

**MERRIAM CITY COUNCIL AGENDA  
CITY HALL  
9001 WEST 62<sup>ND</sup> STREET  
FEBRUARY 22, 2016  
7:00 P.M.**

<p><b>If you require any accommodation (i.e. qualified interpreter, large print, reader, hearing assistance) in order to attend this meeting, please notify the Administrative Office at 913-322-5500 no later than 24 hours prior to the beginning of the meeting.</b></p>
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**I. CALL TO ORDER - PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. PUBLIC ITEMS**

Members of the public are encouraged to use this time to make comments about matters that do not appear on the agenda. Comments about items on the regular agenda will be taken as each item is considered. ***Please note: individuals making Public Comments will be limited to 5 minutes.***

**IV. CONSENT AGENDA**

All items listed under the heading are considered to be routine by the City Council and may be enacted by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case that item will be removed from the Consent Agenda and considered separately.

Council items:

**V. MAYOR'S REPORT**

**VI. PLANNING COMMISSION**

**VII. COUNCIL ITEMS**

**A. Finance and Administration**

1. Approval of the minutes of the City Council Meeting held February 8, 2016.

**B. Community Development/Public Works/CIP**

1. Community Development Update.

**VIII. STAFF ITEMS**

1. Discussion regarding changes to Animal Control regulations.

2. 2015 Year in Review video.

**IX. NEW BUSINESS**

1. Discussion regarding increasing the legal age to purchase tobacco products.

**X. EXECUTIVE SESSION**

**XI. ADJOURNMENT**

Respectfully submitted,

*Juliana Pinnick*

Juliana Pinnick  
City Clerk

**REGULAR PLANNING COMMISSION MEETING  
CITY OF MERRIAM, KANSAS  
9001 W. 62<sup>nd</sup> St.  
COUNCIL CHAMBERS  
MINUTES**

**February 3, 2016  
7:00 P.M.**

The Regular Planning Commission meeting for the City of Merriam, Kansas was called to order at 7:00 p.m. by Chairman Carol Whitlock on Wednesday, February 3, 2016, in the Council Chambers with the Chairman inviting everyone present to participate in the Pledge of Allegiance to the Flag.

**I. ROLL CALL**

Members Present: Bill Bailey  
Judy Devereay  
Mitchell Fowler  
Secretary Russ Harmon  
Rebecca Lang  
Vice Chairman Leah Ann McCormick  
Chairman Carol Whitlock

Members Absent: Bill Carter and Brian Dailey

Also Present: Bryan Dyer, Community Development Director, and Juliana Pinnick, Recording Secretary.

**II. APPROVAL OF MINUTES OF JANUARY 6, 2016**

Chairman Carol Whitlock stated that the Planning Commission members had received a copy of the January 6, 2016 meeting minutes and asked if there were any corrections or additions.

Hearing no comments, Chairman Carol Whitlock entertained a motion.

**MITCH FOWLER MOVED THAT THE MINUTES OF THE PLANNING COMMISSION MEETING OF JANUARY 6, 2016 BE APPROVED. JUDY DEVEREY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.**

**III. ITEMS OF BUSINESS**

- 1. Z-7-04/FP1-0216 – 9010 Shawnee Mission Parkway in a PUD-G (Planned Unit Development-General) District.**

Chairman Carol Whitlock presented to the Planning Commission Z-7-04/FP1-0216 a Final Development Plan for property located at 9010 Shawnee Mission Parkway in a PUD-G (Planned Unit Development-General) District.

Community Development Director Bryan Dyer stated that this application is for a proposed addition at the Baron BMW automotive dealership.

Mr. Dyer stated that Group 1 Realty is requesting an addition that will be approximately 3,165 square feet. The final development plan is for three parcels that generally front the north side of Shawnee Mission Parkway between Interstate 35 and IKEA Way.

Mr. Dyer stated the applicant is proposing construction of a small addition on the southeast side of the existing building. The addition will alter the entrance location to the south. The addition will be constructed over an existing patio area that is currently used for outdoor vehicle display. The addition will provide additional indoor vehicle display and enhance the entrance to the building.

Mr. Dyer stated that notification was sent out to Public Utilities and there were no comments received.

Mr. Dyer stated that since there is little or no change to the impervious surfaces so no stormwater management study was necessary.

Mr. Dyer stated that a revised lighting plan is not required to be submitted with the proposed final development plan.

Mr. Dyer stated that he would answer any questions of the Planning Commissioners. Mr. Dyer stated that the property owner is also present.

Chairman Carol Whitlock asked if the Planning Commissioners had any questions of Mr. Dyer. Hearing none, she asked if there were any questions for the applicant. Hearing none, she entertained a motion.

**REBECCA LANG MOVED THAT THE PLANNING COMMISSION APPROVE APPLICATION Z-7-04/FP1-0216 FOR A FINAL DEVELOPMENT PLAN LOCATED AT 9010 SHAWNEE MISSION PARKWAY WITH THE CONDITIONS LISTED IN THE STAFF REPORT. BILL BAILEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.**

**IV. BUSINESS FROM THE FLOOR**

Community Development Director Bryan dyer provided the following updates:

- The Community Development Department is moving along with their new database system. It is anticipated that the system will be implemented by late May or early June.
- Nancy Yoakum will be out for the next two meetings (February and March) on medical leave. City Clerk Juli Pinnick will be filling in for Nancy at the Planning Commission meetings.

**V. UNFINISHED BUSINESS**

None

**VI. OLD BUSINESS**

None

**VII. ADJOURNMENT**

With no further business for discussion, Chairman Carol Whitlock asked for a motion for adjournment.

There being no further business, **REBECCA LANG MOVED FOR ADJOURNMENT.** The meeting was adjourned at 7:10 p.m.

Respectfully Submitted,

Juliana Pinnick  
City Clerk

Approved:

DRAFT

**MERRIAM CITY COUNCIL MINUTES  
CITY HALL  
9001 WEST 62<sup>ND</sup> STREET  
FEBRUARY 8, 2016  
7:00 P.M.**

**I. CALL TO ORDER - PLEDGE OF ALLEGIANCE**

Mayor Ken Sissom called the meeting to order at 7:00 PM

**II. ROLL CALL**

Al Frisby  
Scott Diebold  
Chris Evans Hands  
Cheryl Moore  
Bob Pape  
Robert Weems  
Jim Wymer  
Nancy Hupp was absent.

Staff present: Phil Lammers, City Administrator; Chris Engel, Assistant City Administrator; Mike Daniels, Police Chief; Cindy Ehart, Finance Director; Bryan Dyer, Community Development Director; Anna Slocum, Park and Recreation Director; Michelle Daise, City Attorney; Kevin Bruemmer, Public Works Director; Gerry Vernon, CIP Director and Juli Pinnick, City Clerk.

**III. PUBLIC ITEMS**

Members of the public are encouraged to use this time to make comments about matters that do not appear on the agenda. Comments about items on the regular agenda will be taken as each item is considered. ***Please note: individuals making Public Comments will be limited to 5 minutes.***

**IV. CONSENT AGENDA**

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1. Consider approval of the purchase of two police vehicles in the amount of \$52,986.

2. Consider approval of the purchase of a Public Works truck in the amount of \$39,604.18

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE CONSENT AGENDA ITEMS 1-2. COUNCILMEMBER FRISBY SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

**V. MAYOR'S REPORT**

1. Employee Service Awards.

Mayor Sissom presented employee service awards to the following:

**5 Years of Service**

Seth Mullis – Police Department  
Laura Naegele – Police Department  
Sheila Sheridan – Municipal Court

**10 Years of Service**

Wes Waller - Police Department  
Nick Weiler – Police Department  
Christine Evans Hands - City Council

**15 Years of Service**

Jason Reynolds - Police Department  
David Easley – Community Development

**20 Years of Service**

Dana Don Carlos - Public Works  
Donna Shirley - Public Works

**25 Years of Service**

Karen Gibson- Police Department

2. Consider approval of City support for the Shawnee Mission North Dream Team 5K run.

Parks and Recreation Director Anna Slocum provided the background for this item.

In early December, members of the Shawnee Mission North Dream Team met with staff of Parks and Recreation and the Police Department to discuss the possibility of hosting a 5K race in Merriam to benefit Safe Home. The initial meeting was to determine the race course before the group began coordinating efforts to complete the Special Event Policy request established by the Parks Department to ensure a group understands what is required to

host a successful event. Upon completion of this request, the group of students with adult sponsors attended the January Park Board meeting to present the event for consideration and vetting in order to be recommended to City Council.

The proposed 5K, to benefit Safe Home, is to raise awareness of domestic violence as well as drug and alcohol abuse. This charity is also something the Police Department supports and works to combat and has offered to donate staff and security the day of the event in return for sponsorship recognition. The race will take the same route of the Turkey Creek Festival 5K starting on Merriam Drive between the Farmers' Market and the Irene B French Community Center heading north on Merriam Drive To 51<sup>st</sup> running through the neighborhood connecting back at 55<sup>th</sup> and Merriam Drive finishing where the race started.

The group plans to involve the community and surrounding businesses, as well as many of Shawnee Mission School District clubs. The fee to participate is \$35 which includes a run t-shirt and chip timing with a discount to clubs and students who participate. Advertising is to be done through school announcements, information at school sponsored events, fliers, posters, City of Merriam calendar, Merriam Parks and Recreation web-site and other community calendars. Sponsorship will be sought from local business for food or monetary donations and volunteers.

The tentative rain or shine date is Saturday, April 30<sup>th</sup> with volunteers arriving at 5:00 am, day of event registration beginning at 7:00 am for those who do not pre-register online through Skyward and KC Running Club. The race will begin at 8:00 am. The goal is to have 150+ runners and 50+ volunteers.

The Parks and Recreation Advisory Board reviewed the proposal, agreeing the event meets all requirements and recommended the event be sponsored pending City Council approval. The members of the club are present and willing to answer questions.

**COUNCILMEMBER PAPE MOVED THAT THE COUNCIL APPROVE CITY SUPPORT FOR THE SHAWNEE MISSION DREAM TEAM 5K RUN. COUNCILMEMBER WYMER SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

## **VI. COUNCIL ITEMS**

1. Consider approval of the minutes of the City Council meeting held January 25, 2016.

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE THE MINUTES OF THE JANUARY 25, 2016 CITY COUNCIL MEETING.**

**COUNCILMEMBER WEEMS SECONDED AND THE MOTION WAS APPROVED. COUNCILMEMBER WYMER ABSTAINED.**

**A. Finance and Administration**

1. Consider approval of the use of City Property and limited resources for the 11<sup>th</sup> annual Flags 4 Freedom event.

Flags 4 Freedom Organizing Committee Chair, Susan Hayden addressed the council and made the following request:

The 11<sup>th</sup> annual Flags 4 Freedom event will be held again this summer in downtown Merriam. The event will be produced by the Flags 4 Freedom Organizing Committee and sponsored by the Merriam Parks, Recreation, and Community Center Foundation, area businesses, and individuals.

As in past years, we will be displaying United States flags on the lawns at Irene B. French Community Center lawn and Merriam Marketplace. Flags will also be posted at Merriam Historic Plaza and along Merriam Drive from Shawnee Mission Parkway north to Waterfall Park, and Johnson Drive from one block east of Merriam Drive to the city limits west. The flags will be displayed from Saturday, July 2 through Saturday, July 9.

As in past years, to make this community project possible, we are requesting the full support of the Merriam City Council in the form of Use of City Property or resources to include:

- Meeting space for committee meetings in the Community Training Room or small conference room on 1<sup>st</sup> floor at City Hall or the Irene B. French Community Center if the training room or conference rooms should be unavailable.
- Use of the Right of Way along Merriam Drive and Johnson Drive.
- Use of the Merriam Marketplace in cooperation with the Farmer's Market.
- Authorization to use the lawn areas of the IBF Community Center and Merriam Marketplace.
- Authorization to park necessary vehicles at the Merriam Marketplace from Saturday, July 2 through Saturday July 9.
- Assistance with providing printed promotional materials and management of website

**COUNCILMEMBER MOORE MOVED THAT THE COUNCIL APPROVE THE REQUEST FROM THE FLAGS 4 FREEDOM COMMITTEE FOR USE OF CITY PROPERTY AND LIMITED RESOURCES FOR THE 11<sup>TH</sup> ANNUAL FLAGS 4 FREEDOM EVENT. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

2. Consider approval for city staff assistance for the Flags 4 Freedom event.

Parks and Recreation Director Anna Slocum provided the background for this item.

When City Council established their 2016 Budget Goals, one of the new items added was the increase of support to the annual Flags4Freedom event. In October, city staff had the opportunity to discuss with the F4F Committee how city staff could most appropriately assist. The Committee requested assistance on a variety of items and staff has had the opportunity to research and determine the feasibility of the requests.

1. Call Dig-Safe for utility locates for street flag displays to be installed along Merriam Drive, Johnson Drive, from Visitor's Bureau along Shawnee Mission Parkway around Eby corner and from Fire Department entrance to the northern most boundary of the Police Department along IKEA Way. **Staff is able to provide this assistance with minimal labor.**
2. Mark the street flag fields identified in first request, install the flags at some point during the week prior to the flag field installation and remove the flags after the flag fields are removed. **Staff is able to provide the labor to complete this task as long as the timeframe remains flexible.**
3. Use of City facilities for flag and trailer storage at the point that Merriam Feed is no longer available. **Staff counter proposed that when the time comes, approximately 2 years, storage shelves could be installed at Public Works facility. With advance notice of when flags are needed, staff will load flags on a city-owned trailer for committee use, thus saving the expense and storage issues of an additional trailer.**
4. Flag field night illumination at Marketplace and Community Center. **Staff researched various options but there is not a reasonable way to safely light each flag per flag etiquette.**

5. Printing of sponsorship request letter, envelopes and advertising poster. Letter template and addresses to be provided by committee. **Staff is able to provide this assistance with supplies provided by F4F Committee.**
6. Assistance with the website. **Staff is able to provide this assistance and can incorporate pages into City of Merriam website to simplify management.**

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE STAFF ASSISTANCE FOR ITEMS 1, 2, 5 AND 6 FOR THE 2016 FLAGS 4 FREEDOM EVENT. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

3. Consider approval of amendments to the city's Records Retention Schedule regarding construction plans.

City Clerk Juli Pinnick provided the background for this item.

The City has a Records Management Program that establishes guidelines for records retention and disposition. The City's Records Retention Schedule allows for non-permanent records to be disposed of each year. The Schedule also dictates which records are to be permanently retained. Permanent retention for certain types of records is determined by State Statute.

Construction plans for both city CIP projects as well as building permit plans for privately owned buildings are considered "permanent records", which means they are to be kept indefinitely. Some of these plan rolls are quite large and heavy making storage and retrieval challenging. In addition, the paper plan rolls continually deteriorate each year and are susceptible to damage from water, fire and other catastrophic events. These types of records will most likely continue to be acquired in a paper format (plan rolls) and will continue to accumulate for many years.

Over the last couple of years the City has used a scanning service to scan boxes of CIP plans onto discs; however the paper copies were retained. Outsourcing this service is fairly expensive and still requires city staff to import these digital files onto our server and/or Laserfiche for retrieval. The city recently acquired a large format scanner capable of scanning these large construction plans. With the help of the city Planner and Construction Inspector, 9 boxes of CIP plans have been scanned onto the city's server in PDF format.

Having the plans in PDF format allows for easier search, organization and ability to retrieve the plans. Now that these plans are available in digital format, staff would like to eliminate the paper copies. However, staff has no authority to eliminate these paper copies without approval from the governing body.

State Statute 12-122 (*Reproduction of records on film. The governing body may cause any or all records, documents or papers to be photographed, microphotographed or otherwise reproduced in a manner which accurately reproduces the original thereof in all details*) allows for reproduction of records on film or disc with adequate assurances for the safekeeping of these records. However, the City's Records Retention Schedule would need to reflect the process for safekeeping. The City's Records Retention Schedule is approved by City Council. The safekeeping standards are reflected on the proposed Records Retention Schedule.

Once all the CIP plans are scanned to PDF, staff would move on to building permit plans (privately owned buildings) to further reduce the storage of paper plans, preservation of the records and improved retrieval.

**COUNCILMEMBER MOORE MOVED THAT THE COUNCIL APPROVE AMENDMENTS TO THE CITY'S RECORDS RETENTION SCHEDULE REGARDING CONSTRUCTION PLANS. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

4. Monthly Finance Report.

Finance Director Cindy Ehart provided the Finance Report for the month of January.

**B. Community Development/Public Works/CIP**

1. CIP Update

CIP Director Gerry Vernon provided the following updates:

Staff will be sending out the RFQ for Engineering Services for projects soon. Projects included for engineering services are 49<sup>th</sup> and Eby, the new sidewalk program, and infill streets along W. Frontage Rd.

The CIP Tour for 2016 is being finalized for April 22<sup>nd</sup> Lunch will be served then the tour will begin. After the tour on Friday, a CIP Work Session will be held the next Monday.

## VII. STAFF ITEMS

1. Staff report on the local practice of open burning. No action.

Mayor Sissom commented that he had requested staff research the policies of surrounding cities and their open burn policies. While it is not intended to suggest any action be taken related to this item, this is merely a presentation of information to council.

Assistant City Administrator Chris Engel distributed an information sheet regarding open burning and leaf burning allowances from other surrounding cities. The cities of Shawnee, Olathe, Lenexa and Merriam allow open burning and leaf burning with a permit. Overland Park allows open burning, but not leaf burning. Many cities have restrictions on the permits. Some charge a fee, while others do not. Some have time restrictions for either certain times of the day, certain times of the year, and different allowances for the duration of the permit.

Open burning is defined as the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.

Mr. Engel reviewed the state regulations on open burning as follows:

K.A.R. 28-19-645. **Open Burning Prohibited.** A person shall not cause or permit the open burning of any wastes, structures, vegetation, or any other materials on any premises except as authorized by K.A.R. 28-19-647 and K.A.R. 28-19-648.

K.A.R. 28-19-647. **Exceptions to prohibition on open burning.**

(a) The following open burning operations shall be exempt from the prohibition on the open burning of any materials imposed by K.A.R. 28-19-645:

(1) Open burning carried out on a residential premise containing five or less dwelling units and incidental to the normal habitation of the dwelling units, unless prohibited by any local authority with jurisdiction over the premises.

Overland Park Fire Chief Bryan Dehner commented on the open burning allowances for Merriam and Overland Park. Recreational fires which are in chimineas and other backyard fireplaces do not require a permit. Land clearing fires on large lots as well as open

burning do require a permit. For Merriam the open burn permits are valid for 30 days and there have been 776 permits issued to Merriam residents at 281 locations. In Overland Park only 30 open burn permits have been issued. The vast majority of those Merriam permits are for leaf burning. A site inspection is required to educate residents and ensure they are burning in a safe manner prior to an open burn permit being issued.

Mayor Sissom commented that council has been provided this information and at this point it is up to the council to let the Mayor know if there is any desire by them to look into altering any of these burn regulations. If no interest is expressed then the regulations will remain as is.

#### **IX. NEW BUSINESS**

Councilmember Frisby commented that he would like to see the Mayor, staff and City Council talk about increasing the smoking age from 18 to 21. A lot of cities are doing this and he feels Merriam should follow that lead.

Councilmember Frisby also commented that ADA advocate Finn Bullers recently passed away. Mr. Bullers worked hard to make things better for folks with disabilities. His memorial service is Friday at 2:00 pm at Village Presbyterian Church.

#### **X. EXECUTIVE SESSION**

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL RECESS INTO EXECUTIVE SESSION PURSUANT TO THE KANSAS OPEN MEETINGS ACT EXCEPTION TO DISCUSS MATTERS WITH LEGAL COUNSEL RELATED TO REAL ESTATE ACQUISITION. PRESENT WILL BE THE GOVERNING BODY, CITY ATTORNEY, CITY ADMINISTRATOR AND ASSISTANT CITY ADMINISTRATOR. THE MEETING WILL RECONVENE IN THE COUNCIL CHAMBERS AT 8:20 PM. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

*The meeting reconvened at 8:20 pm.*

#### **XI. ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL, COUNCILMEMBER HANDS MOVED TO ADJOURN AT 8:25 PM. COUNCILMEMBER WYMER SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

Respectfully submitted,

*Juliana Pinnick*

Juliana Pinnick  
City Clerk

DRAFT

# Merriam Police

## Memo

To: City Council  
From: Chief Mike Daniels  
CC: Phil Lammers  
Date: February 18, 2016  
Re: Discussion on Animal Control

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In late 2015 we received information from Great Plains SPCA that they were contemplating changes to their organization that would impact our contract for animal impound services. We have had several meetings and have been able to work out most of the concerns from both sides to allow us to continue to contract our main animal impound services with Great Plains SPCA and a supplemental contract with Unleashed. These negotiations included some changes in our operation that will require some changes to Chapter 8 Animals of the Merriam Municipal Code.

The conditions requested by Great Plains SPCA are that we reduce the required number of days they keep dogs from 5 to 3 days (required by state law), that we no longer impound cats (unless they are sick or injured) and they will no longer quarantine animals in bite cases.

To meet these conditions I would like to change our city ordinance to match state law and require Great Plains to hold impounded animals for a minimum of three days before putting them up for adoption. We have been working towards not impounding cats for several years now and already have a good process in place to deal with any potential cat problems. We are also working with Unleashed Pet Rescue and Adoption to allow them to impound any animals that Great Plains will not accept, specifically cats and animals that need to be quarantined for the required 10-day rabies observation.

We would also like to remove our Special Permit process. Currently if a citizen wants to have more than 2 dogs or 3 cats we require them to obtain a permit. To obtain the permit the CSO's are required to conduct an investigation into the condition of the home, the ability to harbor the additional animal and to speak with each neighbor to find out if they have any objections. I would like to remove this process and allow citizens to have up to 3 dogs and 3 cats per household without any additional permits or costs above the annual pet license.

## MEMO

TO: Mayor and City Council

FROM: Phil Lammers, City Administrator

DATE: February 18, 2016

**SUBJECT: Legal age of tobacco purchase at 21 – New Business**

At the last meeting Councilman Frisby said he wanted the City Council to talk about raising the smoking and/or purchasing age for tobacco from 18 to 21. "A lot of cities are doing it now and I would like to follow that lead."

Mr. Frisby will ask the Council on Monday night if there is interest in pursuing the discussion.

**CITY COUNCIL SUGGESTED MOTIONS FOR YOUR CONSIDERATION** *February 18, 2016*

**CONSENT AGENDA**

**MAYOR'S REPORT**

**FINANCE AND ADMINISTRATION**

1. Move that the council approve the minutes of the February 8, 2016 City Council meeting.

**PLANNING COMMISSION**

**COMMUNITY DEVELOPMENT/PUBLIC WORKS**

1. No motion.

**STAFF ITEMS**

1. No motion.
2. No motion.

**NEW BUSINESS**

1. No suggested motion.

**EXECUTIVE SESSION**