

**MERRIAM CITY COUNCIL AGENDA
CITY HALL
9001 WEST 62ND STREET
MARCH 28, 2016
7:00 P.M.**

<p>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.</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.

- V. MAYOR’S REPORT**
- VI. PLANNING COMMISSION**
- VII. COUNCIL ITEMS**

- 1. Consider approval of the minutes of the City Council meeting held March 14, 2016.

- A. Finance and Administration**

- 1. Consider approval of waiving fees related to a House Moving Permit for Patton House and Building Movers, Inc. for the Johnson County Museum All Electric House.
- 2. Consider approval of an ordinance amending Chapter 5-191 and 5-192 (Caterers Issuance of License) of the Merriam

Code of Ordinances, waiving the license tax associated with the application of a caterer's license for City coordinated and funded special events. (recommend waiving first reading)

3. Consider approval of a Resolution opposing Shawnee Mission School District draft TIF Policy.
4. Consider approval of 2016/2017 Council Goals and Objectives.

B. Community Development/Public Works/CIP

1. Consider approval of an ordinance authorizing and providing for the acquisition of lands or interests therein by condemnation for the purpose of street improvements in the vicinity of Farley Ave. between 67th and 69th Streets. (second reading)
2. Consider approval of an ordinance amending Chapter 53, Signs and Other Advertising of the Merriam Code of Ordinances. (first reading)
3. Community Development Update

VII. STAFF ITEMS

IX. NEW BUSINESS

X. EXECUTIVE SESSION

XI. ADJOURNMENT

Respectfully submitted,

Juliana Pinnick

Juliana Pinnick
City Clerk

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

**March 2, 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 Vice Chairman Leah Ann McCormick on Wednesday, February 3, 2016, in the Council Chambers with the Vice Chairman inviting everyone present to participate in the Pledge of Allegiance to the Flag.

I. ROLL CALL

Members Present: Bill Bailey
Bill Carter
Brian Dailey
Judy Devereay
Secretary Russ Harmon
Vice Chairman Leah Ann McCormick

Members Absent: Mitchell Fowler, Rebecca Lang and Chairman Carol Whitlock

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

II. APPROVAL OF MINUTES OF FEBRUARY 3, 2016

Vice Chairman Leah Ann McCormick stated that the Planning Commission members had received a copy of the February 3, 2016 meeting minutes and asked if there were any corrections or additions.

Hearing no comments, Vice Chairman Leah Ann McCormick entertained a motion.

BILL BAILEY MOVED THAT THE MINUTES OF THE PLANNING COMMISSION MEETING OF FEBRUARY 3, 2016 BE APPROVED. JUDY DEVEREAY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

III. ITEMS OF BUSINESS

- 1. C-01-16 Conditional Use- Home Occupation – 8520 W. 61st St. in an R-1 (Single Family Residential) District.**

Vice Chairman Leah Ann McCormick stated that this application is for a Conditional Use Permit to operate a massage therapy business as a home occupation.

Community Development Director Bryan Dyer displayed the location of the applicant property depicting the layout of the property and its location in the city. The application states that the business will operate from 10:00 a.m. to 7:00 p.m. Monday through Saturday. Customers will be at the premises for approximately one (1) to two (2) hours. The application goes on to state that there will be approximately fifteen to eighteen (15-18) customers per week and all customer parking will occur on the property's driveway. The property has adequate parking available to accommodate customer parking.

Mr. Dyer stated that in 2008, the Merriam City Council approved an extensive overhaul of the city's massage therapy licensing regulations. The overhaul strengthened the city's regulating and licensing of massage therapy businesses. The revised regulations permit massage therapy as a home occupation provided that a conditional use permit for the massage therapy business is approved. Home occupation massage therapy businesses must meet all of the same requirements as those operating in commercially zoned areas. Staff recommends that obtaining and maintaining all necessary federal, state, and local licenses be a condition of approval. The applicant must have a city therapist license and an establishment license for the property.

The Merriam Planning Commission has previously approved four (4) similar conditional use permit requests. Three (3) requests were for a massage therapy and one (1) chiropractor business.

Mr. Dyer stated that staff only received one public comment regarding this application. The comment was simply an inquiry as to what the application was for. After staff explained the application was for a massage therapy home occupation the individual had no other comments or concerns.

The applicant has been provided with the conditions placed on a home occupation and has indicated that she will comply with these conditions. Her responses to those conditions were provided to the commissioners at the dias as they were accidentally left out of the packets.

Mr. Dyer stated that he finds the applicants proposal in order for consideration of approval and recommends the following conditions:

1. The applicant must comply with the use limitations identified in Section 74-469 of the Merriam Code;
2. The applicant must obtain and maintain a massage therapy Establishment License and Therapist License;
3. The applicant must obtain and maintain all required federal, state, and local licenses;
4. The applicant must comply with all other code requirements listed in the Merriam Code; and,
5. The applicant must secure an Occupational License.

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

Vice Chairman Leah Ann McCormick 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.

RUSS HARMON MOVED THAT THE PLANNING COMMISSION APPROVE APPLICATION C-01-16, CONDITIONAL USE HOME OCCUPATION FOR 8520 W. 61ST STREET WITH THE CONDITIONS LISTED IN THE STAFF REPORT. BILL CARTER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

IV. BUSINESS FROM THE FLOOR

Community Development Director Bryan Dyer provided the following updates:

- Baron BMW has not come in yet for their building permit for the approved plan that occurred last month.
- The Crestview School project is going very well they have excavated a lot of rock on the site.
- Work continues at Shawnee Mission Medical Center with their various projects.
- The project at Johnson Dr. and Slater is continuing to work through the sanitary sewer issue.
- The software project with CitizenServe is going well, weekly meetings are continuing and progress is being made.

V. UNFINISHED BUSINESS

None

VI. OLD BUSINESS

None

VII. ADJOURNMENT

With no further business for discussion, Vice Chairman Leah Ann McCormick asked for a motion for adjournment.

BILL BAILEY MOVED FOR ADJOURNMENT. The meeting was adjourned at 7:15 p.m.

Respectfully Submitted,

**Juliana Pinnick
City Clerk**

Approved:

**MERRIAM CITY COUNCIL MINUTES
CITY HALL
9001 WEST 62ND STREET
MARCH 14, 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
Nancy Hupp
Cheryl Moore
Robert Weems
Jim Wymer
Bob Pape was absent

Staff present: Phil Lammers, City Administrator; Mike Daniels, Police Chief; Cindy Ehart, Finance Director; Chris Engel, Assistant City Administrator; Gerry Vernon, CIP Director; Anna Slocum, Parks and Recreation Director; Karen Crane, Visitors Bureau Director; Kevin Bruemmer, Public Works 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.***

Lou Ferlo, 9897 W. 70th St. addressed the council regarding the proposed changes to Farley Ave. Mr. Ferlo voiced concerns over perceived increased traffic area in the area of 70th St. and Farley and requested it remain a one-way street after the improvements are completed.

Mayor Sissom commented that for many years Farley Ave. was a two-way street. It was only made a one-way street due to the deteriorating condition of the street. The city will be replacing the street back to a two-way street which was how it was originally designed.

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.

1. Consider approval of the minutes of the City Council meeting held February 22, 2016.
2. Consider approval of the purchase of One (1) John Deere Backhoe/Loader in the amount of \$118,578.
3. Consider approval of an additional transfer of \$1,500,000 to the Capital Improvement (CIP) Fund from the General Fund for 2015.
4. Consider approval of a bid award to AmeriFence in the amount of \$54,560.35 for various fence projects.

Councilmember Wymer requested item number 2 be removed from the Consent Agenda.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE CONSENT AGENDA ITEMS 1, 3 and 4. COUNCILMEMBER FRISBY SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

Councilmember Wymer commented that he has several questions regarding this item. There was limited information in the Action Form. Specifically he asked what model the backhoe was, why was there a need for a new one and what happens to the old backhoe?

Public Works Director Kevin Bruemmer stated that the backhoe is a John Deere 230 backhoe loader; it comes with a front clamshell bucket, two heavy duty rear buckets, a 12" and 24". Public Works staff had an opportunity to demonstrate several backhoe models and eliminated all but two, which were the John Deere and Caterpillar backhoes. The Caterpillar was over budget so the John Deere was the chosen model.

The equipment was on the Equipment Replacement Schedule for the 2016 budget. The old backhoe will be auctioned off through Purple Wave auctions. Typically the city has received more money disposing of old equipment through Purple Wave than trading equipment in on newer models. Mr. Bruemmer commented that he would provide all this information to council via email.

Mr. Wymer commented that he is not opposed to them getting a new backhoe, he just needed additional information.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE CONSENT AGENDA ITEM 2. COUNCILMEMBER WEEMS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

V. MAYOR'S REPORT

1. Swearing in of Police Officer Matthew Hirsch.

Mayor Sissom administered the oath of office to Police Officer Matthew Hirsch.

VI. COUNCIL ITEMS**A. Finance and Administration**

1. Merriam Visitors Bureau Annual Report.

Visitors Bureau Director Karen Crane presented the 2015 annual Report for the Merriam Visitors Bureau.

2. Consider approval of proposed changes to Chapter 5-192 (Caterers Issuance of License) of the Merriam Code of Ordinances, waiving the license tax associated with the application of a caterer's license for City coordinated and funded special events.

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

At the January 11, 2016 City Council meeting, staff sought direction on investigating the possibility of allowing the sale of alcoholic beverages at the Merriam Marketplace during select Parks and Recreation special events. At that time, with limited investigation, staff believed that there were three options available. Upon further investigation into City Code and State statutory provisions, staff determined that a different option could be a better fit for this type of event.

City Code Section 5-4(c) allows beer, wine and champagne to be sold and consumed on certain City-owned property, including the Merriam Marketplace, so long as the sale and serving of such alcoholic liquor occurs pursuant to a state and local caterer's license. The current local license tax for a City caterer's license is \$500 every two years. Staff would like for Council's input regarding the possibility of waiving such local license tax for caterers who sell alcoholic liquor at special events coordinated and funded by the City of Merriam.

The purpose of waiving the fee for these events is to entice vendors to participate in events without having to incur an additional expense that may not be cost effective otherwise. Alcohol vendors, like other food truck vendors, will pay a fee

to participate in the event and would still be required to maintain all applicable local and State requirements and licensures. Because a caterer's license is required, this could limit the involvement of local businesses in the food truck event, but it could provide the opportunity to feature local brewers and wineries which would fit perfectly with the Wednesday Market mission.

The Parks and Recreation Advisory Board unanimously supported this recommendation at the February 2016 meeting.

If the Council is supportive of staff's recommendation to allow for waiver of the local license tax for caterers at City coordinated and funded special events, staff will proceed with drafting an ordinance amending Sec. 5-192 for Council consideration at a future meeting.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL DIRECT STAFF TO DRAFT AN ORDINANCE INCORPORATING PROPOSED CHANGES TO CHAPTER 5 OF THE MERRIAM CODE OF ORDINANCES RELATED TO CATERERS FEES FOR CITY COORDINATED AND FUNDED SPECIAL EVENTS. COUNCILMEMBER MOORE SECONDED AND THE MOTION WAS APPROVED. COUNCILMEMBER FRISBY VOTED NAY.

3. Consider approval of an ordinance amending Chapter 8 (Animals) of the Merriam Code of Ordinances.(recommend waiving the first reading)

Police Chief Mike Daniels provided the background for this item.

In late 2015 the Police Department received information from Great Plains SPCA that they were contemplating changes to their organization that would impact our contract for animal impound services. Staff has 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 as 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. We have established a working relationship 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.

To meet these conditions changes to our city ordinance to match state law and require the companies we contract with to hold impounded animals for a minimum of three days before putting them up for adoption are needed.

The Police Department would also like to remove the Special Permit process provision in the Code. Currently if a citizen wants to have more than 2 dogs or 3 cats we require them to obtain a Special 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. Removing this provision from the Code would allow citizens to have up to 3 dogs and 3 cats per household without any additional permits or costs above the annual pet license.

COUNCILMEMBER HUPP MOVED THAT THE COUNCIL WAIVE THE CUSTOMARY FIRST READING OF AN ORDINANCE AMENDING CHAPTER 8, ANIMALS OF THE MERRIAM CODE OF ORDINANCES. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE AN ORDINANCE AMENDING CHAPTER 8, ANIMALS OF THE MERRIAM CODE OF ORDINANCES. COUNCILMEMBER WYMER SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

4. Monthly Finance Report.

Finance Director Cindy Ehart provided the monthly Finance Report for the month of February. Included in the Finance Report this month was the 2015 Investment Report which provides information regarding the City's investments and yields for 2015.

B. Community Development/Public Works/CIP

1. Executive Session-Real Estate acquisition.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL RECESS INTO EXECUTIVE SESSION PURSUANT TO THE KANSAS OPEN MEETINGS ACT EXCEPTION TO DISCUSS MATTERS RELATED TO PROPERTY ACQUISITION. PRESENT

WILL BE THE GOVERNING BODY, CITY ADMINISTRATOR, ASSISTANT CITY ADMINISTRATOR, AND CIP DIRECTOR. THE MEETING WILL RECONVENE IN THE COUNCIL CHAMBERS AT 7:55 PM.

The meeting reconvened at 7:55 pm.

2. Consider approval of an ordinance authorizing and providing for the acquisition of lands or interests therein by condemnation for the purpose of street improvements in the vicinity of Farley Ave. between 67th and 69th Streets. (first reading).

Dierk Van Keppel, 6801 Farley, commented that he has received an offer from Land Company Real Estate for his temporary easement. However it appears that the council is moving ahead with condemnation before anyone has a chance to accept their offer. His concern is the fact that the easements have not been marked on his property so he is not exactly sure what areas would be used for temporary construction easement.

City Administrator Phil Lammers commented that the easements have been indicated on paper and the plan is to have these marked accordingly. However, there have been some requests by the property owners for movement of these easements which has delayed the staking of the easements.

Mayor Sissom commented that tonight there is no plan for a vote on the condemnation. This is merely the first reading. In two weeks a lot can happen, easements can be signed by property owners, and all the easements will be staked.

Mr. Van Keppel voiced concerns over the movement of driveway access to his 5 acres.

Jarrold Ousley, 6800 Farley, voiced frustration with the project. Mr. Ousley received his easement appraisal two weeks ago and has not had an opportunity to review it. He has concern over his driveway elevation and removal of foundation infrastructure for his driveway gate. He does not feel that there has been anyone qualified found to remove and replace his gate and infrastructure.

Mr. Ousley does not feel there has been adequate time to negotiate these easements or finding someone qualified to do the work on his gate.

Mayor Sissom asked Mr. Ousley if he felt as if the city has stopped negotiations for easements.

Mr. Ousley read the offer language provided to him by The Land Company Real Estate which states his response is required within 7 days.

Mayor Sissom responded that negotiations can continue all throughout the condemnation process until the District Court sets a hearing date.

CIP Director Gerry Vernon commented that after the second reading and passage of the ordinance, the city has to file a petition in Johnson County District Court. There is no definitive timeframe in which the hearing will be set. Typically in the past, it has taken about 30 days after petition filing for the hearing date.

Sam Matier, 8515 W. 57th St. commented that the council has changed the condemnation process on this project. Typically negotiations occur first and if an agreement can't be met, then condemnation should occur. It appears that condemnation is happening before negotiations are being done.

3. Consider approval of the purchase of materials for the construction and installation of a shelter at Brown Park.

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

As part of the 2016 Capital Improvement Project budget, \$90,000 was approved for installation of a shelter at Brown Park. The items included in the project scope are: Polygon shelter, picnic tables, drinking fountain with hose bib, grill, recycling containers, and brick enclosures for a dumpster and port-a-potty.

Staff solicited designs from five playground manufactures however only two submitted bids: Little Tykes/Polygon, and Landscape Structures. Little Tykes/Polygon submitted the lowest bid for the structure with installation and is the recommended vendor for purchase and installation. They have also been the vendor for the Vavra and Chatlain shelter projects.

The proposed site of the pavilion is where the tennis courts are currently located. This project will be a joint effort between Public Works and Parks and Recreation. Public Works will be responsible for the following items:

- soil testing needed for piers
- removal of fence surrounding tennis court
- site preparation for the concrete pad and piers to be installed over the existing tennis court
- removal of excess tennis court surfacing
- oversight of the pouring of concrete pad and piers

- trenching electric service from KCPL power source to shelter
- installation of grill, recycling containers, relocation of existing trash containers and reseeding of grass and/or sod after the shelter is installed

Parks and Recreation Department will coordinate:

- purchase and installation of the shelter with Little Tykes/Polygon
- installation of brick enclosures
- installation of electricity to the shelter
- purchase and installation of new drinking fountain with hose bib purchase of site amenities (picnic tables, recycling containers, and grill)

COUNCILMEMBER HUPP MOVED THAT THE COUNCIL APPROVE THE PURCHASE OF MATERIALS FOR THE CONSTRUCTION AND INSTALLATION OF A SHELTER AT BROWN PARK. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

4. CIP Update.

CIP Director Gerry Vernon provided the following CIP Updates:

Staff met last week to review next year and the following 5-year CIP program. Several projects were presented and depending on the budget, it will be determined which projects will be included in the plan.

Farley Ave. Project will be having work completed by WaterOne next week moving their water line. Property owners have been notified.

Mr. Vernon clarified some information regarding the Farley Ave. property owners and their easements. All property owners have been provided an offer for their easements, both temporary and permanent. A couple of property owners have reduced their temporary easement requests and therefore we must have the surveyor come out and re-stake those easements. The easement re-staking should occur this week.

Meyer Creek has had the contractor out this week finishing up a few items. The sidewalk damage at 70th & Switzer has been repaired and there are a few other items that will be completed over the next few weeks.

VII. STAFF ITEMS

1. School District TIF Policy update.

City Administrator Phil Lammers stated that city staff has reviewed the School District's proposed TIF Policy which was included in the Agenda Packet. Staff does not agree with some statements in the policy. The School District indicated that they would like city feedback by March 18th. However after speaking with the Assistant Superintendent, it does not appear that this item will be addressed until late next month. Staff has drafted a response to the School District's proposed policy and would like to put it in a Resolution for council approval at the next council meeting.

2. Discussion regarding mental health co-responder program.

Police Chief Mike Daniels provided an overview of the proposed co-responder program being developed for the seven Johnson County Police Departments (Merriam, Mission, Westwood, Roeland Park, Fairway, Prairie Village and Leawood) to provide a Mental Health Co-Responder, to be shared in the Northeast.

Some of the larger cities (Olathe and Overland Park) have their own co-responder and the Police Department has seen how such a co-responder is beneficial to not only police personnel but also for the citizen who needs mental health assistance rather than police assistance.

Chief Daniels explained what a mental health co-responder is, what their role would be and the benefits a mental health co-responder on a police call.

Funding for the mental health co-responder would be shared between all the cities based on their population and would be employed by Johnson County Mental Health. They would be responsible for the hiring and supervision of the co-responder. It costs approximately \$95,000 per year for Johnson County to employ a mental health co-responder.

The benefits for having a mental health co-responder include getting people help rather than taking them to jail. Sometimes it is obvious that someone needs mental health help but they are uncooperative and refusing to go to the hospital will end up going to jail as a police officer only has so many options in that type of situation. A mental health professional has skills and specialized training that can help in these situations to convince a person to go to the hospital or get them the resources to deal with a problem on an out-patient basis. They can get families in crisis immediate help and make determinations on the severity of a mental health situation. In addition, Merriam Police Officers will gain knowledge and skills working alongside these professionals.

Some additional details are being worked through and staff will bring this item before the council for approval once all the details have been worked through

and an agreement between the 7 cities is ready. The Merriam Police Department averages 128 mental health calls per year.

3. Update on Council Goals and Objectives.

Mayor Sissom suggested that since the meeting was running long, this item could be put on the next City Council Agenda. There were no objections from the council.

VIII. NEW BUSINESS

1. Discussion regarding request from Infiniti of Kansas City to enter, clear and potentially purchase city property located at 69th and W. Frontage Rd.

Assistant City Administrator Chris Engel provided the background for this item.

The city was contacted by Richard Webb, the Executive Manager of Infiniti of Kansas City about their desire to clear their land near 69th and W. Frontage Rd. The tract of land owned by Infiniti lies behind city owned property which provides access to the Infinity property behind.

Infiniti is requesting permission from the city to enter on our property and also would like to clear the city's land of brush and trees to explore the potential of developing the lot and purchasing the city's portion on the front of the tract.

Mr. Engel displayed an aerial photo of the area depicting the two plots of land. There is a large gully through the tract and provides some drainage for the area. Infiniti would enclose the drainage if they decide to develop the tract. They would need to purchase the city owned portion of the tract to make the development feasible. They plan to do some clearing and grading on their property at this time.

Staff is requesting council approval to allow Infiniti to enter and clear the city owned portion of the tract and authorize staff to draft and negotiate a real estate contract for the purchase should Infinity decide to purchase. The city portion of the tract has a zero value according to the Johnson County Appraiser's Office. Infinity feels that they can develop the property for another dealership. The city's portion is approximately 1 acre.

Richard Webb, Infiniti of Kansas City commented that they would enclose the drainage area on develop on top of it.

Mitch DiCarlo, Block and Co., commented that they have been working or approximately a year to determine the feasibility to develop the site. They have hired an environmental engineering firm who put together a submittal to the Corps of Engineers which resulted in a permit to allow the creek to be channeled and put into a box culvert.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL AUTHORIZE STAFF TO ALLOW INFINITI OF KANSAS CITY TO ENTER AND CLEAR CITY PROPERTY LOCATED AT 69TH AND W. FRONTAGE RD. COUNCILMEMBER WEEMS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL AUTHORIZE STAFF TO NEGOTIATE AND DRAFT A REAL ESTATE PURCHASE AGREEMENT BETWEEN THE CITY OF MERRIAM AND INFINITI OF KANSAS CITY FOR PROPERTY LOCATED AT 69TH AND W. FRONTAGE RD. COUNCILMEMBER DIEBOLD SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

X. EXECUTIVE SESSION

XI. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL, COUNCILMEMBER HANDS MOVED TO ADJOURN AT 9:07 PM. COUNCILMEMBER WYMER SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

Respectfully submitted,

Juliana Pinnick

Juliana Pinnick
City Clerk

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider approval of waiving fees for a House Move Permit for Patton House and Building Movers, Inc. for the Johnson County Museum All Electric House.

Department: Administration

Background/Description of Item:

Johnson County is relocating the All Electric House from its current location at 6305 Lackman to the former King Louie at 8788 Metcalf. The move will involve moving the house through several cities including Merriam, Shawnee and Overland Park. Patton House and Building Movers has been contracted by McCown Gordon Construction to conduct the move. Several coordination meetings have been held with the municipalities, Johnson County Sheriff's Department, KDOT as well as McCown Gordon and Patton to work out all the details associated with the move. McCown Gordon had provided a \$100,000 bond with the City; as well Patton has provided adequate insurance coverage for the move through Merriam.

The City's House Moving Permit fee is \$750, which would be ultimately paid by Johnson County. However staff feels that as the move is being conducted by another governmental entity the fee should be waived. While City resources (Police personnel) will be utilized for the move, cooperation and mutual aid with other governmental agencies is beneficial to all Johnson County residents.

Included in the Council Agenda Packet is the letter from Johnson County further explaining the move of the All Electric House and some related history. The move is scheduled for Tuesday April 12th at 7:00 pm.

Related Ordinance(s) or Statute(s): None

Recommendation:

Recommend the City Council approve waiving the \$750 House Moving Permit Fee for Patton House Moving on behalf of the Johnson County Museum for moving the All Electric House through Merriam.

Prepared by: Juli Pinnick, City Clerk

Date: March 1, 2016

6305 Lackman Road
Shawnee, KS 66217
913-715-2555
913-715-2565 fax
www.jocogov.org/museum

December 9, 2015

The Johnson County Museum, a Johnson County funded operation managed by the Johnson County Park and Recreation District, will be moving its museum operations to the former King Louie West Bowling Center and Ice Château at 8788 Metcalf Avenue in Overland Park. The Johnson County Board of Commissioners authorized funding for the renovation of the building in June 2015, with the goal of opening the new facility in the spring of 2017. An early step in the construction project is to move the Museum's 1950s All-Electric House from its current location in Shawnee. *In order to meet the construction schedule, moving the house must occur in early 2016.* The new facility, to be known as the Johnson County Arts & Heritage Center, is being designed by SFS Architecture of Kansas City, MO., in conjunction with Johnson County Facilities.

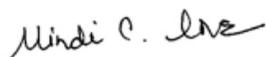
The All-Electric House is a historic house originally located in Prairie Village. It was donated to the Museum and moved to its current location at 6305 Lackman Road in Shawnee, in October 1994. The move of approximately eight miles occurred through five cities and a portion of the State of Kansas right of way. We received tremendous cooperation from all of the public entities, plus Kansas City Power and Light during the 1994 move, and it is our hope that we will receive the same spirit of cooperation during this historic move. The house will be moved *inside* the new facility, and will be the centerpiece artifact in the new exhibitions, interpreting the story of the post-World War II suburban growth epitomized in Johnson County.

Planning for this move is being coordinated by McCownGordon of Kansas City, MO, and Patton House and Building Movers of Paola, KS. We ask that you offer your full cooperation to both companies as they navigate the details and budget requirements of this move. Should you have questions that Johnson County Government is best prepared to answer, please contact Chad Foster, Project Manager in Johnson County Facilities. He may be reached at 913-715-1148 or by email at Chad.Foster@jocogov.org. You can also contact me directly at 913-715-2555 or by email at Mindi.Love@jcoogov.org.

All of the partners involved in creating a successful new home for the Johnson County Museum and the Johnson County Park and Recreation District appreciate your cooperation in facilitating the needed permits and utility accommodations.

Thank you for your support and assistance.

Sincerely,



Mindi C. Love
Museum Director



Background information on the 1950s All-Electric House

The all-electric house, originally located at 4602 Homestead Drive in Prairie Village, KS, is a 5-room ranch-style home built in 1953. At the time, the ranch home was viewed as a dream home for post-World War II home buyers in the Kansas City area. Home ownership throughout the U.S. flourished during this period under new mortgage loan programs offered by the Federal Housing Administration created in 1934 and the 1944 Servicemen's Readjustment Act, commonly known as the GI Bill. The ranch home, inspired by designs offered by Frank Lloyd Wright and Cliff May in the late 1920s and 1930s, was considered modern and up-to-date. By the end of the 1950s, the ranch-style home was dominant with 9 out of 10 homes built nationally in the style.

The All-Electric House was built by Kansas City Power and Light as an experimental model home. KCPL's promotional literature said the house was built for exhibition, demonstration and research purposes and documents indicate that the heat pump "actually prompted the construction of the all-electric home." It was open for approximately six months in 1954 for the community to tour; in that time, over 62,000 people toured the home, at a time when the County's total population was 62,782 people. The impact and interest this exhibition home sparked was intense! Home buyers were curious about the modern technologies and innovations showcased in the home. The home had many modern electrical features such a fully equipped kitchen with all modern, electric appliances, a remote lighting system controlling lights inside and outside of the home, lighting "recipes" designed by General Electric to provide exactly the proper light for every task in every room of the home, and a "Lazy Man's Paradise" living room featuring remote-controlled drapery openers, electrical outlets every two feet, and a remote-controlled panel to hide the television behind a painting above the all-electric fireplace mantel.

The Johnson County Museum was the first in the nation to interpret a 1950s home in a museum setting. Guide tours of the 1950s All-Electric House have been offered since 1998, and the popular special tours "A Very Fifties Christmas" offered during December each year, bring thousands of visitors. This year is the last year for that opportunity as the house will be closed in preparation for its move to the Johnson County Arts and Heritage Center on January 4, 2016.

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider approval of an ordinance amending Chapter 5 – 191 and 192 (Caterers Issuance of License) of the Merriam Code of Ordinances, waiving the license tax associated with the application of a caterer’s license for City sponsored and funded special events.

Department: Parks and Recreation

Background/Description of Item:

In January 2016, staff sought direction on investigating the possibility of allowing the sale of alcoholic beverages at the Merriam Marketplace during select Parks and Recreation special events. At the March 14, 2016 meeting, staff reported that the sale of alcoholic beverages was permitted with a local caterer’s license at that time staff recommended drafting revisions to City Code Chapter 5 Article VI Caterers Section 5 to allow for the local license tax of \$500 every two years to be waived at events that are sponsored and funded by the City of Merriam.

The proposed changes would allow for the tax to be waived if the application for license is related solely to an event sponsored and funded by the City of Merriam on city-owned property and such event has been approved for alcoholic liquor sales by the City Council. This would require that staff seek annual approval of any event where alcohol would be served. In addition, the caterer’s license would only be valid for city-sponsored events as noted on the face of the license. If the caterer wants to pursue other events in which alcohol will be sold within the city, an unrestricted caterer’s license would be required and the fees associated with the license would be collected.

The proposed changes were reviewed by Park Board at the March meeting and were unanimously recommended as proposed. Staff is recommending waiving the first reading due to the Wednesday Farmers Market Events starting June 1st. A copy of the recommended changes are attached.

Related Ordinance or Statutes: Chapter 5 Article VI Caterers Section 5-191 and 192

Recommendation: Staff recommends waiving the first reading and adoption of the ordinance amending Chapter 5 – 191 and 192 (Caterers Issuance of License) of the Merriam Code of Ordinances, waiving the license tax associated with the application of a caterer’s license for City sponsored and funded special events.

Prepared by: Anna Slocum

Date: March 28, 2016

Sec. 5-191. - License tax; waiver of license tax for certain City-sponsored and funded events.

(a) There is hereby levied a biennial license tax on each caterer doing business in the city who has a caterer's license issued by this state, which tax shall be paid before business is begun under an original state license and within five days after any renewal of a state license, unless such tax is waived as set forth in subsection (b) herein. The amount of such biennial license tax shall be adopted by the city council as part of the city schedule of fees. No license tax shall be refunded unless the licensee provides written proof that this state has refunded one-half of the state license fee due to the licensee not using its state license for the entire second year of the license term due to voluntary reasons. In such case, the city will refund one-half of the biennial license tax paid by the licensee.

(b) Payment of the city license tax may be waived whenever the application for license is related solely to an event sponsored and funded by the City of Merriam on city-owned property set forth in Sec. 5-4(c) and such event has been approved for alcoholic liquor sales by the City Council. In the event the license fee is waived and a caterer's license is issued for such city-sponsored event, the licensee may operate as a caterer pursuant to a limited city license only for the purpose of such city-sponsored event. Such limitation will be noted on the face of the license document. If the caterer desires to utilize its city license for other catering purposes within the city, it will be necessary for said caterer to pay the city license tax and receive an unrestricted caterer's license.

Sec. 5-192. - Issuance of license.

All applications for new or renewal city licenses shall be submitted to the city clerk for approval. Upon presentation of a state license and the city license application, payment of the city license tax, unless waived as set forth in Sec. 5-191(b) for a limited city license, and a determination that there are no conflicts with any alcoholic beverage ordinances of the city, the city clerk shall issue a city license for the period covered by the state license, subject to the provisions of 5-191(b) for a limited city license for city-sponsored events..

ORDINANCE NO. _____

AN ORDINANCE RELATING TO CATERER LICENSES; AMENDING SECTIONS 5-191 AND 5-192 OF THE CODE OF ORDINANCES OF THE CITY OF MERRIAM, KANSAS; AND REPEALING THE SECTIONS AMENDED HEREBY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MERRIAM, KANSAS:

SECTION 1. That Section 5-191 of Chapter 5 of the Code of Ordinances of the City of Merriam, Kansas is hereby amended to read as follows:

Sec. 5-191. - License tax; waiver of license tax for certain City-sponsored and funded events.

(a) There is hereby levied a biennial license tax on each caterer doing business in the city who has a caterer's license issued by this state, which tax shall be paid before business is begun under an original state license and within five days after any renewal of a state license, unless such tax is waived as set forth in subsection (b) herein. The amount of such biennial license tax shall be adopted by the city council as part of the city schedule of fees. No license tax shall be refunded unless the licensee provides written proof that this state has refunded one-half of the state license fee due to the licensee not using its state license for the entire second year of the license term due to voluntary reasons. In such case, the city will refund one-half of the biennial license tax paid by the licensee.

(b) Payment of the city license tax may be waived whenever the application for license is related solely to an event sponsored and funded by the City of Merriam on city-owned property set forth in Sec. 5-4(c) and such event has been approved for alcoholic liquor sales by the City Council. In the event the license fee is waived and a caterer's license is issued for such city-sponsored event, the licensee may operate as a caterer pursuant to a limited city license only for the purpose of such city-sponsored event. Such limitation will be noted on the face of the license document. If the caterer desires to utilize its city license for other catering purposes within the city, it will be necessary for said caterer to pay the city license tax and receive an unrestricted caterer's license.

SECTION 2. That Section 5-192 of Chapter 5 of the Code of Ordinances of the City of Merriam, Kansas is hereby amended to read as follows:

Sec. 5-192. - Issuance of license.

All applications for new or renewal city licenses shall be submitted to the city clerk for approval. Upon presentation of a state license and the city license application, payment of the city license tax, unless waived as set forth in Sec. 5-191(b) for a limited city license, and a determination that there are no conflicts with any alcoholic beverage ordinances of the city, the city clerk shall issue a city license for the period covered by the state license, subject to the provisions of 5-191(b) for a limited city license for city-sponsored events..

SECTION 3. Existing Sections. Those sections of Chapter 5 of the Code of Ordinances of the City of Merriam, Kansas not heretofore repealed or repealed hereby shall remain in full force and effect.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance and the Governing Body hereby declares that it would have passed the remaining portions of this Ordinance if it would have known that such part or parts thereof would be declared invalid.

SECTION 5. Repeal. That Sections 5-191 and 5-192 of the Code of Ordinances of the City of Merriam, Kansas as they existed prior to the above amendments are hereby repealed.

SECTION 6. Take Effect. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately after the date of its final passage, adoption, and publication in the official City newspaper.

PASSED BY THE City Council the ___ day of _____, 2016.

APPROVED BY THE Mayor the ___ day of _____, 2016.

Ken Sissom, Mayor

ATTEST:

Juliana Pinnick, City Clerk

APPROVED AS TO FORM:

Michelle D. Daise, City Attorney

AGENDA ITEM INFORMATION FORM

Agenda Item: Resolution opposing draft policy by Shawnee Mission School District (SMSD) Board regarding the use of Tax Increment Financing (TIF)

Department: Administration

Background/Description of Item:

For a little over a year, the SMSD administration and its Board of Directors have complained about the impact of TIF on the finances of the school district. They feel that TIF Projects in Merriam, Overland Park and Prairie Village threaten future revenue streams and have indicated they want to dictate policy for the use of this important economic tool for all municipal jurisdictions in the SMS District.

At the last council meeting staff summarized the draft policy sent to us from the SMSD administration and also presented a suggested response to the policy. It was then suggested that the response be incorporated into a resolution for formal consideration by the council. That resolution is attached.

Related Ordinance or Statutes: KSA 12-1770 to 12-1780 and Council Policy No. 124

Recommendation:

Staff recommends approval of the attached Resolution and once adopted to send it to the SMSD administration and the board chair.

Funding Source: N/A

Prepared by: Phil Lammers
City Administrator

Date: March 24, 2016

□



Shawnee Mission School District

Office of the Superintendent

McEachen Administrative Center • 7235 Antioch • Shawnee Mission, Kansas 66204 • Phone (913) 993-6401 • Fax (913) 993-6230 • www.smsd.org

February 23, 2016

Mr. Phil Lammers
City Administrator
Merriam City Hall
9001 West 62nd Street
Merriam, KS 66202

Dear Mr. Lammers:

The SM board of education held a first reading at the February 22 board meeting of Board Policy DL, attached. The intent of this policy is to provide guidelines to the Shawnee Mission School District administration and board of education in reviewing tax increment financing proposals within the boundaries of the school district.

Please review the policy and provide written feedback no later than Friday, March 18. I am requesting that the written feedback be provided by one individual from your city representing the governing body and administration. One response from each entity will help us better streamline the process and help us understand the official position of your city. If you would like to discuss these guidelines, please either contact Dr. Southwick or myself.

Sincerely,

A handwritten signature in black ink that reads "Jim Hinson". The signature is written in a cursive style with a large, looping initial "J".

Jim Hinson
Superintendent

cc: Mayor Ken Sissom



Book SMSD Policies
Section D: Fiscal Management
Title Tax Increment Finance (TIF) Review
Number DL
Status First Reading
Legal

This policy describes the manner in which the Shawnee Mission School District will review proposals made by developers to establish redevelopment districts within the boundaries of the School District that rely on tax increment financing (TIF).

In conducting this review, the School District will be guided by K.S.A. 12-1771, which provides, in pertinent part, "No privately owned property subject to ad valorem taxes shall be acquired and redeveloped ... if ... the board of education levying taxes on such property determines by resolution adopted within 30 days following the conclusion of the hearing for the establishment of the redevelopment district ... that the proposed redevelopment district ... will have an adverse effect on such ... school district." The School District, by its board of education, will make an independent determination as to whether such a resolution should be adopted under the statute.

As a matter of policy, the School District is committed to (1) supporting economic development initiatives in the fourteen municipalities that make up the School District; (2) acting in partnership with the county, cities, and other taxing entities on economic development initiatives; and (3) ensuring that the tax base of the School District is not adversely impacted in the long term by the establishment of TIF redevelopment districts in a manner not contemplated by statute. To ensure the best possible review, the Shawnee Mission School District encourages a dialogue between the School District, the developer, and the host municipality commencing in the earliest stages of the TIF proposal process.

In conducting the review contemplated by statute, the School District will consider a variety of factors, including those set forth below.

1. An in-depth description of the TIF redevelopment district proposal, including all documents and supporting materials submitted to the municipality, should be submitted by the developer to the School District, in a timely manner.
2. The School District will review TIF redevelopment district proposals in light of applicable statutes and the policy underlying those statutes.
3. The School District will review the financial impact, short term and long term, of the TIF redevelopment district proposal on the School District and on its ad valorem tax base, and will encourage the submission of material that addresses those issues.
4. The School District will consider proposals made to ameliorate the financial impact of the TIF redevelopment district on the School District.
5. The School District will more favorably consider TIF redevelopment district proposals that (a) contain a sunset provision; (b) specify an ad valorem tax impact of fifty percent or less; (c) rely on sales tax rather than ad valorem taxes; or (d) provide that excess revenue is to be captured to pay

debt, with the TIF retired as early as possible.

6. The School District will subject TIF proposals that involve residential areas to greater scrutiny in light of the potential for increased service requirements on the district.
7. The School District will establish a committee to conduct the review described in this policy and to make recommendations regarding each TIF proposal to the board of education. The committee will include the superintendent, the deputy superintendent, the chief financial officer and a board member. The committee may employ consultants to gather information that will assist the School District and the board in conducting the review contemplated by statute and by this policy.

Last Modified by Terry Wintering on February 22, 2016

Resolution No. _____

A RESOLUTION IN OPPOSITION TO THE TAX INCREMENT FINANCING POLICY CONTEMPLATED BY THE SHAWNEE MISSION SCHOOL DISTRICT

Whereas, the City of Merriam has had a long and successful history of eliminated blight and improving the local economy; and

Whereas, the Shawnee Mission School District has drafted a policy restricting the use of Tax Increment Financing for all jurisdictions in the Shawnee Mission School District; and

Whereas, the Shawnee Mission School District has asked for the City of Merriam to comment on the draft policy.

Now, therefore, be it resolved, that the City of Merriam Governing Body has approved the following statements regarding the proposed policy restricting Tax Increment Financing:

1. Communities in the school district area are aging, that's why redevelopment is much more prevalent now than ever before. Redevelopment is costly and difficult and rarely happens without joint investment through public/private partnerships. Additionally, in order to get significant economic development projects, public/private partnerships are critical.
2. Although Shawnee Mission Schools specifically may not directly benefit when TIF projects come on to the tax rolls, the state and local economy does. We feel this is the "tide that will raise all boats".
3. The policy requires that the City will have to have the entire Project defined at the District phase. This is contrary to the process contemplated by and set out in the statutes. At the District step, the statutory process is to define the boundaries and make findings whether the area meets the blight/conservation criteria.
4. Stating a specific 50% "limit" will eliminate the economic feasibility of most projects. They will go elsewhere.
5. The policy states that SMSD will get their analysis done in a timely manner. Many projects are working on tight timelines and cities have very specific schedules set out in statutes that we have to follow. It is concerning that the school district could derail a project that is on a planned timeline.
6. The policy states: "...provide that excess revenue is to be captured to pay debt, with the TIF retired as early as possible." This is confusing because most cities do "pay go" TIF's. It would be helpful to clarify that this only applies when bonds are issued.

Be it further resolved, the City of Merriam will submit this Resolution to the Shawnee Mission School District to demonstrate opposition to proposed policy restricting the use of this important economic development tool.

Adopted by the Governing Body the _____ day of _____, 2014

Ken Sissom, Mayor

ATTEST:

Juliana Pinnick, City Clerk

AGENDA ITEM INFORMATION FORM

Agenda Item: Adoption of 2016/2017 City Council Goals and Objectives

Department: Administration/Finance

Background/Description of Item:

Staff facilitates an annual review and update of long-range goals by the Governing Body. The goals are refined into specific objectives and initiatives to gauge progress toward the goal. Input from the Governing Body was solicited last month, but no new goals were brought forward. The goals and objectives on the attached continue to represent a comprehensive summary of the City's current priorities.

Some completed objectives and initiatives have been deleted including: reduction of trash receptacle code violations; administrative fee for code violation court appearances; easement acquisition policy update; Upper Turkey Creek flood mitigation study (not construction).

Staff is also recommending removal of initiatives supporting KCADC and expansion of the I-35 TIF District. The costs of participating in KCADC (a regional economic development cooperative) are rising and benefits to Merriam have been very limited. While expansion of the I-35 TIF may be considered in the future, expansion in the absence of a specific project will not be in the City's best interest.

Staff refers to the goals and objectives when establishing budgets and making operational decisions. They are published in the formal budget document to demonstrate the City's planning and goal setting process.

Related Ordinance or Statutes: N/A

Recommendation: Staff recommends approval of the proposed 2016/2017 City Council Goals and Objectives.

Prepared by:
Phil Lammers, City Administrator
Cindy Ehart, Finance Director

Date: March 24, 2016

City Council Goals and Objectives for 2016/2017 - Proposed for 3-28-2016 Approval

Goals
Objectives
Initiatives

Dept.

Status as of March 2016

I. Code Enforcement - Enforce City codes fairly to improve physical conditions in the community.

A. Reduce code violations involving maintenance of yards

CD

For 2016/2017, the City has three full-time employees involved in codes enforcement - the Neighborhood Services Manager and two Codes Compliance Officers. Staff will monitor neighborhoods for compliance with yard maintenance codes.

B. Reduce the number of repeat code offenders.

1. Continue to work with and educate banks/property maintenance firms that are caring for foreclosed properties on Merriam's property maintenance requirements.

CD

Community Development monitors foreclosure property and contacts the bank/property maintenance firm when a foreclosed property is in need of maintenance. These activities are aided by the new Neighborhood Services Manager.

C. Establish methods to measure progress toward reduced code violations. Report information to City Council on a regular basis (weekly, monthly, or quarterly).

CD/ Admin

On September 28, 2015 Council approved a contract for the purchase of CitizenServe software. The new software will greatly assist in tracking code violations statistics. Implementation is expected to be completed by summer 2016.

II. Community Development/CIP - Improve value of property and the quality of life through investment in and redevelopment of our neighborhoods.

A. Sustain capital improvement efforts.

1. Merriam residents approved a referendum for a ¼-cent sales tax dedicated to street and storm water improvements. Staff has obtained federal and county grant funds for related projects to leverage the use of City funds from the new tax. (See five year CIP Plan for project schedule.)

CIP

The 1/4 cent tax is in place through 2020. This dedicated tax will fund the Antioch Rd Reconstruction from 67th to Johnson Dr, Farley Ave, the SMPW Bridge/BNSF Rail, Residential Infill Projects and others per the current program.

2. Construct the Upper Turkey Creek mitigation project.

CIP/Admin

(New phase) The approved feasibility study will go to the Secretary of the Army and the federal Office of Management and Budget, although funding for preliminary design via an appropriation bill is not expected until 2018. Then it must go to Congress for inclusion in a future Authorization Bill. At a November 2015 status meeting, Jo Co officials (Eilert & Schaffer) indicated their support for the project.

B. Sustain street lighting program.

1. Monitor LED light project for efficiency

PW

Technology continues to improve the quality of LED's over earlier versions.

2. Accelerate streetlight conversion program to accommodate modern metered lighting

PW/CIP/CD

A total of 130 decorative streetlights were installed in 2015. The 2016 CIP budget provides \$697k for four streetlight projects. The 5-Year budget provides for systematic replacement of old streetlights.

C. Support a public art project(s) in a prominent Merriam location.

Admin

The CIP budget includes \$100k+/per year for public art from 2015-2019. An outside consultant is assisting the art committee with the selection process. The ad hoc committee includes three councilmembers, city administrator, and three residents. A contract for the first project has been approved and will be completed by spring 2016. The committee has tentatively selected the site for the 2nd art project and will request proposals in early 2016.

D. Complete the City's sidewalk system

PW/CIP

\$1.8 million is programmed for sidewalks for 2017-2019

E. Partner with neighborhoods to provide better island maintenance

Adm/PW/CD

Staff has determined that circumstances for island maintenance vary greatly between neighborhoods. The Neighborhood Services Manager will be reaching out to the various neighborhoods to gain insights to specific issues. Bids for basic mowing were obtained and range from about \$15k to \$20k/annually.

City Council Goals and Objectives for 2016/2017 - Proposed for 3-28-2016 Approval

Goals
Objectives
Initiatives

Dept.

Status as of March 2016

III. Citizen Advocacy - Enhance citizen engagement with the City.

A. Enhance the new City website.

1. Provide e-commerce capabilities to allow citizens to conduct business on-line.
2. Facilitate better communication between council reps and citizens

All Depts

Admin

WebTrac allows on-line registration for all P&R offerings. New CitizenServe software will allow for online pet and business license renewal. Business database online with map and website links.
 The City hired a new Communications Manager in December 2015. He is investigating a new City "app" to connect with our website. Staff obtains new resident info from the County each quarter and information packets are available for council members to distribute to their new constituents. City now has a presence on the "Next Door" social media app for neighborhoods. Communications via Facebook, Twitter, and Nixle also continue.

IV. Economic Development - Promote and stimulate quality development to enhance the City's economic base.

A. Promote existing developments.

1. Update the City's existing Tax Increment Financing Policy (TIF) and adopt a new Community Improvement District (CID) Policy.

Admin/CD

Proposed TIF Policy rewrite is under review by staff and City Attorney. CID Policy has yet to be drafted.

B. Work with local business owners and business associations.

1. Assign staff &/or council members to attend six bimonthly DMP meetings. Staff will attend periodic North East Johnson County Chamber of Commerce events and promote the area through the NE7 Committee.
2. Develop cooperative advertising for major City industries to enhance/expand their customer base and highlight their connection to Merriam. (i.e. auto dealerships, hotels)

Admin

Admin

Council reps have attended meetings through the year. There have not been any new initiatives by the DMP. Staff continues to work with the NEJC and the commercial real estate data base "LOIS" is a result of that work. Budget 2016 includes \$8k to support chamber activities.
 Budget 2016 continues an promotional advertising budget for local businesses with \$15k. Again in 2016, the City will provide free transportation to Merriam hotel guests attending the Big 12 basketball tournament at the Sprint Center with a budget of \$6.7k.

C. Keep abreast of legislative efforts and current events that are adverse to the City of Merriam.

1. Hire a lobbyist to track state and federal legislative efforts that are adverse to our community's interest. Continue to subscribe to local business publications for information on current business trends.

Admin

Stuart Little is budgeted for 2016. The City maintains its subscription to the KC Business Journal. Assistant City Admin has joined the LKM Taxation and Finance Committee, whose work includes development of a legislative platform.

D. Increase administrative support of the Flags 4 Freedom event

All Depts

The F4F committee members have identified several specific areas for which they would like City assistance with the event. Staff will evaluate the requests.

City Council Goals and Objectives for 2016/2017 - Proposed for 3-28-2016 Approval

Goals
Objectives
Initiatives

Dept.

Status as of March 2016

V. Administrative Focus - Support quality service delivery in an efficient manner.

A. Invest in our employees.
 1. To the extent resources are available; we will empower our employees, fund competitive salaries, conduct market studies, and train our employees to be the best asset they can be.

All Depts

Salary range adjustments were approved by Council for FY16. Employee Handbook review is ongoing. A variety of safety and wellness activities are offered including safe driver, biometric screening, and flu shots.

VI. Sustainable Planning - Implement best management and planning practices and encourage the community to undertake energy-reducing and recycling efforts.

A. Evaluate options for renovation and improvements to the City's Community Center and Aquatic Center

Admin/
Parks

A mechanical and structural survey of the IBFCC was completed in May 2015 and an evaluation of the aquatic center was completed in 2014. A Recreational Facilities Steering Committee has been formed consisting of City staff, Council members and citizens. The committee will recommend a consultant for a recreational needs assessment in spring 2016.

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider approving the Ordinance (Second Reading) to begin the eminent domain process necessary to acquire easements associated with the Farley Avenue Improvement Project.

Department: Capital Improvements

Background/Description of Item:

The 2016 Capital Improvement Plan includes the Farley Avenue Street Improvement Project. The project includes a twenty-four foot wide asphalt street, curb and gutter, storm sewer drainage facilities, and a six-foot wide ADA accessible sidewalk along the west side of the roadway.

BHC-Rhodes Inc. has completed approximately ninety-five percent of the final design. CIP Staff has held two public meetings on the project with an average of twenty citizens attending each night. Discussion at the meetings has been spirited and mixed both for and against the project. Areas of concern include: one-way versus two-way street design; the speed of cars on new roadway once complete; and increased traffic through the neighborhood also after the project is complete. A third and final public meeting will occur this spring following the selection of a contractor to construct the project.

The project is adjacent to seventeen properties. The current plan impacts fourteen of those properties and necessitates the need to acquire temporary and permanent easements from them. Permanent easements are necessary for the retaining walls on both ends of the project as well as storm sewer infrastructure. Temporary easements are mostly needed to “match in” the new grade to the existing topography. To date, Mr. Amrein, The Land Company, has successfully acquired easements from six properties and he will continue to work on acquiring more of them. Every attempt will be made to amicably acquire all easements by negotiation before the second reading of this ordinance occurs.

The following is a schedule of events to keep the project on track to be substantially complete before next winter:

Jan. 11 th –	Resolution declaring intent to condemn passed
March 14 th –	Ordinance with formal authorization and provision for condemnation (1 st reading).
March 28 th –	Project advertised
	Ordinance with formal authorization and provision for condemnation (2 nd reading)
Mid-April –	Condemnation District Court hearings scheduled
April 25 th	Project bid award
Mid-May –	Final condemnation determination by District Court
May 16 th	Notice to Proceed
Nov. /Dec.	Project substantially complete

Attachment: Ordinance

Related Ordinance(s) or Statute(s): Eminent Domain Pre-court Procedure (K.S.A. 26-201 et seq.)

Recommendation: Staff recommends that the Council consider the second reading of the ordinance providing for the condemnation of easements necessary for the Farley Avenue Improvement Project.

Funding Source: Special Sales Tax

Prepared by: Gerry Vernon, CIP Director

Date: March 24, 2016

**CITY OF MERRIAM
ORDINANCE NO. _____**

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF LANDS OR INTERESTS THEREIN BY CONDEMNATION FOR THE PURPOSE OF STREET IMPROVEMENTS IN THE VICINITY OF FARLEY AVENUE BETWEEN 67TH AND 69TH STREETS IN THE CITY OF MERRIAM, KANSAS.

WHEREAS, the Governing Body of the City of Merriam, Kansas, by Resolution No. 869, which was published on January 19, 2016, declared the necessity for acquiring interests in private property and authorized a survey and description of lands or interests therein to be condemned by the City for the following purpose:

Residential street improvements located in the vicinity of Farley Avenue between 67th and 69th Streets to re-establish a fully functional two-way residential street designed with a twenty-four foot wide asphalt street, curb and gutter, storm sewer drainage facilities, and a six-foot wide ADA accessible sidewalk along the west side of the roadway, and including all other work necessary and incidental thereto, which are collectively referred to as the "Improvements;" and

WHEREAS, said survey and descriptions of land or interests therein has been made and filed with the City Clerk of the City of Merriam, Kansas.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MERRIAM, KANSAS THAT:

SECTION 1. It is hereby authorized and provided that the land or interest hereinafter set forth be acquired by condemnation pursuant to K.S.A. 26-201 for the purpose of construction of the Improvements:

Tract No.	Situs Address	Parcel Number	Owner	Property Interest*		
				PDE	AE	TCE
5	6821 Wedd Street	JP25000003 0005	Ventura Lobato Lorena Lobato			847
7	6800 Farley Avenue	JF241213-2006	Jarrod L. Ousley Heather M. Ousley			12894
8	6760 Farley Avenue	JF241213-2005	Luke Jacobs Sara Jacobs			1750
9	6700 Farley Avenue	JP25000003 0041	Chadwick Avila Katherine Avila	945		481
10	9825 W. 67th Street	JF241213-2011	67th Street Holdings, LLC	1200	625	13487
11	6801 Farley Avenue	JF241213-2012	Dierk W. VanKeppel Lori E. Jones			1433
14		JF241213-2027	Dierk W. VanKeppel, Trustee Lorie Elizebeth Jones, Trustee			400
15	9897 W. 70 th Street	JF241213-2004	Louis D. Ferlo Beverly A. Ferlo	1408		7083
Total Square Footage				3553	625	38375

- * **PDE** Permanent Drainage Easement
AE Access Easement (Permanent)
TCE Temporary Construction Easement

SECTION 2. It is further authorized and provided that as soon as practical, after enactment of this Ordinance, action be initiated to exercise the power of eminent domain in accordance with K.S.A. 26-501, et seq., the Eminent Domain Procedure Act, to condemn all land and/or property interests hereinbefore described.

SECTION 3. This Ordinance shall take effect and be in full force and effect from and after publication in an official City newspaper as provided by law.

PASSED by the Governing Body this _____, 2016.

APPROVED by the Mayor this _____, 2016.

ATTEST:

KEN SISSOM, Mayor

Juliana Pinnick, City Clerk

APPROVED AS TO FORM:

Michelle Daise, City Attorney

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider approval of an ordinance revising Chapter 53 – Signs and Other Advertising. (first reading)

Department: Community Development

Background/Description of Item:

At the January 11, 2016 meeting, the City Council received comments regarding the city’s sign regulations from downtown business owner, Johnny Pieters. After the meeting, staff met with Mr. Pieters and a representative of the Northeast Johnson County Chamber of Commerce, Stoney Bogan. At that meeting, Mr. Pieters detailed a number of items that he felt limited the ability of businesses to promote themselves to customers.

Based on some of the comments, staff recommends the following changes to **Chapter 53 – Signs and Other Advertising** in the Merriam Code.

- Remove barber poles and internally illuminated translucent canopies or panels from the definition of *Attention-attracting device*.
- Allow a Sandwich Board Sign to be displayed in front of a business. The display of a sandwich board sign will not require a permit.

Related Ordinance or Statute: Merriam Code Chapter 53 – Signs and Other Advertising

Recommendation:

First reading of the ordinance.

Prepared by: Bryan P. Dyer, AICP
Community Development Director

Date: March 28, 2016

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 53-3, 53-35, AND 53-60 OF THE CODE OF ORDINANCES, CITY OF MERRIAM KANSAS AS THEY RELATE TO THE DEFINITION AND TEMPORARY STORAGE OF TRAILERS AND RECREATIONAL VEHICLES.

WHEREAS, on January 11, 2016, the City Council received public comment from a downtown business owner concerning allowable signage;

WHEREAS, this ordinance has been drafted to address some of the concerns raised at that City Council meeting.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MERRIAM, KANSAS THAT:

Section 1. That Section 53-3 be amended to read as follows:

Sec. 53-3. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Attention-attracting device means any device or object visible from any public street which is primarily designed to attract the attention of the public to a business, institution, sign, or activity through such means, including but not limited to illumination, color, size or location. Attention-attracting devices or objects often times incorporate illumination, which may be stationary, moving, turning, blinking (including animation) or flashing. Attention-attracting devices may or may not convey a message and can include, but are not limited to, search lights, beacons, strobe lights, strings of lights, ~~barber poles, internally illuminated translucent canopies or panels~~, electronically controlled message boards (time/temperature signs, gas price signs, public service announcements, etc.), banners, streamers, pennants, propellers and inflatable objects (including strings of balloons) or other devices or objects designed to attract attention. Approved traffic-control devices are not considered to be attention-attracting devices for purposes of this Code.

Sandwich Board Signs means a freestanding temporary sign, with no moving parts or lights, no larger than 8 square feet, standing no taller than 42 inches, and no wider than 2.5 feet. They must be constructed of materials that present a finished appearance, as an example, but not limited to, rough-cut plywood is not acceptable. The sign is displayed outside a business during business hours to advertise the business, hours of operation, an event, a promotion, etc.

Section 2. That Section 53-5(2) be amended to read as follows:

- (2) *Portable signs.* Portable signs (except sandwich board signs) or attention-attracting devices.

Section 3. That the following be added to **Sec. 53-35. Signs allowed without sign permit issuance** of the Merriam Code:

- (24) Sandwich Board Signs. One sandwich board sign is allowed for a business with street frontage subject to the following requirements.
- a. The sign must be placed directly in front of the business the sign is advertising. The sandwich board sign may not be placed in a street, driveway, parking lot, alley, or any other location intended for vehicles.
 - b. Signs may be placed in the right-of-way.
 - c. Signs on a sidewalk must be placed to provide a minimum of 4 feet of continuous open sidewalk space for pedestrian use.
 - d. The sign must not obstruct pedestrian and wheelchair access from the sidewalk to any of the following:
 1. Transit stop areas;
 2. Accessible parking stations;
 3. Pedestrian access ramps; or
 4. Exterior doors and building exits, including fire escapes.
 - e. The sign must be placed so that it does not create a hazard of any kind for pedestrians, vehicles or vehicle drivers.
 - f. The sign must be taken inside when the business is not open to customers.
 - g. Signs placed in the right-of-way must be portable and may not be attached or anchored in any manner.
 - h. The sign may not be illuminated.

Section 4. That Section 53-60(a) amended to read as follows:

- (a) *Not in public right-of-way.* No sign, except government approved traffic-control signs or sandwich board signs, shall be located within the public right-of-way. A projecting sign located on a building abutting the right-of-way may extend into and over the right-of-way, provided such projecting sign shall not exceed 24 square feet and shall be mounted so that the lowest part of the sign is at least eight feet above the adjacent grade.

Section 5. This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately after the date of its final passage, adoption and publication in the official City newspaper, all as provided by law.

PASSED by the Governing Body of the City of Merriam and approved by the Mayor on the 11th day of April, 2016.

(Seal)

Ken Sissom, Mayor

ATTEST:

Juliana Pinnick, City Clerk

APPROVED AS TO FORM:

Michelle D. Daise, City Attorney

CONSENT AGENDA

COUNCIL ITEMS

1. Move that the council approve the minutes of the March 14, 2016 City Council meeting.

MAYOR'S REPORT

FINANCE AND ADMINISTRATION

1. Move that the council waive the fees related to a House Moving Permit for Patton House Movers, Inc. for the Johnson County Museum All Electric House.
2. Move that the council waive the customary first reading of an ordinance amending Chapter 5, sections 191 and 192 of the Merriam Code of Ordinances.
- 2a. Move that the council approve an ordinance amending Chapter 5 of the Merriam Code of Ordinances related to caterers fees for city coordinated and funded special events.
3. Move that the council approve a resolution opposing the Shawnee Mission School District draft TIF Policy.
4. Move that the council approve the 2016/2017 Council Goals and Objectives.

COMMUNITY DEVELOPMENT/PUBLIC WORKS

1. Move that the council approve an ordinance authorizing and providing for the acquisition of lands or interests therein by condemnation for the purpose of street improvements in the vicinity of Farley Ave. between 67th and 69th Streets.
2. No motion (first reading).
3. No motion.

STAFF ITEMS

NEW BUSINESS

EXECUTIVE SESSION