blight elimination, for example; obviously, crime prevention and these efforts with Police and community. In those contexts, sometimes we are just trying to get someone's attention and sometimes it's with their checkbook. This is a little bit different. If you can speak to that, okay. It's a comment that I would be willing to hear you comment back to me about. Additionally, I know you're paying for the position, but are there specific targeted fines in mind? Did I hear that or not?

Judge Nichols-Brajkovic said no, it was just in general. Is your question about how we levy some fines to catch attention and then others this would be waving fines, kind of the counterbalance there?

Chairman Bynum said right. I guess all along in all of our years of work that we've done here in Wyandotte County to try to get folks to comply, for example, with a code. You just have that pesky view that it doesn't matter what you do, they don't care and so you're shooting for hurting them where it hurts the most. Most of our community, I agree with Commissioner Ramirez, is they're not wealthy and so they can't tolerate just the piling on of fines. It's always been a balance.

Judge Nichols-Brajkovic said so the old thought used to be we treat everybody fairly, which means we look at it and the first time you're charged with trespass it's \$75. The first time you get a codes it's a \$100 and that's fair, right? That's fair. But that's not fair because \$75 hits our pocketbook in different ways. So really what you're challenged to do to get people's attention in a way that does not cause more severe consequences to one group than the other is to start at the same spot. I'm still levying a \$100 fine, but now Judge Schultz and I need to determine what does

that \$100 look like to someone who is below the poverty line. Sometimes that's moving over towards community service and, again, you're looking at—when you look at community service, you're not just looking at how many hours does \$5 make. You're looking at that person and saying how many hours do you have above what your family and work commitments can give you, and how many of those hours can you do to satisfy \$100. So, that's really kind of the balance in the work with the ability to pay that we're really hoping to get to.

We did have an ARPA request for a Community Health Officer for our Code Enforcement to try to move away from only having money for codes. I'm moving towards that because you're right, there are certain groups. This approach is really what Judge Schultz and I just were speaking with Joni and Priya about. What we find antidotally, and I think people tell us they can pay more than they can than people who are trying not to pay us. So, really, sometimes when I'm making decisions, and I don't want to speak for Judge Schultz but we share a lot of our philosophy together, if I'm going to get 10%, they're going to take advantage of me. It's worth it for me if I'm not taking advantage of the other 90%. So that's the way I really look at these types of issues when I'm determining these.

I would like to say there are two more things I wish I would have done in my presentation and if I missed a question, please feel free to ask me again.

When we use jail to recoup costs, you go to jail on a warrant, we're changing a lot of that, but it's \$94 a day. It doesn't take long for jail to cost more than the money we are looking to recover.

One other key component if we could get by on with the Legal Department, and we just haven't proposed it to them so I don't want to suggest that we wouldn't. There was a group that was really supportive of is traffic school as part of a diversion policy, specifically for our minors. If you can do a diversion on a basic traffic infraction, it doesn't hit your driving record. If you cannot afford a diversion, it does hit your driving record and that sets up that driver from age 16 to permanently pay more to drive than the kid that can pay the full diversion fee. We're really excited about that component as well.

Chairman Bynum asked, what's your timeline? Is this a year-long process? When can we have a report?

Judge Nichols-Brajkovic said well, I'm going to turn it over to the timeline because I had a brain fart on that, but we will give you reports—a very legal term—we will give you reports just as much as we can. What I anticipate doing is giving a report after the site visit, and then we'll probably come up with some milestones and things there that we can report on.

We also have a pending driving while suspended project that we just started that in the hour we were chitchatting with Joni and Priya, we have some new ideas about so, we'll also update you with that as part of this project. It's not technically part of it, but it works all together. So, yeah, we'll put together some milestones, reach out to you. If you want it more frequently, we can; less frequently, we can.

Chairman Bynum asked, are there other comments or questions from the standing committee members? Clerk, were there comments received from the public on the item? **Ms. Sparks** said no comments were received. **Chairman Bynum** asked, is there anyone online asking to speak? **Ms. Sparks** said no hands raised. **Chairman Bynum** asked, is there anyone here in person requesting to speak on the item?

Chairman Bynum said it was an information only item. Like Commissioner Kane said, if we could make a motion, we would. But thanks so very much. Really appreciate the presentation and good luck.

Judge Nichols-Brajkovic said thank you for letting us present.

Action: For information only.

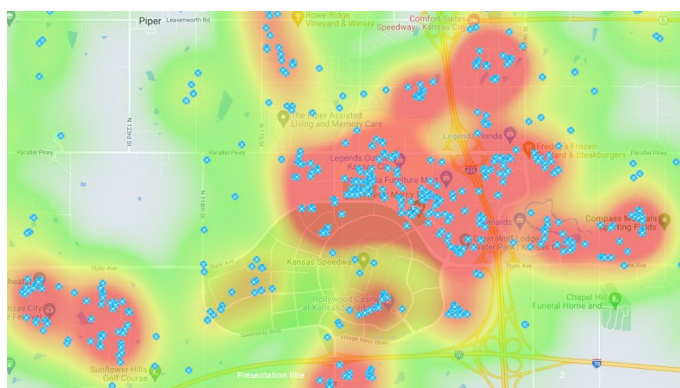
Item No. 2 – 211962...ORDINANCE: OPERATION OF UNMANNED AERIAL VEHICLES

Synopsis: An ordinance approving an addition to Chapter 22, Article IV, Offenses Against Public Peace related to unmanned aerial vehicles (drones), submitted by Casey Meyer, Senior Counsel.

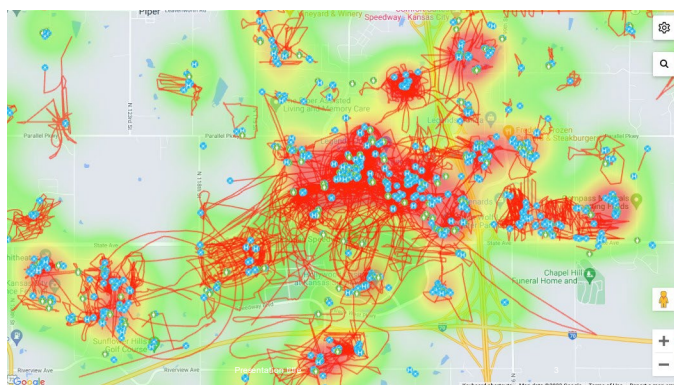
Chairman Bynum said I see Deputy Chief Anderson and Casey Meyer. Which one of you want to take it?

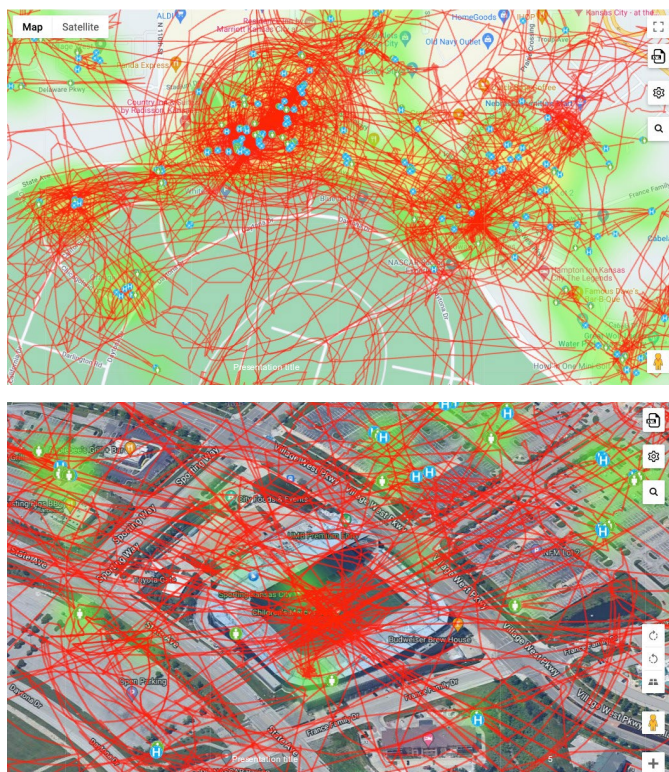


Casey Meyer, Senior Counsel, said I'll start, Commissioner. The Police Department requested this ordinance addition based on a request and some complaints from Sporting KC. We have Mr. Nick Fagen from Sporting KC. He's actually out in the public portion. After we're done doing our presentation, he would like to cover a couple of the slides, if that's possible.



I'm going to let him cover what these are.





It's not me scribbling.

DEFINITIONS

City Airspace
means the airspace above the land and waterways within the jurisdiction of the city.

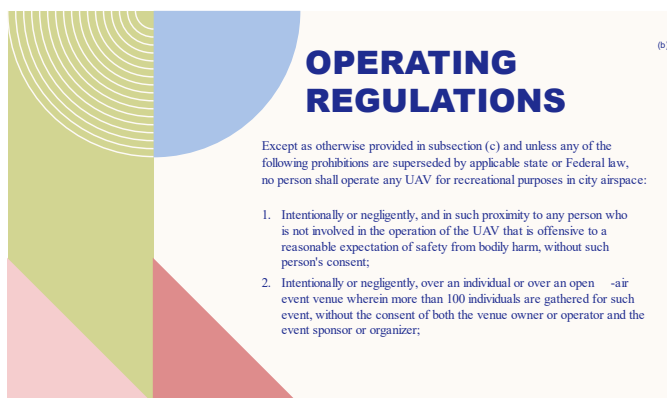
Recreational Purposes
means any purposes governed or regulated pursuant to 49 U.S.C. 44809 (Section 349) of the FAA Reauthorization Act of 2018. "Recreational purposes" may include, but are not limited to, enjoyment, educational, or hobby purposes not otherwise governed or regulated as provided in subsection (c) Limitations on Operating Regulations of this section.

Unmanned Aerial Vehicle or UAV
means an aircraft that: (1) is operated without the possibility of direct human intervention from within or on the aircraft, and (2) weighs less than 55 pounds at the time of operation, including the weight of any payload or fuel.

So, I'm jumping to the ordinance. First of all, drone, and I'm just going to use the word drone instead of UAV, but drone use is regulated by the FAA, which is a federal agency. Currently, there is no federal law that expressly prohibits or preamps municipalities from creating ordinances that might address privacy or trespass concerns. In Kansas, there are a couple of cities that have done it, so I have pulled the language for our ordinance from Mission, Kansas; and Prairie Village, Kansas. Also, since the FAA is federal, lots of times it's easier for local law enforcement agencies to follow-up on complaints regarding drone use than a federal agent would be.

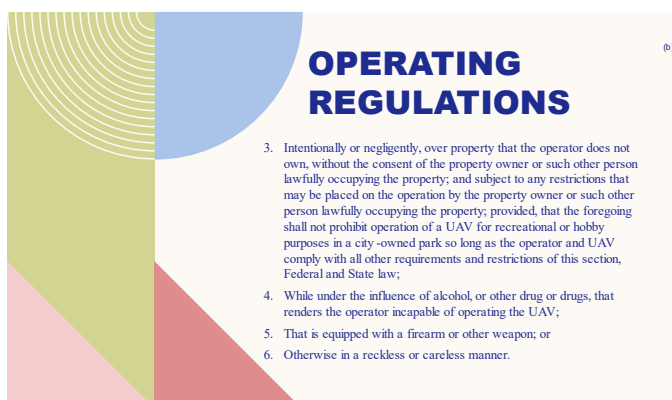
I'm covering the definitions that our ordinance applies to. When we say city airspace, we mean the airspace here in Kansas City, Kansas. This is only prohibiting drone use for recreational purposes. I'll get to it in a little bit, but I've specifically excluded prohibition on commercial use drones. Commercial use is usually realtors use that, people who own businesses that are trying to scan for their business, law enforcement, fire departments, they all have a registration that they have. Media uses a commercial drone. They have to register and they have to be certified by the FAA. So, I just want to make it clear that this is specifically for recreational hobby use prohibition.

Unmanned aerial vehicle. We're talking about drones that weigh less than 55 lbs. at the time of operation, which would include anything attached to it.



Specific things we are regulating are as follows: any operation, whether intentional or negligent, in such proximity to any person who is not involved in the operation of the UAV that is offensive to a reasonable expectation of safety from bodily harm, without such person's consent.

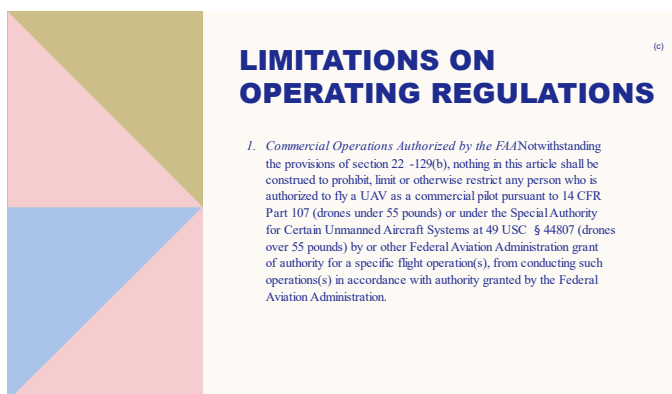
Again, any operation, whether intentional or negligent, over an individual or over an open-air event venue wherein more than 100 individuals are gathered for such event, without the consent of both the venue owner or operator and the event sponsor or organizer.



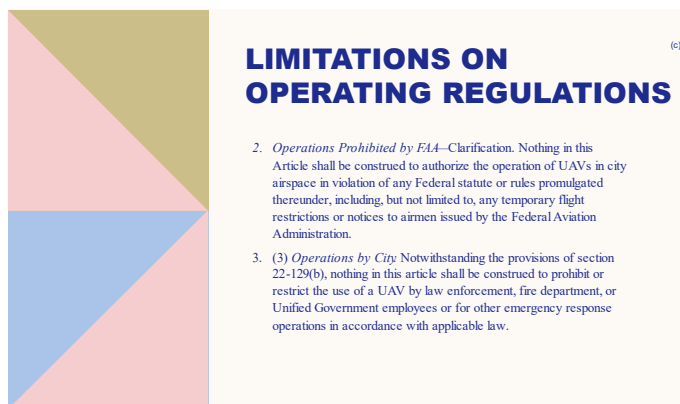
Then, again, either intentionally or negligently operating over property that the operator does not own, without the consent of the property owner. So, obviously, you can still operate your drone on your own property or over another person's property as long as you have that person's consent.

Regarding city parks, we currently require people who want to operate in a city park to get a permit, so this would not prohibit your ability to use your drone in a city park as long as you're following Parks and Rec code.

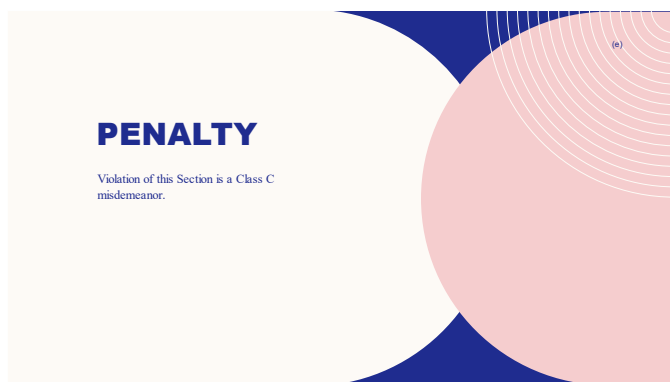
Then, of course, the easy ones. You can't operate your drone while under the influence of alcohol or drugs. You can't operate your drone that's equipped with a firearm or other weapon or otherwise in a reckless or careless manner.



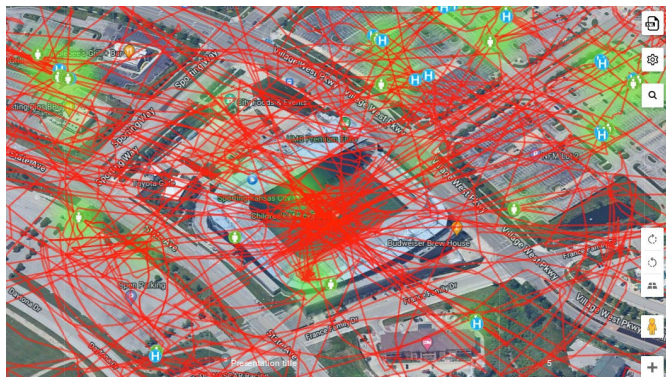
Here's the sections that specifically excluded. We're not regulating the commercial operations of drones.



Again, I'm just making it clear here that we're not trying to do anything to preempt federal law. Third, we are not prohibiting use by our own law enforcement, Fire Department, or Unified Government employees or for other emergency response because we want to be able to use our drone for city purposes.

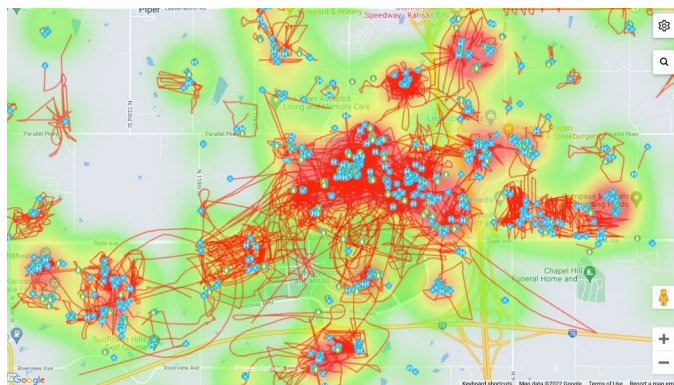


The penalty is a low level Class C misdemeanor. I'm done. I don't know if Deputy Chief Anderson has anything to add.



Kent Anderson, Deputy Police Chief, said I would just add that on the borders, we see a lot of problems with drones where from Mexico, they're flying north to deliver drugs. From the United States, they're flying over to Canada taking firearms. There have been many instances where this has occurred. We haven't had any criminal issues at this point, but we just want to be ready and prepared if we do. I know Sporting Kansas City has a problem with drones, people wanting to fly over while large events are going on, which is dangerous.

We will be having the World Cup here. Well, not here. The games will not be here, but practices will be here. Teams from other countries will be here. MLS, as Nick will talk about, already has rules and regulations about the banning of drones over any of their facilities in the United States. That's about all I would like to add.



I'll give Nick a head start. They had a drone detection system out at Sporting Kansas City for a demo. They're looking into possibly purchasing, and these are the slides that he will go over. There was basically, it was from May 4th to August 20th and this is in The Legends area and a little bit outer from that area where there were 1,043 drones flying over that area. So, that's about all I have for that unless any of you have any questions. We'll have Nick speak a little bit to their research.

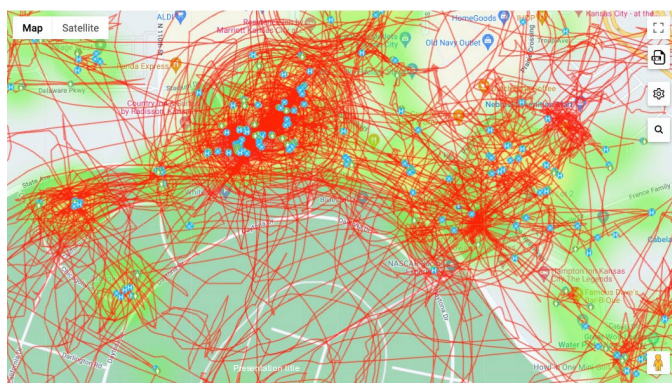
Chairman Bynum asked, are there questions or should we hear from the gentleman with Sporting and then—why don't you go ahead and come up to the table. You can come all the way up if you like.

Nick Fagen, Director of Safety and Security at Sporting Kansas City, said let me just kind of dig into this and how this all came about. I took over this job in March of this year. One of the

first things I looked into was where is our security lacking. If you do a quick Google search, you can see there's a lot of drone problems in the country. Just this weekend, there's an NFL football game that was disrupted because people were flying drones over the stadium at Seattle Seahawks. The day before that, they were flying drones over the Washington NCAA football game in Stanford and they had to stop the games.

So, as we dug into this, we looked at the FAA and the rules they have that protect stadiums and their rules are very specific. You cannot fly drones over a NASCAR facility, NFL, Major League Baseball, or NCAA Division 1 football. That's it. Nothing else is protected. They also have kind of a blanket clause in there that says you can't fly drones over any stadium that has over 30,000 capacity. If we packed everybody in really tight at our stadium, maybe 25,000. So, you see where we fall short; 25,000 is still quite a bit of people, right?

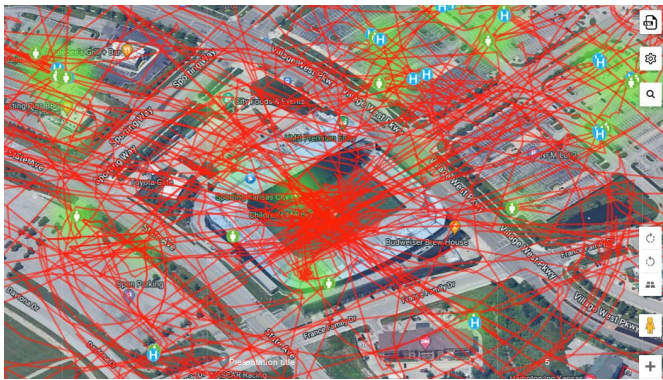
As the Deputy Chief said, so far we've had no nefarious intent, we've had no malicious intent from anyone flying drones over, but we have a drone problem. We got this **TNE (50:19)** and we put it on the stadium. You can see in this map all the red lines are the flight paths of the drones. The little blue circles with the letter H in it is the home or landing takeoff and landing zones and the little green icons are where the controller was at.



Now, we will be purchasing this detection system in January after the first of the year. What kind of amazed me was the very first day that we put it up, within about two hours I was getting an alert. I thought well, this can't be right. This has to be a fluke. We set it up wrong, and it wasn't. Within the first couple of hours, we had somebody in the Nebraska Furniture Mart parking lot who stopped and put their drone up and was flying around our stadium. The detection system will actually pinpoint their location to within about a foot. I was able to go over there and contact the person.

So far, everyone we've contacted has been very cooperative. The whole point has been to educate them and say hey, we don't want you flying over our stadium. MLS has a policy against this. We don't want the drones over our stadium. We don't want to have an accident. But as you look at everything that the federal government has done, as you look at the policy from MLS, everything says hey, you shouldn't allow this, you shouldn't have this, but there's really no enforcement capability for us if it comes to that.

My hope is that we continue to educate people as they fly over the stadium if they try to put drones up around the stadium.



If we have 100 people in a year, I would hope that we have less than 1 or 2 that are ever cited for this. I would hope that through education we can say hey, please bring this down. Here's the rules. Here's the regulations on this.

But this slide may show it a little bit better. You can see the flight pass directly over the top of our stadium. Even NASCAR, who is covered by FAA and as our neighbor, you can see them flying over the NASCAR stadium.

Casey made the point earlier, if they are violating the federal law, there are federal agents that can investigate that, but they quite frankly don't have the resources or the time to come out and investigate a single drone operator who's flying their drone over a stadium, right? They're dealing with things like the Seattle Seahawks football game. They're dealing with people crashing their drones accidentally into a crowd of people. They're not dealing with this type of thing. So, this ordinance helps us if we do find that one person who's very emboldened and says no, I'm not going to land my drone. You can't make me put this down and we explain everything. It gives our law enforcement the capability to say no, we are going to take enforcement action on this and have you land this drone.

If you want to look through the other slides—**Ms. Meyer** said I don't think I have—that's it. I didn't add the numbers. **Mr. Fagen** said the Deputy Chief kind of talked about some of the numbers on there too. Some of the other things that go along with the rules with the FAA for drones, you're not allowed to fly above 400 feet. We had 205 drones that were above 400 feet, which is a federal law violation. You're not allowed to fly at night. We had 108 flights that were nighttime.

So, of all the people that I was able to contact in person or through law enforcement in about the four months that we had it, only one was a registered pilot and licensed through the FAA. It was actually hired by NASCAR to come over and do some work and just kind of slipped over into the stadium and then came back out. No one else was registered. No one else was licensed and quite frankly, you don't have to. You can go to the store and buy a drone off the shelf and fly it. Most of the people, as I said, were very compliant, cooperative, and actually a lot of them were very surprised that we were able to track it and come speak to them and they actually kind of geeked out about it, right? They were very excited about it.

We appreciate all of you looking at this and just kind of bringing this to your attention. I did not think it was going to be this big of a problem. We put this system on our stadium. It was very shocking quite honestly.

Chairman Bynum asked, when did you acquire this system? **Mr. Fagen** said we put it on May 4th of this year and we took it down on August 26th.

Commissioner Ramirez said thank you Casey and everyone. My question is more kind of you alluded to it in the ordinance. What would be, because we know there's some people, I don't know here, but across our country, there are people that like to go to parks, fly up their drone, take nice pictures of the park or the nice scenery, the skyline, what have you. How does this affect them that like it's just as a hobby? It's like they—a hobby that they like to do?

Ms. Meyer said currently, our city Parks and Rec, the Parks and Rec Board has their own code and within the code they already require people to obtain a permit prior to being able to fly their drone. They also require that the operator has, I think, \$2.5M in insurance. But my point is with this ordinance, this ordinance doesn't restrict anybody's ability to fly their drone in a city park

as long as they're complying with the Parks and Rec code and all other FAA and federal regulations.

Commissioner Ramirez asked, would this ordinance actually assist Parks and Rec to enforce their code a little bit more?

Ms. Meyer said well, I don't know that it would assist, but I think it would bring more attention to the fact that people have to comply with the rule. I'm not sure that people know that. Like he just said, there are still FAA regulations that apply to recreational users. I'm not sure everybody knows that they have to—they can only fly their drone within their sight line or they're only supposed to fly up to 400 feet. I think if we have an ordinance, at least brings that to attention that there might be a rule that they have to comply with.

Commissioner Ramirez said okay. I think that is all the questions I have. I personally don't have issue with this. I know this is more of a security. It's a big security thing. I know drones are a big, big thing now. Everyone's buying them left and right. I've flown a couple. They're fun, but I understand the security of what NASCAR, MLS, the stadiums, and all of that. I understand the security aspect so I personally don't have anything as long as it doesn't too restrict somebody from, like I said, if they're following our Parks and Rec code. If they want to do that in the park, yes, but follow the park code first. Do go through your steps. I just didn't want this to hinder that.

Chairman Bynum asked, are there other questions or comments from the standing committee members? Is there any comments from the public, Clerk? **Ms. Sparks** said no comments were received. **Chairman Bynum** asked, and how about anyone online asking to speak? **Ms. Sparks** said we have no hands raised. **Chairman Bynum** asked, is there anyone here in person that would like to speak?

Chairman Bynum asked, is there a motion to approve the...

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

Chairman Bynum said there's a motion and a second. Roll call, please.

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

Item No. 3 – 211955...RESOLUTION: LEAVENWORTH ROAD AND HUTTON ROAD INTERSECTION PROJECT

Synopsis: A resolution declaring that this project is a necessary and valid improvement and authorizing a survey of lands for said project. The location of the project is Leavenworth and Hutton Road Intersection, Project CMIP 1609, submitted by James Bain, Assistant Counsel.

Chairman Bynum said we have James Bain here from Legal to explain.

James Bain, Assistant Counsel, said this is the resolution that deems the project necessary and for valid reasons, valid improvements, and authorizes the survey that is required to begin the eminent domain proceedings. I know Jeff Fisher is here. I don't know who is here from Public Works to discuss the project.

Chairman Bynum said, sir, we've done a number of survey authorizations for projects that are deemed necessary. I just want to be clear that the step that we would be taking tonight is simply that survey work for a project that's deemed necessary and nothing more.

Mr. Bain said that is all; nothing more.

Commissioner Kane asked, is that all you've got to say? **Mr. Bain** said that's all I have. I expected someone else here to discuss the project as we normally do.

Commissioner Kane said I'm going to make a motion that we go ahead and do as what he's requesting. Just remember, I don't like roundabouts. **Commissioner Markley** said second. **Commissioner Kane** asked, is that a second on the roundabouts? No roundabouts? **Commissioner Markley** said no. I'm seconding quickly before you say anything else.

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

Chairman Bynum said there is a motion and a second to authorize the survey of land for this project.

Chairman Bynum said before I move any further, I should have asked the Clerk if there were comments received from the public. **Ms. Sparks** said no comments received; no hands raised.

Chairman Bynum asked, anyone in person that wants to speak on the project or the item?

Chairman Bynum said we have a motion and a second. Roll call, please.

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

Item No. 4 – 211956...RESOLUTION: BRIDGE 311 RECONSTRUCTION PROJECT

Synopsis: A resolution declaring that this project is a necessary and valid improvement and authorizing a survey of lands for said project, submitted by James Bain, Assistant Counsel. The location of the project is Bridge 311 over Barber Creek, Reconstruction Project No. 105 U-2436-01.

Chairman Bynum recognized James Bain.

James Bain, Assistant Counsel, said this is a similar resolution that declares the project necessary and valid, and authorizes the survey as the first step to define the property that is needed for the project and potentially eminent domain proceedings.

Chairman Bynum said I think you may have explained this to me in agenda review, but where's the bridge? **Mr. Bain** said I don't know anything about the project. Normally someone is here to present about a specific project.

Chairman Bynum asked, Jeff Fisher, do you know where the bridge is? It's something about Barber Avenue, I think, Barber Creek. **Jeff Fisher, Executive Director of Public Works,** said the Barber Creek area. **Chairman Bynum** asked where's that? **Mr. Fisher** said down south. I don't think it's a major structure. **Chairman Bynum** said that's fair enough. Let me just say,

Commissioner Ramirez or Commissioner Markley, are you familiar with the Barber Creek Bridge down south? Okay, and it's a small structure, a small area. **Mr. Fisher** said I believe that's the case. **Chairman Bynum** said okay, I'm satisfied.

Chairman Bynum asked, Madam Clerk, were there any comments received or anyone asking to speak? **Ms. Sparks** said no comments received; no hands raised.

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

Chairman Bynum said we have a motion and a second on the survey item. Roll call, please.

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

Item No. 5 – 211743...ORDINANCE/RESOLUTION: AMENDING CODE PROVISIONS FOR OPEN BURN

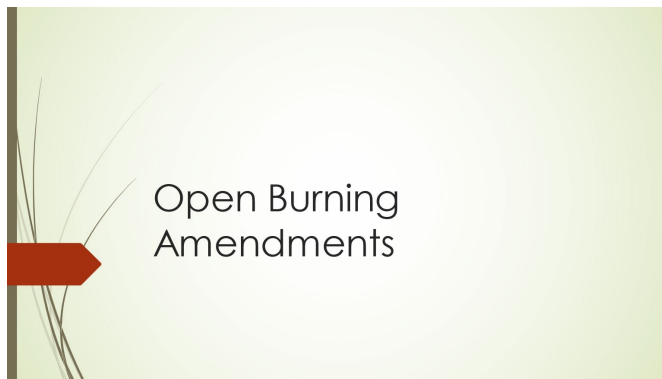
Synopsis: An ordinance/resolution amending the code provisions Section 3-3 definitions and Section 3-17(h)(1)(a) related to open burning, submitted by Jon Khalil, Assistant Counsel, Legal Department. On July 25, 2022, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to the full commission. On August 11, 2022, at the request of the Chair, this item was remanded back to the standing committee for further discussion.

Chairman Bynum said we have Legal here, we have Fire, we have Health, I believe that's all our departments that are going to come and talk to us about this. You all have your PowerPoint you received today and then a paper copy here. We've talked about this for a good long while now and we may or may not be ready to take care of business, but we'll know shortly.

What I would like to do is a couple of things. First of all, explain that we passed amendments at a prior standing committee meeting and then when those were to go forward to full

Commission, I pulled the item so that was my action that pulled the item and here we are back at standing committee.

We have Fire Marshal Droppelmann; Mark Weckwerth and Jennifer Stewart, these two fine folks are with our Public Health Department; then we have John Collier, with our Legal Department, all of whom have been working on this for a while. I wonder if the first thing we want to do is—are you going to sort of tag team walking us through the PowerPoint? I think that's the best way to go about it.

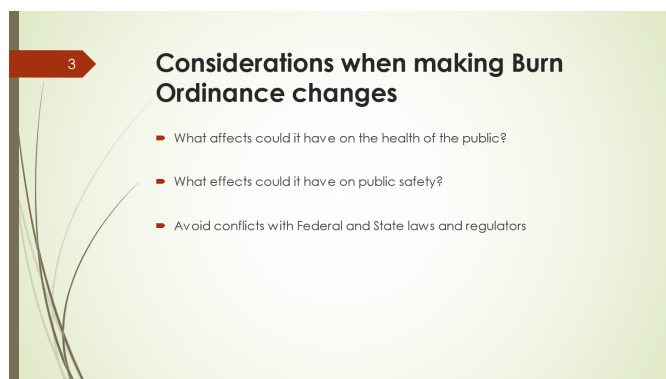


Alan Howze, Assistant County Administrator, said I'll kind of open it up. **Chairman Bynum** said thank you, Alan. Sorry to not acknowledge you. Go ahead. **Mr. Howze** said open it up here and then hand it over to the team.

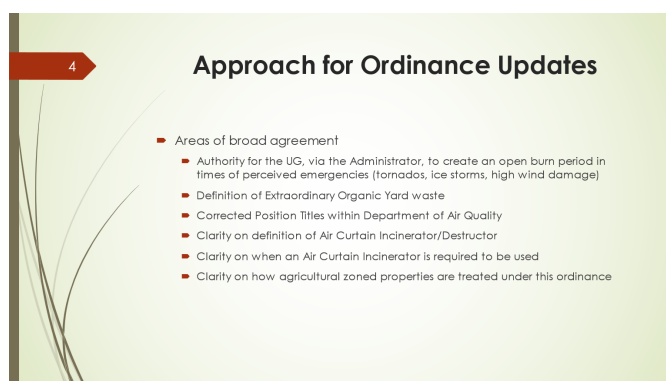
As we kind of go through these slides and as you noted, this is something the committee has seen before. Hopefully with this presentation and the discussion, we can kind of lay out some of those areas where there potentially is, I think, unanimous agreement, that there's a clear path forward, and others where some additional discussion may be warranted based on kind of new information that has been received.



There are kind of a number of moving parts in this and really just to kind of reiterate why we have local open burn regulations in the first place. Starting with public health, and that is derived from our compliance really with state and federal air quality regulations that govern that we can be more, but not less, strict than those state and federal guidelines. Our kind of role in the KC metro, as a metro area, that has metropolitan air quality standards to meet. And lastly, this protection of public safety through Fire Department awareness of open burns so that there's an understanding of what is burning when and where.

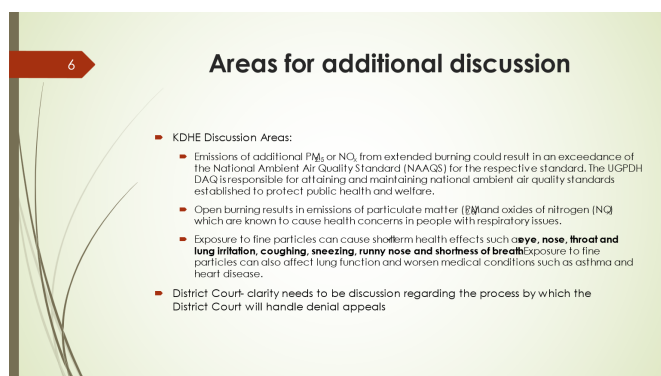


Kind of flowing from that, give some considerations when making those burn ordinance changes. What are the potential affects on public health? What are the potential affects around public safety and visibility into burns? Then this is where it's kind of come more recent information, how do we avoid conflicts with state and federal laws and the regulators who execute those laws?



You'll see in this presentation, and there's kind of a number of slides I think we can get through fairly quickly, but it's really kind of two categories that we tried to work which is, again, this area where we see that there's ones that are broad agreement things that need to be changed in the ordinance, that need to be updated, or clarified to make it a better, clearer ordinance. You can see

those here. They're listed here, and we'll go into greater detail in each one of these as we go through the presentation.



There are some areas that may warrant additional discussion by the Commission, the standing committee, around the areas around particulate emission that KDHE has more recently kind of raised to us as a concern around the open burning. Then the question of kind of a process and the role, potentially, of District Court in this as a mediation or as an appeal body in kind of the administrative process for this.

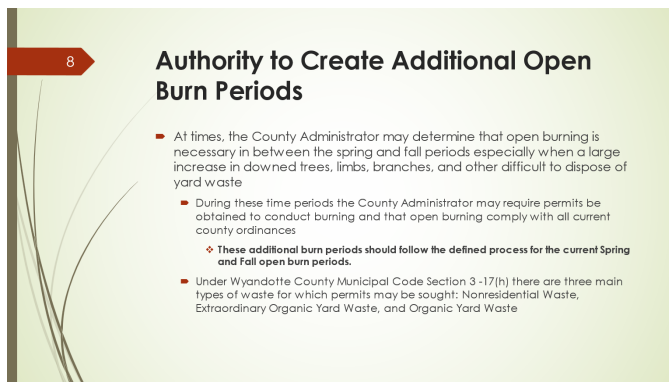
So those are kind of—that's how we've oriented this conversation discussion tonight which is, again, those kinds of areas where we think there's broad agreements and could move forward quickly on those, and the others that we may suggest requiring some additional discussion with other regulatory partners to make sure that we don't kind of run afoul of some of their concerns.

With that, I'm going to turn it over to Fire Marshal Droppelmann for the next two slides to kind of talk about burn periods.



John Droppelmann, Fire Marshal, so just to clarify things. What we do here tonight, there will be no difference in the normal spring and fall burn seasons, which we're coming up on the fall.

So, anybody watching or here or may watch at a later time, those normal April, October, and November burn months will remain the exact same.



The big addition we needed to create tonight was to allow the County Administrator to declare these open burn periods for severe weather. My proposal is that we make sure that they're conducted the same way as the spring and fall ones since we've already got those ordinances, those rules established. Everybody understands them and they have been provided the most safe way to do that.

Go ahead Jennifer.



Jennifer Stewart, Environmental Health Manager, Health Department, said so I'll just go through the next few slides just from our discussions that we've had with KDHE. So, KDHE's current environmental policy allows for open burnings, but encourages and may even require emission controls in sensitive areas or areas near population centers. In more populated areas, we may need to control our burning or open burning.

KDHE, they expressed to us that they prefer open burning only in a manner that guarantees the least number of people that are adversely affected by the burn, which that could be people that

suffer from asthma or have other health concerns and more emissions could aggravate any conditions they might have.

10

Nonresidential Waste and Extraordinary Organic Yard Waste

- Under Wyandotte County Ordinance 3-17(h)(a) Fires set for the disposal of **nonresidential waste**, or **extraordinary organic yard waste** may be permitted when it can be shown such open burning is:
 - (1) absolutely necessary;
 - (2) in the public interest; and
 - (3) no other method can be used.

The burning of land clearing debris, including trees, brush and vegetation is normally considered as being necessary and in the public interest, provided that an applicable air curtain open pit destructor of suitable design and capacity is used to accomplish the burning.

An additional permit is required to be obtained from the Director prior to the use of an air curtain destroyer.

Nonresidential yard waste and extraordinary organic yard waste. Under our current ordinance, fires set for disposal of nonresidential waste, or extraordinary organic yard waste, may be permitted when it can be shown that open burning is absolutely necessary; it is in the public interest, there is no other method that could be used; and burning of the land to clear debris, including trees, brush, and vegetation is normally considered as being necessary and in the public interest, provided that an applicable air curtain open pit destructors of suitable design and capacity are used to accomplish burning.

With an open pit destructor, an additional permit is required and it can be obtained by the Air Quality Office Department and that is prior to using the air curtain destroyer.

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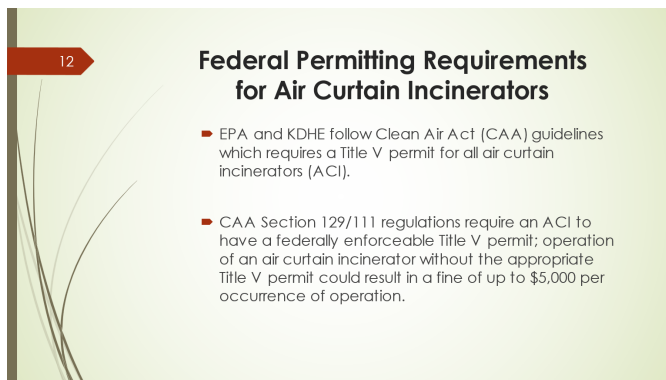
Nonresidential Waste and Extraordinary Organic Yard Waste



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

Mark Weckwerth, Environmental Engineer, Air Quality, said I would just like to clarify that that is an additional permit. The air curtain incinerator itself has to have a Title V permit. For the most part, those are generally issued by the state. We could issue them from ourselves, but the

one that she just referred to is an additional permit that we have required here for our ordinance to date.

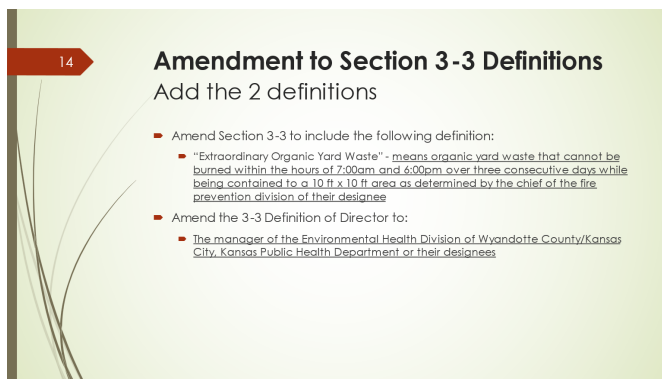
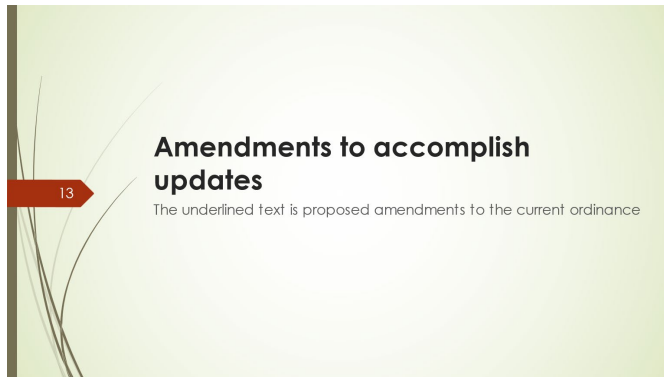


Ms. Stewart said the EPA and KDHE they both follow the Clean Air Act, which Mr. Weckwerth just mentioned in the Title V permit. The Clean Air Act requires an air curtain incinerator to have a federally enforceable Title V permit. Operation of an air curtain incinerator without a Title V permit could result in a fine of up to \$5K per occurrence of operation. Each occurrence is each day. So, if it's three days, we're looking at a \$15K fine.

Chairman Bynum asked, do you mind if I pause right here? I want to make sure that I, and everyone else, is tracking, I think, from the slide prior to this one. The burning of land clearing debris, trees, brush, and vegetation is necessary and in the public interest provided that an applicable air curtain open pit destructor is used. And then we go on to say if we are going to permit that, in addition, a state permit is needed for the air curtain destructor. This is one of our concerns that I know I've spoken with you about that folks may not know that there are additional state and federal regulations. If that permit is not obtained, that's a \$5K fine. Okay. Please proceed.

Mr. Howze said, Commissioner, I just have one clarification too which is we've talked about the air curtain destroyer. That's kind of a fancy name for a big fan, right? So, the purpose there being that for large amounts of debris to be destroyed through fire, to have it burn at a much higher temperature to reduce the amount of particulate matter and to have a cleaner burn, so that's fundamentally what that regulation is designed to do.

Chairman Bynum said okay, so continue because I think we're moving into some of the amendments. **Mr. Howze** said we'll turn it over to Jon Khalil, in UG Legal, to talk about the specific languages that would accomplish these.



Jon Khalil, Assistant Counsel, said the first amendment would be amending Section 3-3, which is the definition section. The first amendment would be an addition. It'd be adding the definition of extraordinary organic yard waste. Extraordinary organic yard waste is a term that we currently use in the code, but we have not defined it. The definition that we've developed here is, extraordinary organic yard waste would mean organic yard waste that cannot be burned within the hours of 7:00 a.m. and 6:00 p.m. over three consecutive days while being contained to a 10 x 10 foot area as determined by the Chief of the Fire Prevention Division or their designee.

The second amended definition would be amending the definition of Director to the Manager of the Environmental Health Division of Wyandotte County/Kansas City, Kansas Public Health Department or their designee. Our current definition of director doesn't fit the current structure of the department. This definition would update that.

15

Amendment to Section 3-3 Definitions (Cont.)

Add 2 phrases to include Non/Extraordinary waste

- 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) ~~or other nonresidential waste or extraordinary organic yard waste~~ such device shall consist of a large blower or fan designed to deliver at least 800 standard cubic feet per minute of air for each foot of length of the pit in which the burning is accomplished and a nozzle equipped plenum chamber designed to deliver air at a minimum air velocity of 150 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 soil conditions) and have all four sides vertical. New pits conforming to these requirements shall be excavated as necessary to replace pits in which the high temperature operation has resulted in crumbling or erosion of the burning pit such that the pit no longer 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 nonresidential waste or extraordinary organic yard waste~~.

The third definition amendment would be including the term extraordinary organic yard waste or other nonresidential waste in our current definition of approvable air curtain open pit destructor. So, it would add more clarity to what that device can be used, what types of waste being burned that device can be used for.

16

Amendment to Section 3-17(g) Open Burning Prohibition Exceptions

- 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 bring our language in alignment with the current state regulations on open burning.

Our fourth amendment is an amendment to Section 3-17(g) which is the open burning prohibition exceptions. This amendment would amend the current exception 3-17(g)(3) 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 is exempted prior provided that prior written approval is obtained from the Director and the Chief of the Fire Prevention Division. This language change would bring the current language that we're using in alignment with the current state regulations on open burning.

17

Amendment to Section 3-17(h)(1)(a) Air Curtain Destructor Requirement

- Allows AQ Director to determine ACD necessity
- Amend Section 3-17(h)(1)(a) to read:
 - (i) Open burning permits may be granted for the following types of waste:
 - a. *Nonresidential waste, and extraordinary organic yard waste* ~~when 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, 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")

The fourth amendment, which is the amendment to Section 3-17(h)(1)(a), which is the section that currently requires an air curtain destructor. This would amend that section to read, fire set for the disposal of nonresidential 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 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 necessary and in the public interest.

Then it would add that, 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. What this language does is in our current Code Section (a), an air curtain open pit destructor is required in circumstances where extraordinary organic yard waste or nonresidential waste are being burned. This would give the Director some discretion on when an open pit air curtain destructor would need to be used. That determination would be able to be made on a case-by-case basis.

18

Amendment to Section 3-17(h)(1)(b)(2) to include agricultural properties

- 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 properties zoned either residential or agricultural. Burning of wire insulation, tires, and other rubber products, automobile parts, paper cardboard, treated, painted, or finished wood, plastics, garbage, trash, petroleum products, asphalt materials, building materials, demolition debris, paints, agricultural chemicals, household chemicals, or any other material which normally emits dense smoke, noxious odors, or hazardous air contaminants is prohibited.

The next amendment would be an amendment to Section 3-17(h)(1)(b)(2). This would include agricultural properties when it comes to the burning of organic yard waste. It would simply add in the second sentence, organic yard waste also includes trees felled by storm damage on properties zoned either residential or agricultural. So, a person who's burning leaves, brush, dead woods, tree cuttings, and weeds and people who own agricultural zoned properties would be treated the same as people who own residential zoned properties.

19

Amendment to Align permitting process to mirror KDHE wording

- Amend Section 3-17(2)(a) to include the language below:
 - a. Any person intending to engage in open burning of nonresidential wastes or extraordinary organic yard waste under this section shall file a request to do so with the director and the chief of the fire prevention division the application shall state the following:
 - 1. The name, address, and telephone number of the person submitting the application.
 - 2. The date(s) and times of the burning operations
 - 3. The type, quantity, and composition of the waste to be burned.
 - 4. The exact location where open burning will be used to dispose of such waste.
 - 5. Map indicating nearest hydrants, structures, roads, water sources, power lines, property lines and burn location within 1500 feet of the burn location.

The next amendment is an amendment to what we require our applications to state. This amendment would bring our permitting process to mirror the current KDHE wording. It would include the name, address, and telephone number of the person submitting the application. The dates and times of the burning operations. The type and quality and composition of the waste to be burned. The exact location of the burning. A map indicating where the nearest fire hydrants, structures, roads, water sources, power lines, property lines, and burn locations; and burn locations within 1,500 feet.

20

Amendment to Align permitting process to mirror KDHE wording

- 6) Management plan for igniting, controlling, and extinguishing the open burn.
- 7) For nonresidential waste, extraordinary residential waste, or extraordinary organic yard waste, in addition to the information required by this subsection:
 - i. The type of business or activity involved
 - ii. A description of the proposed equipment and operating practices, and the expected composition and amount of air contaminants to be released to the atmosphere.
 - iii. Reasons why no method other than burning can be used for disposal of such waste.
 - iv. Evidence that the proposed open burning has been approved by any fire department or the director of the health department that may have jurisdiction.
- 8) Under no circumstances shall open burning occur within 50 feet of any building, combustible material, road or within 50 feet of the property line.
 - i. all open burning must be constantly attended until extinguished
 - ii. All persons conducting open burning shall have available the means for controlling or extinguishing the fire, such as water supply and/or heavy equipment.
 - iii. It shall be unlawful for any person to conduct open burning other than in accordance with the requirements set out in this section or in violation of any conditions or operating restrictions imposed by the director or the chief of the fire prevention division.

A management plan for igniting, controlling, and extinguishing the open burn.

For nonresidential waste, extraordinary residential waste, or extraordinary organic yard waste, in addition to the information required by this subsection would require the type of business or activity involved in the burning. A description of the proposed equipment and operating practices, and the expected composition and amount of air contaminants to be released to the atmosphere. Reasons why no other 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.

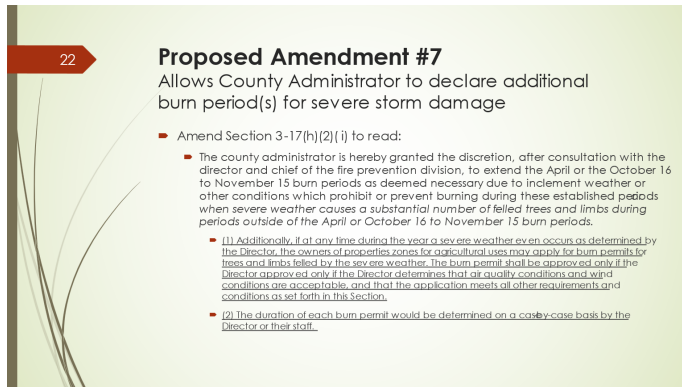
Then under this section, under no circumstances shall open burning occur within 50 feet of any building, combustible material, road, or within 50 feet of the property line. All open burning must be constantly attended until extinguished. All persons conducting open burning shall have available the means 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 section or in violation of any conditions or operating restrictions imposed by the Director or the Chief of the Fire Prevention Division.

21

Amendment Adding extraordinary organic waste to application

- Amend section 3-17(h)(2)(c)(5) to read:
 - For nonresidential waste, extraordinary resident waste, or extraordinary organic yard waste in addition to the information required by this subsection

The next amendment would be amending Section 3-17(h)(2)(c)(5) to include, extraordinary organic yard waste, in accordance with the definition that we've included earlier or proposed to include earlier.

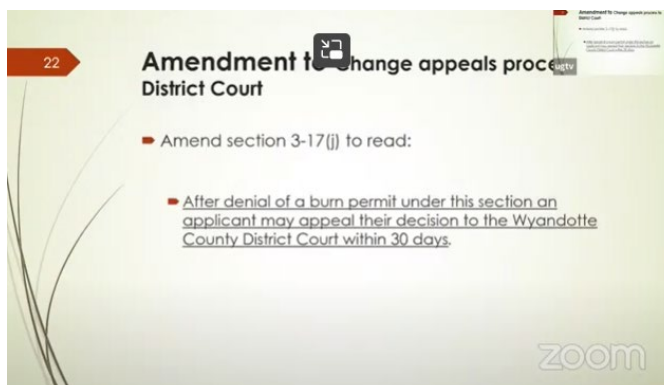


22

Proposed Amendment #7
Allows County Administrator to declare additional burn period(s) for severe storm damage

- Amend Section 3-17(h)(2)(i) to read:
 - The county administrator is hereby granted the discretion, after consultation with the director and chief of the fire prevention division, to extend the April or the October 16 to November 15 burn periods as deemed necessary due to inclement weather or other conditions which prohibit or prevent burning during these established periods when severe weather causes a substantial number of felled trees and limbs during periods outside of the April or October 16 to November 15 burn periods.
 - (1) Additionally, if at any time during the year a severe weather event occurs as determined by the Director, the owner of properties 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 wind conditions are acceptable, and that the application meets all other requirements and conditions as set forth in this Section.
 - (2) The duration of each burn permit would be determined on a case-by-case basis by the Director or their staff.

This next amendment would allow the County Administrator to declare an additional burn period after severe storm damage. This would be in addition to our April and our October to November burn periods. The County Administrator would be able to declare a special open burn period if at any time during the year if they determine that it's needed due to severe weather. During this special burn period, the duration of each burn permit would be determined on a case-by-case basis by the Director or their staff.



22

Amendment to change appeals process District Court

- Amend section 3-17(j) to read:
 - After denial of a burn permit under this section an applicant may appeal their decision to the Wyandotte County District Court within 30 days.

The last proposed change would be, or the next proposed change would be an amendment to Section 17. This would be an addition of an appeals process. So, 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.

This is an amendment that may require further discussion based on what would be the best way to involve the District Court in this proceeding.

24

Changes Proposed by Commissioner Kane.

- Section 3-17(f) 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.
- Section 3-17 (h)(1)(ii) An additional permit shall be obtained from the director prior to the 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.
- Section 3-17 (h)(2)(c)(ii) iv. Evidence that the proposed open burning has been approved by any fire department or the director of the health department that may have jurisdiction.
- Section 3-17(i) After denial of a burn permit under this section an applicant may appeal their decision to a panel consisting of the Director, the chief of the fire prevention division, and the County Administrator or their designee by filing a written notice of appeal with the United Government's Clerk's Office within thirty (30) days of such decision. The panel shall conduct a hearing on the appeal within thirty (30) days of receipt of such appeal. Wyandotte County District Court within thirty (30) days.

These were some changes that were also included in the proposed resolution. They were proposed by Commissioner Kane. The first one would be amending Section 3-17(f) to remove the language that states, 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.

The second proposed change was a removal of the additional permitting language when someone is required to use an open air curtain, open pit destructor.

The third change was an amendment to Section 3-17(h)(2)(c)(ii)iv, which would amend that to mean that just to read, evidence that the proposed open burning has been approved by any fire department or the director of the health department that may have jurisdiction.

Then the fourth bullet point here is something that we actually already discussed which was the change from a proposed panel of the Director, the Chief of the Fire Prevention Division, and the County Administrator hearing the appeal to an appeal to the Wyandotte County District Court.

25

Engagement with KDHE

- Conversations regarding proposed changes to local UG ordinance have been ongoing between KDHE and UGPHD staff.
- KDHE Bureau of Air (BoA) has expressed concern that proposed UG changes may result in the UG having less restrictive air quality monitoring standards than at the state and federal level.
- KDHE has informed the UGPHD that they will formally review the local ordinance once it is passed by UG Commission to determine if corrective action will be taken.

This last slide concerns further engagement that would need to happen with KDHE. Conversations regarding the proposed changes to the local ordinance have been ongoing between KDHE and the Health Department staff. The KDHE Bureau of Air has expressed some concern

that the proposed changes may result in the UG having a less restrictive air quality monitoring standards than the state or the federal level. Then, KDHE has informed the Unified Government Public Health Department that they will formally review the local ordinance once it is passed by the Commission to determine if corrective action will be taken.

Any questions?

Mr. Howze said, Commissioner Bynum, back to you. That concludes the presentation.

Chairman Bynum said thanks very much. A couple of questions for me. I've been in conversation with the staff here at the table in preparation for bringing this forward again trying to bring us to a place where we can make certain amendments to the open burn ordinance and be satisfied that the changes we're making are needed and good. I've been clear with staff that I can't support ordinance changes that would create the Unified Government having a lower standard, a less restrictive air quality standard than state and federal government. I think that what we've proposed here in the PowerPoint keeps us within the state and federal standards.

I have a couple of questions, but I think I'll hold those and listen to our standing committee members. Commissioner Ramirez and Commissioner Kane, did you have anything?

Commissioner Ramirez said mine's kind of a hypothetical. If we were to pass, clear to pass the ordinance as is with the amendments and everything, us not being in compliance with KDHE, state and federal air quality standards, what parts of the ordinance do you think KDHE might come back and say we need corrective action?

Mr. Weckwerth said one of the items that was on the list from Commissioner Kane involved, shall be prima facie that the owner or person controlling the property. That one's directly in the state regulation. So, leaving it in or taking it out, I don't think makes much difference.

It gets into a little gray area regarding the additional permit and trying to convey what those are. Basically, from talking to the Director of the Bureau of Air, KDHE, it was too hard for him to understand what we were trying to propose and he basically wanted to look at everything after it was finalized and make a decision then. I've got to say with all the changes, I don't completely understand all of it anymore.

Commissioner Ramirez asked, so the first one that Section 317 app, the prima facie, can you, Legal, describe what that does, what it means, what—because I'm not Commissioner Markley. I did not go through law school.

Vince Billagio, Manager, Street Division, said, yes, Commissioner. Prima facie evidence it's an evidentiary standard. So, it's evidence that if shown is sufficient to take an action to a fact finder and then if not rebutted, it is evidence for a determination in that person's favor. So, here that would read, it would be prima facie evidence that the person who owns or controls the property on which the burning occurred has caused or permitted the burning to occur. So, the fact that burning occurred on the property that someone owned or controlled would be a sufficient level of evidence to show that they permitted that burn. The person who owned or controlled the property would still be able to rebut that evidence if they have some sort of evidence that shows that they didn't permit the burning or by someone trespassing on their property and doing the burning or that they no longer controlled the property.

Commissioner Ramirez said okay. Thank you. I don't have any other questions. Those are my two big ones that I had.

Commissioner Kane said and we voted on this once, correct? **Chairman Bynum** said we voted at standing committee. **Commissioner Kane** said okay. So, after standing committee, what happened? **Chairman Bynum** said it went to full Commission and I asked that it come back here. **Commissioner Kane** said okay, but we didn't have this information prior to. **Chairman Bynum** said I would say that's true.

Commissioner Kane said my question is, we were presented with something that we thought was good. I was going to be absent, that's why you pulled it. **Chairman Bynum** said that's right. **Commissioner Kane** said and then we're here a few weeks later and now all of a sudden KDHE is involved and we can't do this and we can't do that. Why weren't we told this in the first place?

Mr. Weckwerth said a day or two or within a week of having that standing committee meeting, we were on what's called our enforcement and compliance meeting and we mentioned that these changes were coming. Katie, she said, wait a minute. That's what happened.

Commissioner Kane said I just don't—I'm a little frustrated. We should have been provided this information at first, not at last. I don't know what you told them because sometimes

it's a presentation that you provide to the people. Obviously you guys didn't like it. Did you present it the proper way? Did you present it your way? I mean, how was it presented? Somebody's got to tell me other than you guys brought it up.

Fire Marshal Droppelmann said I was not at the meeting with what they were discussing. After the standing committee meeting here last month that you all passed that, Commissioner Bynum, you posed the question to Commissioner Kane, what do we gain by striking the prima facie language. He failed to provide you an answer. So, at the special session prep meeting, I provided you the answers to why it should remain. I've yet to hear why somebody would want to take out a highly critical enforcement tool for us to be able to handle over 500 complaints a year that I get about open burning. It's the number one complaint the Fire Department receives.

In that researching that I did while I was waiting for that answer while I asked you to have it removed from the agenda, I came across the state statutes where it says it is. So, it doesn't matter one way or the other. We can still use that provision to issue citations where we need to.

Chairman Bynum said what I think is that the slides that you've shown us with the potential amendments, I'm satisfied with. Then I feel like some of the additional changes, I can actually live with as well. The only one I really have a question about—I have two questions.

Commissioner Kane, on the one where we are striking section, it's the additional permit shall be obtained and we're potentially striking it—on the very second to last changes proposed by Commissioner Kane. What I'm trying, and I'm not necessarily asking you to justify that or explain it, but I think that in Section 3-17(h)(1)(a), what you're suggesting with the striking is the additional permit. Is that right? **Commissioner Kane** said yeah. We already have to get one permit. Why do we have to get a couple of permits?

Chairman Bynum said okay. That's where—and I think I can live with that because up above we say if it is determined that the air curtain pit destructor is required then that's where the permit from KDHE comes into play. I was kind of stuck here last month too, I think, because the point is making sure they know. What concerns me about if they don't know is the fine because I don't know how much an air curtain pit destructor cost.

Commissioner Kane said that's a bad example and I'll tell you why. Nobody in Wyandotte County is ever going to get a burn—you just said it. **Chairman Bynum** said the curtain pit? **Commissioner Kane** said right, unless you're building homes, you're taking out a boatload

of trees because they're like \$25 or \$30K to rent. You just can't, I mean, you got to dig a hole. You do a series of things and it's too expensive to do that unless you plan on building houses in a certain area. It happened out there at Delaware Ridge. They had a big pit that they put in there, but nobody from Wyandotte County, after a storm, is going to use a curtain. I don't care what anybody says.

Chairman Bynum said so let me stop there for a minute and ask staff, with our current laws the way they are now, have you ever issued a permit for the air curtain pit destructor? **Mr. Weckwerth** said I personally have not. My boss Rollin Sachs, who was the predecessor to Jennifer, issued, I believe, three in the 2016-2017 era. One to George Shaw, one to Miles Excavating, and I can't remember who the third one was. **Chairman Bynum** said so it's rare and it's for something big. **Commissioner Kane** said and those are big construction companies.

This isn't—where all this blew up at was a 40 or 50-acre area. I think the way we approached it, Droppelmann shows up with a gun and a taser to intimidate the property owner. I called the State Fire Marshal and he said the only time he's supposed to wear a gun unless he's going to a crime scene. So, that frustrates me because what does that tell our community?

This person had 40 or so trees blown down on the ground and all he's trying to do is burn them and somebody shows up. The Mayor went there and Juliann VanLiew went there. A series of people went there, and there were multiple mistakes that I can't prove or not prove happened on that property.

All I'm trying to do is get this where it makes more common sense for the common person. This is agricultural property and somebody that has a tree burn down in their yard, like me, a small yard, I'm going to haul it off. But in a case like that, it would have cost like \$25K or \$30K to haul off all those trees. So, the question was, just can I burn these trees? It was going to take more than the three days.

Commissioner Ramirez said I'm trying my best to follow along. **Chairman Bynum** said I know. It's ridiculous. **Commissioner Ramirez** said **Commissioner Bynum** brought it up, the need for two permits. What are those two permits? I know one is the state. That's required. What is the second one? Is that the permit we're asking for?

Mr. Weckwerth said correct. It basically provides us the information on the air curtain incinerator, the company that's running the operations, it's all about a whole page of information

that we collect and pretty much turn it around as a permit. I couldn't find anybody that had defined what the fee was. It is in the regulations that the Administrator can set an appropriate fee, but I couldn't find a fee anywhere. I asked my previous boss and he said we waived the fees. So, really it's a matter of filling out a page of paperwork.

Commissioner Ramirez asked, why isn't the state permit suffice? From what we know, state regulations, state laws kind of trump ours at a certain point. Not at a certain point, all the time. So, I'm not—why doesn't their permit that they have to get through the state, why can't we accept that information? **Mr. Weckwerth** said that is a permit on the equipment itself. Our permit defines where it's being used and what it's being used for. The amount of material.

Commissioner Ramirez said our permit that we're wanting is so that we know where's the location, how it's doing, and everything. **Mr. Weckwerth** said and we're supposed to go out and measure the pit to make sure it's compliant with the regulations and so on and so forth.

Chairman Bynum said and the state permit is...**Commissioner Ramirez** said for the equipment. **Chairman Bynum** said one of the things we're looking at is the if we determine that the air curtain pit destructor is needed, then you need to make sure they know at that point, KDHE requires a permit for use of that equipment.

Commissioner Ramirez said okay. I think I'm following along.

Commissioner Kane asked, has a resident ever asked for a curtain permit? **Mr. Weckwerth** said not to the best of my knowledge. **Commissioner Kane** said I don't really care if the business has to do it, that's fine. I just don't want a resident.

Chairman Bynum said right. I think we're saying if required. **Commissioner Kane** said right. **Chairman Bynum** said to me, that's kind of where we're handling the instead of shall, if the fire or director says it's required, then, but the door is open for it but would not be required...**Commissioner Kane** asked, wouldn't you guys have to go out and look at it before you give—you do have to go out there and look at it before you pass the permit. Is that right?

Fire Marshal Droppelmann said the way the current process works, they apply for the permit through Air Quality. He sends it to me in an email. I go out and make a site visit and look at it and go okay, it meets the requirements of what I'm looking for: the distance, water source, what have you. I usually take a couple of photos of the pile. If I see furniture or other stuff in there, I send it back to Air Quality either signed and approved or I send them the pictures going

hey, this one's probably worth you guys driving out there and looking at it because you may have an issue with what they're going to burn. I don't, like I said, in past meetings, I don't determine if they can burn, I just determine if they can burn safely. That's all my job is.

Commissioner Kane said and like I said before, a resident is not going to get a curtain.

Chairman Bynum said so, I think the rest of that is, and I'm okay with this, I just have questions about the mechanics of it. But the amendment of denial of a burn permit under this section may appeal to Wyandotte County District Court within 30 days. So, my only question there is, and I asked this of our staff, could we talk to the Chief Judge to ask them what process would they or have they set up for receiving a denial like that that would immediately go to District Court? I don't know if we've had time to get an answer, but it has come up. Modifying an ordinance to send something across the street to District Court without giving them a heads-up that hey, this might happen. You need to be prepared for it. So, it's really my only concern on that.

Commissioner Kane said this should be a good time for community input.

Chairman Bynum said so here's where I am. I appreciate what you're saying, absolutely, and we will do that. I think we've made a number of changes here that we believe we need to make and that are needed and helpful. Anything else before we take public comment?

Commissioner Ramirez said I'm trying to connect dots. I'm having trouble. So, if during any of the open burn periods or the extraordinary one that the Administrator may call if needed, all that residents need is just a permit from us, correct?

Mr. Weckwerth said yes. Our regulations allow for a burn permit in the spring and the fall. Basically, they can get a permit for three days to burn one pile over the course of three days, less than 100 square feet at the base. That is the assumption we're going for that any additional burns after a severe storm would be applicable the same way.

Commissioner Ramirez said okay. And then let's say a scenario, the Fire Marshal, the Health Department go out. They look at the pit and they see the pile and at that point, they determine that a curtain is necessary. That is when the second permit will kick in, correct? **Mr. Weckwerth** said no. It's actually a completely different permit. **Commissioner Ramirez** said

that's what I mean. The state permit would kick in, where they would have to go, if you determine that a curtain is needed. You would tell them you have to go to the state to get this permit to do this burn. **Mr. Weckwerth** said our spring and fall permits are just for, basically, local yard waste. We don't go out to each individual pile and inspect those. The ones that are larger numbers or larger areas are the ones that we go out and look at before we issue the permit.

Commissioner Ramirez said okay. So, you don't go out to every site? **Mr. Weckwerth** said no.

Commissioner Stites asked, how many do we get, Jon? **Fire Marshal Droppelmann** said easily in the spring and fall we average about 1,100 permits for each season. There's just no way for—we just take their word on it. They're signing on the permit portal they're going to abide by the city regulations. If a neighbor has a problem with it or if they're burning after hours, they call 9-1-1. Pumper shows up. If they're in violation, they educate them. If they continue to violate, they either call me or one of my investigators. We'll educate or serve them a summons, but we do not go out and pre-inspect any piles during that time.

Commissioner Ramirez asked how would we determine, you determine that since you're not able to go to every property that's requesting a permit, what indicators do you see within an application that they may need a curtain or how is that determination made?

Fire Marshal Droppelmann said that would happen on the out of season permits. The ones that aren't done on the computer during those two 30-day periods, you can get a burn permit anytime. You can apply for a burn permit any time of the year. You have to fill out the permit form through Air Quality and in there you answer questions. How much do I have? What's it composed of and all of that. If he feels like it's larger or extraordinary and it may cause an issue with air quality in our city, then we go out. Well, they go out and take a look at it. If they're not able to, they'll send me out and I'll go look at it and shoot pictures and send it to them. It's a lot easier for myself or the fire crews to get out there since there's only a few of them in their office.

Chairman Bynum asked, Commissioner, does that make sense? **Commissioner Ramirez** said yes it does. **Chairman Bynum** said it's kind of a different scenario. **Commissioner Ramirez** said yes, sorry. **Chairman Bynum** said it's no problem. **Commissioner Ramirez** said I'm having trouble connecting those dots. **Chairman Bynum** said I know. We've looked at it for so long.

Chairman Bynum asked, any other questions, comments? Given that we don't have any motions on the floor, let's ask the Clerk if anyone—if there were comments received electronically or anyone with their hand up virtually. **Ms. Sparks** said no comments received; no hands raised.

Chairman Bynum asked, from the public here present tonight, would you like to make a comment and step forward, please. Give us your name and city of residence.

Don Budd, 4021 N. 129th, said sitting on this side of the table it almost looks like Andy Reid threw the red flag first game of the season and the NFL's just getting back to him on the call in the fourth week. It's a lot of information to digest that they've given us. Common sense is going to tell me this, and this is specific to the air curtain, it's specific to a commercial use. An air curtain is going to be used or should be used in a commercial use 100% of the time. It should never be used in a residential use.

So, if we take that away, we're talking about compliance and we're scared of the KDHE and we're scared of the feds. If we don't issue a permit and it all goes through KDHE, how can we be in violation? We didn't issue a permit. How can we violate their statute if we didn't issue a permit? Does that make sense to anyone? **Chairman Bynum** said no. **Mr. Budd** said it does not, okay.

Chairman Bynum said since I'm the only one saying no, it doesn't make sense to me. Either we're in compliance with KDHE regulations or we're not. **Mr. Budd** said, but if you've not issued a permit, how can you not be in compliance? The state is issuing the permit. I don't disagree.

Chairman Bynum said I guess my question is, we're talking about air quality at that point so I'm not tracking. We don't have to spend a lot of time there...**Mr. Budd** said no because, obviously, you want an additional permit. So, I guess if you do want this additional permit, you want it specific to the air curtain, it should be specific to the air curtain for a commercial use, not residential use. **Ms. Sparks** said, sir, you have one minute remaining.

Chairman Bynum said and we'll give you the time that you need because I want to make sure I'm understanding you. We ask for a permit right now, do we not? **Mr. Weckwerth** said yes. **Chairman Bynum** said so the permit part is not in question. **Mr. Budd** said well it was because at the last standing committee meeting, the permit was going to be removed. That's what you all voted on. **Chairman Bynum** asked, the language removing the permit? **Mr. Budd** said correct.

Chairman Bynum said I'm not seeing that as one of the changes proposed. The additional permit was being struck. **Mr. Budd** said right and that's what I'm talking about, the additional permit is the UG permit. The KDHE permit's not struck; it's the UG permit that you guys struck. If you choose to want to have that permit and then want to have to be in compliance with KDHE, then we include simple language with all the other language that you've included tonight that simply says, in commercial uses.

Chairman Bynum said and this is where, again, I apologize because I'm going to give you the time that you need, but I need to understand with staff, this was kind of the question I was asking earlier and not well. Section 3-17(h)(1)(3) being suggested to be stricken says, an additional permit shall be obtained from the Director prior to the use of an air curtain open pit destructor, which to me, is not the same thing as just getting a permit to burn. So, that's where I'm not sure that you and I are talking about the same thing. I was under the impression that we would always, if I have to get a permit to burn a little pile of sticks in my yard during open burn time, I can't imagine why I would be okay with you not needing one to burn big, huge trees that fell down in a storm. So, I just want to make sure. Maybe I've misunderstood this whole entire time.

Mr. Budd said my understanding of it was, and I think the way the changes were presented, was the additional permit was for the air curtain destructor. **Chairman Bynum** said right. **Mr. Budd** said the permit which you guys had stricken in the last meeting; it had nothing to do with permits for burning residential yard waste. There's a pretty big gray area on residential and nonresidential yard waste, I guess.

But if you simply do this, if you want to have a permit for the people that are going to operate an air curtain destructor—and an air curtain destructor isn't something you have in your garage. It's something that's big. It's something that's costly. It's something that's overwhelming. It's something that everybody that has one knows the federal regulations and those state regulations. They're going to know local regulations if they apply. You choose to do that, just use it for the—you're going to get that additional permit specifically only for the air curtain destructor used on commercial projects. If you use that language, then you can have your permit, if you so choose, and you can have it for commercial use.

An air curtain should never be used for private use. It should never be suggested for a private use. It's a discouragement. It's much like the same thing that Droppelmann's talking about

on his enforcement. If we go out and we're using this air curtain destructor well, you're guilty because you're the landowner.

Okay. I'll give you a little bit. That might make a little sense because there's not many people are going to come dig a hole and put an air destructor on your property and burn it. I'll get that. But if they go to Commissioner Markley's backyard and she's got a pile 5 x 5 that she's been waiting for October to come and somebody catches it on fire, is she guilty? No. So, once again, you've got to distinguish between if you want the teeth in the language to say you're guilty; there's no presumption of innocence. You're guilty because you've got this air curtain destructor on your ground and we're going to issue a citation to you. That's okay, but you can't have that same applicable law to every citizen of Wyandotte County because it's not fair. It's not just. You can't say you're guilty because somebody shot a bottle rocket in your brush fire.

Chairman Bynum said I'm not and I don't have a problem with that part at all. A question for you, specifically. When the storm knocked down all the trees on the land that you own, if I'm tracking right, with the storms...**Mr. Budd** said well me and several other people. Dub's Dred Golf Course, there was a large area...**Chairman Bynum** said let's leave Dub's Dred to the side for a minute because that's a commercial application, in your example.

On your property, the trees that fell, and I don't know what they looked like. I wasn't there. Would you say that number of trees down was similar in any way to what it looks like when we are purposefully clearing trees because we're going to build a new subdivision? Were those similar or not?

Mr. Budd said not even close because what happened when this came through, a microburst tornado, it twists them off the top. It knocks branches down. I had Public Works come out. I had the previous Mayor's Office. I had a lot of people come out and they looked at this. Public, and they give me an opportunity, and I volunteered to do it. You can take it to the curb. I was going to take my equipment and take it to the curb. Public Works called me and said please don't do it. It's going to cost us, because they came out and analyzed it and it cost us \$110K to remove your waste. I said I'll bring it up there and put it there.

What I'm saying is this is a singular instance. This happened to me and so that's why I can speak to it the way I am. I'm passionate about it. You can't have somebody out here with a hand grenade and a flamethrower burning the residents in Wyandotte County down with these specific

regulations. You just can't do it because there are such things as bad apples in the enforcement side. There just is and we don't want to give them any more teeth than they have.

Chairman Bynum said I kind of feel like the work that we've tried to do here is...**Mr. Budd** said oh, it's good work...**Chairman Bynum** said is create it on a case-by-case basis so that we're not doing that. That's just my assessment. **Mr. Budd** said and that's where—we've come from here to here and now we're here. If we have a commercial use and a private use and we have two different—if we segregate those two uses, once again, you want a permit for an air curtain destructor, fine. Get a permit. If you want to have—you're guilty with burning an air curtain destructor on your property and you're guilty of burning, here's your citation. It's odd we're talking about citations and fines. The first group of great people that were up here were trying to do away with citations and fines, yet we're trying to encourage it on other sides. That's a whole different subject. If we take the private side, no air curtain destructor; not guilty until proven innocent.

Chairman Bynum said I'd be interested in if there was a municipality that had it structured the way you suggest. Did you have, Commissioner Ramirez?

Commissioner Ramirez kind of yes, because I think I'm tracking what you're saying. So, you're saying that for residential, as you said, residential private use there, they shouldn't be using a curtain? **Mr. Budd** said well, what we've got—we've already got something in place. October, we've got two times a year, two months a year, go get a permit. If we've got it now by the good work of this standing committee, we're going to have something if there's an extraordinary. If there's a storm, we're going to have something. If that happens, air curtain shouldn't be talked about. During the private, when you're getting the permit during those two months or you're getting a permit after the fact, the private use of it just sticks and should stick in everybody's crawl. You can't be guilty of something because it happened on your property. They can't use that and pull it like a pistol every time because you know what, sometimes your job is to investigate and do your job, bottom line.

Commissioner Ramirez said okay. So, that's the residential. You believe that residential, and you don't have to worry about the curtain, there's ample time throughout the year to allow for burning. So, then not having the prima facie evidence. But then on the flip side with commercial use, you say if we want to add a permit, that's okay? **Mr. Budd** said you've already got a permit. We were going to—the vote was to remove the permit. If you want to keep the permit in place,

which I believe is what they're asking for now, okay. **Commissioner Ramirez** said for commercial use. **Mr. Budd** said for commercial use, sure, go ahead.

Commissioner Ramirez said I think I'm tracking now.

Commissioner Kane asked, much how does this affect you? If we do what he said, how does that affect KDHE for these guys have already got a permit? If the trees fall down, they've got to get a permit anyway. I guess I'm slightly confused. **Mr. Budd** said KDHE wouldn't have anything to say about that. You wouldn't be using an air curtain. **Commissioner Kane** said that's what I'm saying.

Mr. Weckwerth said I'm going to speak for Jon here. I think I'm pretty comfortable in this. We don't have any problem issuing a three-day burn permit even on agricultural land, but when somebody asks for a 60-day burn permit, our antlers go up.

Chairman Bynum said and I do agree. That's a concern because, again, I'm going back to Public Safety and Air Quality. That's why we have departments like you and that's why these regulations are in place and that's why KDHE has standards and the EPA. That's what it's all about.

Mr. Budd said but they're talking about something to where the only way that's going to occur is if you've got an extraordinary event...**Chairman Bynum** said right...**Mr. Budd** said and then if it takes more than three days, it could take—somebody else is going to determine that number. They're going to ask the landowner. He's going to give their opinion. Somebody else is going to give their opinion. Here's what we're going to do. They can't do it without the permit.

Commissioner Kane said well, and here's something else. You couldn't burn that stuff in three days even if you wanted to burn it in three days. If you put it in a pile, all of it together, you couldn't burn it in three days. I think they would have to go back and get another permit. Is that what you guys are saying?

Mr. Weckwerth said I have a property that is one acre. When I first moved in about the back third of it wasn't cleared. I cleared it over the course of a couple of years. I got a permit every six months when I was allowed to get a permit, and I burnt it. Now, it wasn't over 26 trees or whatever we're talking about, but I did it over a period of time and I didn't have any problem with that. We can issue three-day permits, one in the spring, one in the fall, and if we have an extraordinary event, we can get one then too. **Mr. Budd** said I don't disagree with that. I agree with what he's saying. I'm just saying commercial should be treated separately than residential.

Can't be guilty on residential. A predetermined guilt. The other way, you're digging the hole. You're doing that. I get it, but soon logic's got to come into play at some point.

Chairman Bynum said the only other comment I have, and then I think Commissioner Markley had her hand up, is that if we don't adopt the changes that we've brought forward, then we have the same permit and ordinance and process that we have right now. Does that make sense? We have changes here that are necessary, pertinent, good, and helpful. Or we can do nothing again, which I am not a proponent of because if we do that, then what we have is what we have right now.

Commissioner Markley, I'm sorry if I kept glossing over your hand going in here. I apologize.

Commissioner Markley said, Commissioner Bynum, you just said something similar to what I was going to say so thank you. We have negotiated this to death. The purpose, you're smiling, it's true, the purpose was to provide some discretion so that when we have an emergency there's some discretion in how we handle that situation. So, my question to staff is, have we met that goal through all this? We've kind of gone off this way. We've taken this path over here. We've made all kinds of changes. We've come back and made some of the changes twice. The original goal was to create some discretion for emergency situation, so I'd like you to just speak to how this does or doesn't meet that goal.

Mr. Weckwerth said the only thing I'm uncomfortable with is issuing a 60-day permit. That was where this all came from. That was where Jon red flagged it. I agreed with his red flag. The idea of somebody having the opportunity to burn for 60 days straight where there's residential neighborhood within 1,500 feet, that's not good.

Commissioner Markley said but under this new language, it would be within your discretion to determine how long a permit could be. **Someone** said that appears to be what has been written by Jon Khalil in here. Yes.

Chairman Bynum said so the short answer is, the discretion that was sought was obtained. Mr. Khalil, would you agree? **Mr. Khalil** said I would agree. I think it's Section 3-17. I don't have my paper in front of me. I believe the amendment to Section 3-17(h)(1)(a) would give the discretion on when an air curtain is needed as determined on a case-by-case basis and then...

Chairman Bynum said here's where I feel like it's achieved in that section that you are reading from. 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. To me, one precaution might be you can burn for 5 days, not 10, not 15, not 20, etc. I'm not a lawyer.

Commissioner Markley said so, then I'm going to go where Commissioner Bynum was going and say listen, we can keep beating this horse or we can adopt what we've got now and we can circle back after it's been used a few times and we can decide if it's doing what it's supposed to do. Realistically, I did a few statutes in my time. You don't usually get it right. You don't usually get it right the first time because you find all these things that you didn't think were going to happen that way.

Action: **Commissioner Markley made a motion that we adopt the changes presented tonight and move ahead with this.**

Commissioner Markley said it doesn't necessarily need to be in the motion, but then I would recommend that after it's been used a few times, we have you back for follow-up to discuss if there are adjustments that should be made.

Ms. Meyer said just so Legal is clear, would the motion be regarding all of the proposed amendments, including proposed Amendment No. 9 regarding the potential appeal to District Court? **Chairman Bynum** said fine with me.

Ms. Meyer said I've talked to Judge Burns and I'm not sure that they would have jurisdiction. I know that we could research that a bit, but most jurisdiction is conferred on a statute and I'm not sure that there's a statute for more of an administrative issue. Everything else is good. We could always add that chunk later or do you want to leave it and then maybe with the understanding you might have to remove it?

Commissioner Markley asked, do you think we can get any comfort level before the full Commission meeting so we can deal with it there? **Ms. Meyer** said yes, definitely. **Commissioner Markley** said then let's put it in with that amendment and try to have that ready to make it official during full Commission.

Chairman Bynum said so, I have a motion. I need a second and then I'll call on you.

Action: **Commissioner Ramirez seconded Commissioner Markley's motion.**

Mr. Khalil asked, just to be clear, would this motion include adopting the amendments on the slide that's titled, Changes Proposed by Commissioner Kane, or not? **Commissioner Markley** said yes. That slide too. **Mr. Khalil** said so all of them. **Commissioner Markley** said all of them.

Chairman Bynum said we have a motion and a second. I'm ready for more discussion if we're going to have it.

Mr. Budd said in all that, I guess the biggest issue or the two biggest issues we talked about was the permitting by the Health Department for the air curtain. That's in the new changes so, the permitting process will stay, correct? **Chairman Bynum** said it's my understanding, yes.

Mr. Budd said the guilty forever policy...**Chairman Bynum** said, sorry, sorry, sorry. Mr. Weckwerth.

Mr. Weckwerth said I'm sorry. I believe the changes that are proposed that came from Commissioner Kane include removing the additional permit by the Division of Air Quality. **Chairman Bynum** said and this is where I keep stumbling because the additional permit, in my mind, means the air curtain destructor permit. Is that what it means or not? **Mr. Weckwerth** said there are two permits for an air curtain incinerator: air curtain incinerator, air curtain open pit destructor, all the same thing.

Chairman Bynum said in this Section 3-17(h)(1)(ii), Mr. Khalil, which permit are we referencing if we strike the language, and additional permit shall be obtained? **Mr. Khalil** said that permit we currently require if someone is going to use an air curtain destructor.

Chairman Bynum said but we're still getting a permit to burn, yes? **Mr. Khalil** said they'd still be getting a burn permit. **Chairman Bynum** said we're getting a permit to burn. That's not going away. I want to see every head nod. Casey, Jon Khalil. **Mr. Khalil** said yes. **Chairman Bynum** said and the striking of 3-17(h)(1)(ii) when we say, additional, we mean the destructor. **Mr. Weckwerth** said we mean the permit that the Division of Air Quality issues, not necessarily the permit that the state issues. **Chairman Bynum** said correct. I got that part. **Mr. Weckwerth**

said right. We're on the same page. **Chairman Bynum** said that's where I was going back. Thank you, I appreciate that. That's where I was going back to reference 3-17(h)(1)(a) which says, if.

Gail Bergman, Air Quality Supervisor, said I just want to clarify. All our work is paid for by the state through a grant. We issue state permits for the county. So, any state permit, we issue. We inspect the facilities. We issue the permit. So, when you say a state permit, we still handle those. It's not like—I just want to make it sure. It's like not off in la-la land. We still do those.

Chairman Bynum said I do appreciate that. But it is a different permit. **Ms. Bergman** said correct. **Chairman Bynum** said it is a state permit and not part of this ordinance. **Mr. Weckwerth** said it is truly an additional permit.

Chairman Bynum said okay. What else? Again, I'm going to say this is more than nothing, and we can always do more work and make more adjustments. With that, I'm going to ask for roll call on this item.

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

Chairman Bynum said, Mr. Budd, thank you. I really do sincerely...**Mr. Budd** said I'm not quite sure what we passed tonight. **Chairman Bynum** said well, we'll let you read it. **Mr. Budd** said I'll dissect it by the Commission. **Chairman Bynum** said thank you. And, again, as Commissioner Markley has said, after we hopefully go through, I mean we don't want to go through another storm like that, but as we interpret this and use it, if we need to look again, we'll look again.

Mr. Budd said and I just want to say thank you to the standing committee. If we look at this and we have further discussion at the Commission meeting, I hope no one's offended. I think I understand what we passed, but I'm not quite...**Chairman Bynum** said well, good. Then you can come up here and join us. Thank you very much. Thank you to staff. Thank you also to the staff who's been waiting and listening to all this discussion.

Item No. 6 – 211937...PRESENTATION: COMPOSTING REPORT

Synopsis: Presentation of findings of a feasibility study funded by an EPA grant for potential composting operations, submitted by Jeff Fisher, Executive Director of Public Works.

Chairman Bynum said if I'm tracking correctly, Jeff Fisher, Public Works, is going to give us a presentation about composting. Thanks for your patience and thanks to your staff for their patience as well.



Jeff Fisher, Executive Director of Public Works, said you might recall last year, Jonathan Gutierrez worked with Burns & Mac to secure an EPA grant to determine the feasibility of a composting operation. We've done the majority of that work. We have to report back to the EPA here in a couple of weeks, so we wanted to report to the standing committee before we did. There's a couple of final numbers and some cost estimates that we still have to fine-tune, but we're going to let you know kind of what this feasibility looks like. It is feasible. There'll be questions about whether or not to pursue that, but we'll determine that at a future date.

I'll hand it over to Julie Davis with Burns & Mac, who's been with us throughout this and let her highlight the feasibility study.

Compost Facility Feasibility Study

- ▶ Funding: \$95,000 - EPA Sustainable Materials Management Grant
- ▶ To evaluate the feasibility of a UG - owned and operated compost facility for material currently being landfilled:
 - Food waste
 - Tree and yard trimmings
 - Biosolids
- ▶ Additional motivation to compost biosolids due to increasing disposal rates at landfill
- ▶ End product could be utilized by UG, made available to UG residents, or sold



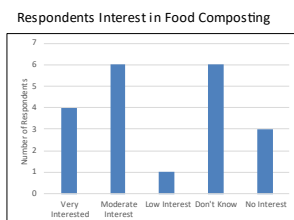
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Julie Davis, Burns & McDonnell, said thank you for inviting me here to present the findings of this study that we assisted with. Congratulations, again, on securing the EPA funding for this exciting project that's through the Sustainable Materials Management Grant. The EPA is particularly interested in food waste diversion through composting, so that was the focus of this study as well as other materials such as tree and yard trimmings. As we know, Unified Government residents are allowed to put out their yard waste and it goes to the landfill. The idea is if this facility, in the future, could handle that material if it was set out separately for composting. Biosolids, which are currently going to the landfill, will be going through the proposed Kaw Point anaerobic digester project. This study assumed that that project would process the biosolids from the wastewater treatment plant and the compost facility would handle the digested biosolids at the end of that process.

Motivation for this project not only to divert food waste and yard waste, but just the biosolids. Landfill rates are going up. Then the environmental impacts that this product, compost product, could be utilized by the Unified Government in your operations and defer costs that are otherwise assumed, and make it available to residents and even sell this product for revenue.

Task 1: Stakeholder Engagement

- ▶ Identify and survey large food waste generators: i.e., school districts, food manufacturers, large employers, residential facilities, grocers, etc.
- ▶ One-on-one meetings with material processors regarding potential partnerships:
 - Missouri Organic Recycling – regional compost experience
 - KC Can Compost
 - Food Cycle KC



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So, we were tasked with engaging stakeholders we identified as large food generators and surveyed them. We made sure that we included a variety of different generators. We engaged school districts, food manufacturers, large employers, residential facilities that would be multi-family and grocers. We had one-on-one meeting—let me stick to that point. We engaged and did this survey. The results were very interesting. This snapshot is the graph at the bottom where we asked, are you interested in food composting with these types of entities and it ranged all over the board. Very interested to, I have no idea what you're talking about.

So, I think that there's an opportunity. Those who want to do it are motivated to divert food waste, and then there's just a lot of education that would need to be done to capture more material along the way. Other communities across the country have been experiencing this because food waste is a very hot topic.

We also had one-on-one meetings with material processors, so Missouri Organic Recycling is the name in the Kansas City metro area that handles compost including food waste. They were very interested in this project and wanted to be a potential partner on this as a P3, and we continue to engage with them on this project. Then there's a couple of smaller operations that collect food waste and handle it, and they're also interested in this project. It was all very positively received and not seen as being in competition with the private sector.

Task 2: Site Evaluation

Two Sites Evaluated:

- ▶ Riverview
- ▶ WWTP 20

Selected WWTP 20

- ▶ Within industrial area — decreases concerns with residential neighbors
- ▶ Sufficient space for operational needs
- ▶ Co-located with other public works services
- ▶ Staff resources onsite



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We did evaluate two locations for a proposed compost facility. We looked at a site at 82nd & Riverview and Wastewater Treatment Plant 20. We looked at, let me see my list here, the hydrologic geologic hydrogeologic conditions. We looked at proximity to residents. We looked at access to utilities and environmental impacts. Based on all of those evaluation criteria, the city staff selected the Wastewater Treatment Plant 20 to move forward with for the concept design and financial feasibility. This is because that area is within an industrial area. Within one mile, the proximity to residence is 100. A population of 100 versus 3,300 which I think was a driving factor. There was sufficient space for the operational needs, and it's already where the household hazardous waste facility is and the wastewater treatment plant, so there's already staff resources on site and it just outshone the Riverview location.

Chairman Bynum asked, can I just ask you a question, Jeff? That location, because this is going to be wildly popular. Can that location handle additional traffic? **Mr. Fisher** said we did discuss that and we feel confident it can.

Ms. Davis said for anybody who doesn't know Wastewater Treatment Plant 20 is—can you describe where that's located in the county? **Chairman Bynum** said I think it's down south. **Mr. Fisher** said I do know where it's at. It's at 88th St. **Ms. Davis** said it's near the landfill. **Mr. Fisher** said I've been there several times.

Task 3: Feedstock & Processing Evaluations

Feedstock	Tons Projected Capture (2035)
Combined WWTP AD Biosolids (Wet)	25,550
Community Brush Drop Off Centers	1,684
BPU Tree Trimming Waste	5,290
UG Operations Waste (Parks, PW)	1,330
Recovered Bulking Agents	2,000
Commercial Food Waste (potential)	5,240
UG Residential Yard Waste (potential)	5,307
Johnson County Residential YW (potential)	3,540
Commercial Landscape Customers (potential)	TBD
Total Tons	55,415

C:N Ratio	34.08	Target 2040:1
Mix Moisture	59.33	Target 4065%

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Ms. Davis said we looked at the feedstock and what could be handled at that facility. We looked at a projected capture for the future so that this is designed to meet the future needs. I think that the most exciting part of this feasibility study was that the site would be large enough, could be designed large enough at that location to handle all of the biosolids generated at the Kaw Point AD facility. This is an alternative to other means of disposal for that material that's coming out of that facility.

We looked at all of the items in blue are materials that are being generated currently and projected volumes for the future. The BPU tree trimming waste would be a critical piece. Tree trimming waste is critical for composting biosolids. Community brush drop-off centers and we know that UG operations is generating this type of material already. Then there's projected potential materials. That commercial food waste we identified that we could capture up to 35% of that in the future. Then the residential yard waste, we talked about how that's currently going to the landfill, but potential for diversion, as well as Johnson County, which already has yard waste restrictions, that some of those haulers might see a benefit to coming and using this facility. That could be a revenue stream as well as commercial landscaping customers, if you wanted to handle additional material from outside sources for revenue generation. Capturing all of these materials fell within the parameters of the proper carbon to nitrogen ratios, which helps control odor as well as the moisture content which is necessary for properly composting.

Task 4: Technology Evaluation

- ▶ Windrow
- ▶ Aerated Static Pile (ASP)
- ▶ Covered ASP

Selected ASP due to:

- ▶ Odor control
- ▶ Lowest operations cost
- ▶ Passive monitoring; no turning



Stanwood, WA-Photo courtesy of ECS

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We looked at multiple composting technologies. Windrow technology is pretty common. We looked at aerated static pile, which is pictured in this slide, and a covered aerated static pile which is modified for odor control. Again, based on all of the criteria that was presented, staff selected the aerated static pile. It has a higher level of odor control than the windrow, and the control is so much better that taking that additional step up to the covered area, the static pile doesn't get you that much more odor control but it's a significant more cost.

Out of all three, it has the lowest operations cost. Windrows are actually a very high operating cost because of the staffing that's required. It's passive monitoring and no turning. You can see this is a facility out in Washington. The piles are all located next to each other so it has a smaller footprint. It can handle a higher capacity. Because of the biofilters that are applied, the odor is better controlled. It's not turned so it doesn't kick out the odors that the windrow type does.

Task 4: DRAFT Concept Design



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This is a draft concept design. We turned this slide deck in two weeks ago and it's already had several modifications to it. So, please know that this is draft and still a process that we're working through. You can see that there's areas for the incoming material, the feedstock. There's areas for the static piles, curing piles, and then finished compost. Because compost is seasonal, material comes in seasonal that we have to have storage piles to handle material for multiple months and the final compost for multiple months. You can see it fits well within the site.

We're finalizing the financial piece of this, but our estimates that we've worked through that we're comfortable with right now is that it's going to come out to about \$40 to \$45 per ton to process at this facility. That includes a 10-year bond at 3% interest. That includes capital and operating costs around \$40 to \$45 per ton.

Feasibility Study Key Findings

- ▶ Adequate and appropriate site for composting

Environmental Benefits:

- ▶ Opportunity to divert materials from the landfill
 - Food waste
 - Biosolids
 - Yard Waste
- ▶ Opportunity to create a valuable product to be used internally and distributed to residents
- ▶ Local control for future management of biosolids and yard waste

The key findings with everything that we've looked at with this, is that you have adequate and appropriate site for composting, that there are environmental benefits to divert this material from the landfill, and create a viable product that can be used and distributed, and a higher benefit to this material than otherwise landfilling. It gives you local control over the future management of your organic waste. That one is my last slide. Thank you.

Chairman Bynum said thank you very much. I appreciate it. It's nice to get the grant because it showed us that we can and should pursue the project, in my estimation. It's an information only item, so we don't have to do any voting but I see a couple of hands.

Commissioner Ramirez said my question is more on Task 3. I know I listed it as potential but for Johnson County residential yard waste, how would we be able to track that? How would we be able to create that as a revenue stream?

Ms. Davis said the City of Olathe has their own compost facility so we did not consider any of their waste as potential coming to your facility. Johnson County landfill has Waste Management, has their own facility, so we eliminated all of that which was about 85% of all the yard waste being generated in Johnson County. We took that other 15%, which a lot of it is in northeast Johnson County. That's where those haulers, which don't have facilities, are collecting and we assumed 50% of that. So, it's really just 7.5% of the total yard waste that's generated. That was our assumption. We're not assuming that all of Johnson County's waste would come. It would be if you wanted to create a revenue, you could open up that for haulers to bring in that material to your facility. We don't know if it's potential, but that is a very conservative estimate of how much material we thought that you could receive from it.

Biosolids require a lot of carbon and so bringing in more leaves, the better. The more leaves you can get, the better. Just keep bringing in leaves and so that was another component that helped you get to that carbon to nitrogen ratio.

Commissioner Ramirez said let's say this is something we have it built and everything and Public Works you come to us and say you want this as something that we can work on. How would we— if a hauler from Johnson County wants to come over to our facility, do they have to—would they, I mean, this is a very premature question—I'm just curious—when they—would we create like an application process or something so that we know that they're from not within the county? That's where I'm, again, I know it's potential but I'm thinking ahead.

Mr. Fisher said that's farther ahead than I thought so far. I don't know. Julie hasn't experienced that. It's okay. It's a fair question. It is a little bit into the future.

Ms. Davis said I can say what other compost facilities do when they—it's kind of like a transfer station, but there's no scale. It's just you've got a flatbed, it's so many yards of material; it's a charge per yard and you would just have an account. You would have like a scale house operator without a scale house.

Commissioner Ramirez said okay. That makes sense. Thank you, again. Sorry. It's very far in the future.

Commissioner Markley said I just wanted to say how excited I am. We compost fairly extensively on our property so definitely familiar with the process on a small scale and excited to see us implementing it on a larger scale here. So, really excited that we did the study and very excited to see it move forward.

Chairman Bynum said thank you very much. Agree. Anything else on this item? It was informational only. I really appreciate, again, you waiting and being here to share.

Oh, my question, Jeff, was are there grants to pursue for building and operating? **Mr. Fisher** said we've talked about that a couple of times. We believe there will be opportunities and we definitely want to explore those. **Chairman Bynum** said that would be good. Just keep us composted. It was a joke.

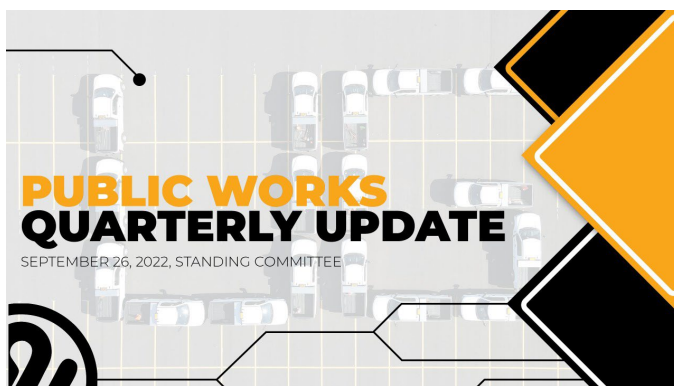
Action: For information only.

Item No. 7 – 211936...PRESENTATION: PUBLIC WORKS QUARTERLY REPORT

Synopsis: Presentation of a quarterly update on new initiatives, programs, and challenges, submitted by Jeff Fisher, Executive Director of Public Works.

Chairman Bynum said the last item on this agenda is our quarterly report from Public Works.

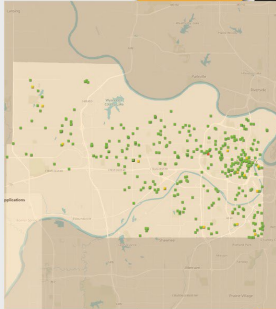
Jeff Fisher, Executive Director of Public Works, said I'm going to hand it over to a much better group that's probably better prepared.



Robbie Anderson, Public Works Asset Manager, said tonight, we're going to go over some great work that's going on inside the Public Works Department. We're going to cover things like technology, how we use them to engage the public, and how we kill weeds with some of our equipment. We're also going to cover our culture and how we communicate with the public about projects.

RIGHT-OF-WAY PERMITS

- New online permitting process
- Manages multiple permit types
- Has a public map residents can view for information about their neighborhood



Jay Clare, Information Systems Analyst, Asset Management Team, said I wanted to quick talk about the new right-of-way permitting process that we've deployed here. It was developed in-house using software that we already had available to us so it was not made at any additional cost to us. It's able to handle multiple different types of permits so whether you're looking for a dumpster permit, a driveway permit, etc., this will all be handled in this software.

I really wanted to highlight a new public-facing hub that we've released. This is live right now. You can go on there and see all the different types of permits that we've collected. You can see who's doing the work, where this work is being done, what the work is, and then when you can expect that work to be completed. So, if you go to the Public Works site, scroll down to the right-of-way button and click on that, you'll be able to go there. Thank you.

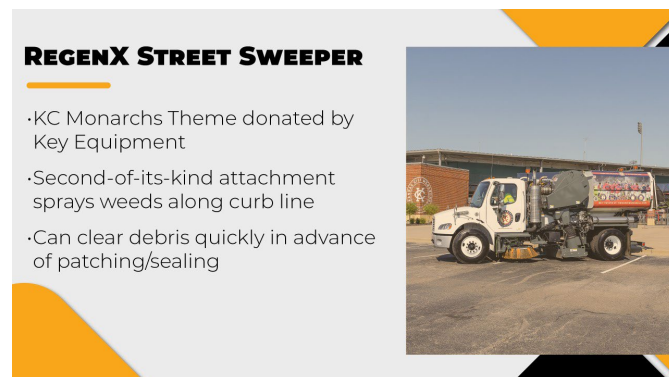


COSTS & INFLATION

- 2 signal projects bid for 30% more than previous years
- Asphalt cost has increased approximately 35% since fall 2021
- Additional cost increases are expected
- This will impact current and future projects

John Kelly, Director of Facilities, said you guys have been hearing a lot about this, especially through the budget process, about cost and inflation so I'm just going to point out a couple of items here. Two signal projects bid for more than 3% than previous years. Asphalt has also increased almost 35% since last fall. As we've been telling you through the budget process that the costs that we're seeing are still increasing as we're working on other projects and future projects. We went to you guys in the last four months on just a couple of building projects as well where we asked for additional funding.

So, I just think it's something that we wanted to bring up today that it's real. Since September of 2021 to now, we're almost at 8.3% inflation across the board. If interest rates start to go up, maybe that inflation number will start to come down, but either way, we just wanted to make sure that we brought it to your attention again tonight that future projects still may be impacted due to inflation and supply chain issues. Thank you.

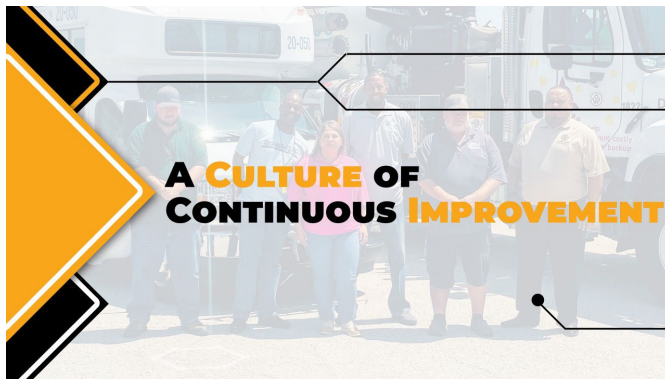


Vince Billagio, Manager of the Street Division, said recently we took delivery of a new street sweeper. This is just another example of Public Works finding ways to improve our efficiencies. First I'll note the monarchs wrap on there that was donated by Key Equipment Company. There's a few things that are unique about this machine. First it's a truck-mounted machine that differs from our current sweepers. This can drive highway speeds, so decrease travel time, increase sweeping time.

Secondly, it's a regenerative air machine so it's kind of like a vacuum opposed to our current ones that have brooms on the outside and a broom on the inside. This has a vacuum on the inside so this will really help with crack sealing, which we know is the most important street preservation activity.

Thirdly it has a sensor on the back that can detect weeds in the curb line and it has a herbicide tank on there that will automatically spray the weeds.

Chairman Bynum said, Mr. Billagio, before we go on, can I ask you, could you send that vehicle tomorrow to Leavenworth Road and run it from 38th Street to at least 55th? Please. **Mr. Billagio** said I will jot that down for you. I think we could use it everywhere. **Chairman Bynum** said thank you very much. I'll let you continue. **Mr. Billagio** asked, Jake, are you mapping that?



Then I want to speak to our culture of continuous improvement. So, starting in the fall of last year, a small group of us met together to kind of outline a path forward to engage the broader Public Works Department staff on the types of improvements that might bring efficiencies about to the department so that we can provide quality service to the public regardless of whatever stressors are put on staffing demands or the changing to adapt to the needs that face our community.

One of the outcomes of that was a change in how we're bringing engineering all into one group, so that's going to streamline both how we do engineering projects and project management, but it's also going to bring those engineers closer together so that they can benefit from the tacit knowledge that they'll provide sitting by one another. Then we're going to continue to do more improvements in the future so those staff-led conversations and ideas for improvement will be implemented over the coming months and years.



EARLY LEARNING DRIVER TRAINING

- In-house program saves money
- Meets all DOT requirements
- Minimizes impact on daily operations
- Retains team members
- Trains for safety and efficiency

Serena Lopez, Fleet Division, said beginning February 7, 2022, all new drivers were required to follow updated requirements as set forth in the entry level driver training regulations by the US Department of Transportation Federal Motor Carrier Safety Administration. Our committee's goal was to design a program that will provide an efficient and cost-effective training tool that will make our drivers more efficient, safer to themselves and to the public. We have succeeded that by designing our own UG CDL driving training program that saves money and is an excellent recruitment and retention tool. Internally, we'll spend only \$149 each driver versus \$5,800. That is the cost charged in our outside program. We provide on-site classroom education and behind-the-wheel training in the actual vehicle they will be performing their services in our community. We are maximizing productivity by having team members perform city services while training. Our program has already saved \$20,357 to date. This unbudgeted cost would have taken further service away from our community.



RECRUITMENT TEAM

- In-house program
- Travel to local schools and career fairs
- Develops relationships and attracts talent to career opportunities

Duane Smith, Street Division Operation Supervisor, said I'm going to talk to you today about the recruitment program that we implemented. Our recruitment program is targeted towards the high school seniors right here in our own backyard; the ones that may be uncertain about their plans after high school.

Our team consists of myself, Diana Jimenez, Conrad Vega, Brandon Wayne, and Brad Phillips. Together we create this powerful and diverse team of Public Works, with leadership and positive culture being our driving force. We started by attending the local high school job fairs, which was a success. We were able to bring large pieces of equipment for students to jump in and touch while we educate them on the day-to-day responsibilities and importance of the services that we provide for the community that we all serve, that we all share.

This is just the beginning. We also have the support of the USD 500. We are planning a field trip for students to safely visit our various job sites and be able to jump and be able to see this work done live. Our team also had a chance to go to the UMKC early talent summit back in July. This was an event for professionals interested in recruiting, developing, and retraining the next generation of talent. We were able to hear from the college students to get their perspective on the new generation of professionals and what they're looking for and the ways that we can grab their attention as a workforce.

Chairman Bynum said, sir, a question for you. This is exciting for me. I mean I like everything that's coming forward, but what I appreciate about this, and I'll just ask you a question. Did you think in your youth that you would be working for Unified Government, city or county government? Was that on your mind in middle school or high school or even maybe early college?

Mr. Smith said I'm going to say no. **Chairman Bynum** said and I'm guessing that's what you would say. **Mr. Smith** said right, but kind of what helped me, what kind of led me and forced me to this position I'm in today is, I did attend the summer help program. So, I kind of got my feet wet. When you're looking for a profession, you keep hearing Unified Government is a good place to work, the benefits, so that kind of, I guess, enhanced me, helped me make my choice.

Chairman Bynum said and thank you for that. I like that because you've kind of furthered my thinking which is, this helps young people understand you can come here and have a career. I think that's what you all are doing. I think that helps. What you're doing here helps our young people understand you can have an actual career here.

Commissioner Johnson said you had, just at the last sentence or two, mentioned some of the lessons that we learned from the new generation. Since we have this comma here, could you speak to some of those lessons or some of the comments that you heard from the younger generation?

Mr. Davis said a couple of things, well I'll say one thing that kind of stuck out to me when we did go. One of the students got up, presented, and he pretty much said that the newer generation, they like feedback fast. They don't want to wait. I mean it takes time going through the process of hiring. Transparency and just being, I guess, it's pretty much just knowing what's going on. They want to understand what's going on. They want to know the whole process pretty much. It's not like hey, you didn't get the job and that's it. They want to know why. What they can improve on. How to better themselves for other opportunities.

Chairman Bynum said thank you, and I'm sorry to interrupt.

Commissioner Kane asked, did you say KCK school district? Is that the only one you're working with? **Mr. Davis** said as of right now. **Commissioner Kane** said that's a good start, but we have Piper School District, Turner School District, Bonner School District. **Mr. Davis** said sorry. I want to say we are working with Turner. We're working with Turner. **Commissioner Kane** said maybe I said that wrong. **Mr. Davis** said let me just clarify. We went to all the schools, Piper. **Commissioner Kane** said I didn't hear? What did you say? Piper? Go ahead. **Mr. Davis** said Piper. Piper Pirates. **Commissioner Kane** said good. Thank you.

Chairman Bynum said thank you. Please continue. So, wherever you left off, please continue.

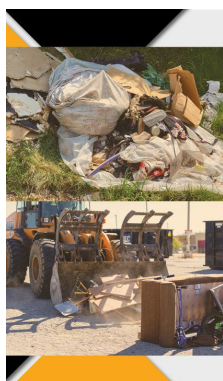


Sam Her, Public Works, said I get the opportunity to speak about something that, as a department, we're very passionate about and that's our strategic plan. We update our strategic plan every two years to help us re-emphasize and make goals that align with the needs of our community. In this most recent iteration, we built a team of—built a team to create the strategic

plan that had members from all levels from managers and supervisors to technicians and operation staff. So, we got a wide range of perspective. That was very valuable in building this plan.

We also worked on our vision statement, mission statement and key value statements. Our vision statement is developing leaders at all levels. Our mission statement is to promote great culture, making bold decisions, and providing sustainable infrastructure that protects and enhances our community. Some of our key, one of our key value statements is to help us align and stay on track is to hire for attitude and train for skill.

We also spent a lot of time developing culture. We want to promote a culture of positivity and excellence in leadership for all members of our team. We believe that this really benefits our department and the Unified Government as a whole, but ultimately, it's going to change how our community looks and sees things. We're really excited about this plan.



SOLID WASTE

- Significant staffing challenges
- Diana Jimenez, Jeff Miles, and Dave Reno are working with Waste Management and consultants on daily activities
- Opportunity to plot a new course
- Next Dumpster Days near the end of October at Wyandotte County Park

Diana Jimenez, Office Manager, said in our Solid Waste Division, we currently have some staffing challenges. We have two full-time positions that are currently vacant. Those are the only full-time positions in this division. So, in the meantime, Jeff Miles, Dave Reno, and myself are working with Waste Management and the consultants on a daily basis. This has given us the opportunity to understand the process and the challenges within the program. We have evaluated missed pickups. In most situations we're able to pinpoint the cause and then take corrective action.

We have made some operational changes. We've increased communication with the residents. We also go out to their homes and speak to them and kind of identify some of the things that need to be changed and work with the route managers with Waste Management. We also explain how to set out items at the curb, the importance of the appearance of the community, and also how loose litter can cause some of the items to go into the storm drains and how it can end up around the neighborhood. At the end of the day, we have maybe a handful of misses.

So, our next event is in October for the Dumpster Days. That's going to be October 15th at Wyandotte County Park. Not only is this important to our community, but it also helps Waste Management with bulk pickup.



Trenton Foglesong, Engineer, said I'm going to talk to you a little about what we have going on in our stormwater corridors. Basically, our prime focus, of course, is sustainable infrastructure, environmental compliance, and then meeting targeted levels of service for our citizens. While doing that, we have the consent decree which has several projects down in the Jersey Creek Watershed, and we've also been pursuing stormwater initiatives down in Jersey Creek tied to the WIFIA Program and other opportunities ongoing in that area.

When we started moving forward with both consent decree projects and stormwater projects, just kind of getting ready and poised to move forward, we actually heard back from some community members that past projects and UG efforts, they don't feel like they were really heard. So, we're actually kind of taking a time out right now and taking a step back and working to reformulate a comprehensive approach on how we can make sure that we're engaging all stakeholders and everyone has a chance to be heard so we can consider those as we move forward and make sure that we're doing maximum public good with the public dollars that we'll be spending. So, there may be a slight pause. Like I said, that's still taking shape right now, so we'll have to report back to you as that comes together.

In the meantime, there are some early phases, or phase one projects tied to the consent decree primarily that may move forward, but we're being cautious and careful to make sure that we only do the work that really has to be done and doesn't preclude any opportunities we might have in the future for the public input.

Mr. Anderson said, finally, I would like to thank the Public Works Standing Committee. This is my last standing committee meeting. I want to thank you for your work on the CMIP process and in the infrastructure subcommittees. I hope you carry on with being data-driven regardless of political whims that you might face that Public Works has to think in different timespans. There's things we have to do tomorrow, but there's things we do so that this city can be here 25, 50, 100 years from now. Just keep that in mind, that long-term vision and the need to do that. I'll be holding your feet to the fire as a resident in the future.

Chairman Bynum said I was going to ask you if you were—you know you can participate in a different way now. **Mr. Anderson** said I hope to do so. **Chairman Bynum** said what you can do is come in person to these meetings and get up and speak and the podium. **Mr. Anderson** said yeah. It's a late hour and I figured this was some sort of send-off for me. Forgive any consequence this action might have on Jeff's spatial awareness.

Chairman Bynum said I just want to say how much, I'm sure I speak for everybody, we appreciate the time and effort you've given us. It's so appreciated and it is a loss, but we have to wish you well and we have to let you continue your career and move on to do it. If we were going to be good people, we have to do that.

Chairman Bynum said I have a question on the Dumpster Days at Wyandotte County Park in Bonner, correct? **Mr. Billagio** asked, so now you don't want this part of solid waste? **Chairman Bynum** said I'm just asking. **Mr. Billagio** said yes, Wyandotte County Park in Bonner. **Chairman Bynum** said you mean the Wyandotte County Park in Bonner. **Mr. Billagio** said yes. Wyandotte County Park in Bonner, yes. **Chairman Bynum** asked, are we opening that county-wide? Is that a county-wide event? **Mr. Billagio** said correct. **Chairman Bynum** said okay. Has it always been? **Mr. Billagio** said yes. **Chairman Bynum** said okay. Excellent. That's all I have. Questions, comments?

Commissioner Ramirez said I always get happy when Public Works comes to do their quarterly update. As always, our Public Works Department, you guys are a case study that efficiencies are there, innovation is there. You just have to, as a department, work together. I think when, especially with myself, infrastructure subcommittee, one of the biggest roles I wanted to make sure

we had was to have those open and candid conversations. There's no use in us beating around the bush. Let's just get to the subject. Let's get to the topic and have those discussions and that's what we did. That's what Commissioner Bynum's subcommittee did and that's how we are able to come up with that amazing document that we now have as our guiding star.

I want all UG departments to look at our Public Works and say it can be done. We just have to sit down, work together, have those open conversations, and create that culture, that atmosphere. Public Works has done it. It's not hard. I thank every single one of you for having those open and candid conversations with each other as a staff.

I know a couple of weeks ago I was on the phone with Commissioner McKiernan and he went to one of the workshops. I don't know what...**Ms. Jimenez** said the roundtable. **Commissioner Ramirez** said the roundtable. Thank you. He could not stop talking about it. He was blown away with it. That's something all departments need to do. We're creating all these tunnels where all departments just stay within their own cubicle or their own silo, but if the whole department works together, we can make it work.

This report showing yeah, even though economically we have rising prices, inflation, you guys are still trying to find the best way possible to do the job, and so I thank you for that. Robbie, I thank you for the work you've done. I know the two words I'll always know you by that is data-driven. That you helped us, as a Commission, view infrastructure as data-driven. I will pledge to you that I will continue to do that. So, thank you for all that you have done for the UG. We're sad to see you go.

Overall to our Public Works Department, thank you, thank you, thank you for all that you do. It does not go unnoticed.

Chairman Bynum asked, Commissioner Markley, did you have a comment?

Commissioner Markley said sure. Commissioner Ramirez said a lot of it, but this is the department, the bar, by which all other departments should be measured. The work that you guys do is amazing. You're each amazing leaders in your own piece of this department. I hope you feel proud of that, and certainly we're proud to have you and see the work that you're doing. I don't think we can say it enough, just a huge amount of appreciation for the leadership coming out of this department.

Robbie, if I could hog-tie you and keep you here I would. But since I can't, I will wish you well. I hope we'll cross paths again in the future.

Chairman Bynum said thank you so much. Thanks to all of you. Appreciate it and thanks again for your diligence and hanging out with us until it was time for the presentation.

Action: **For information only.**

Chairman Bynum said we are done with our agenda items, however, we do have a person who has requested public comment.

PUBLIC AGENDA

Item No. 1 – 211885...APPEARANCE: CHRISTEN FORNAL-HIGBEE

Synopsis: Appearance by Christen Fornal-Higbee to discuss KCK Animal Services.

No appearance. Clerk will contact requestor to reschedule.

Chairman Bynum said I want to apologize to this resident because I never dreamed we'd have three hours of Public Works and Safety meeting, but it was good. It was all good, but I don't know if our resident is here in person or online.

Ms. Sparks said, Commissioner, she was online at the beginning of the meeting, but our speaker has since left. I'm not aware of anyone here. **Chairman Bynum** said okay. I was afraid of that. I really wanted to hear her.

I'm going to make a request and ask Legal if this is possible. If we reach out to her again, is it possible that we could assure her that she would be the very first item on the agenda? **Ms. Meyer** said yes, we can do that you. **Chairman Bynum** said I want to give her an opportunity to speak. It isn't fair for her to join at 5:00 and wait till 8:00, so thank you very much.

ADJOURN

Charmin Bynum said I will entertain a motion to adjourn this meeting.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez to adjourn.

Chairman Bynum said roll call on the motion, please.

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

The meeting was adjourned at 8:19 p.m.

am/cg
