

**MERRIAM CITY COUNCIL MINUTES
CITY HALL
9001 WEST 62ND STREET
MARCH 13, 2017
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
Chris Evans Hands
Nancy Hupp
Cheryl Moore
Robert Weems
Scott Diebold and Bob Pape were absent.

Staff present: Chris Engel, City Administrator; Mike Daniels, Police Chief; Anna Slocum, Parks and Recreation Director; Bryan Dyer, Community Development Director; Meredith Hauck, Assistant City Administrator; Bryan Dehner, Fire Chief; Cindy Ehart, Finance Director; Kevin Bruemmer, Public Works Director; Nicole Proulx Aiken, City Attorney; 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. COUNCIL ITEMS

1. Consider approval of the minutes of the City Council Meeting held February 27, 2017.

COUNCILMEMBER FRISBY MOVED THAT THE COUNCIL APPROVE THE MINUTES OF THE FEBRUARY 27, 2017 CITY COUNCIL MEETING. COUNCILMEMBER MOORE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

2. Installation of new Councilmember.

The City Clerk administered the Oath of Office to Ward 2 Councilmember Brian Knaff.

V. 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 a supplemental agreement with GBA for the sidewalk infill project.
2. Consider approval of a bid award to VF Anderson for Residential Street Group V.
3. Consider approval of the 2017 Council Goals and Objectives.
4. Consider approval of the purchase of playground equipment for Quail Creek Park.

COUNCILMEMBER MOORE MOVED THAT THE COUNCIL APPROVE CONSENT AGENDA ITEMS 1-4. COUNCILMEMBER HUPP SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

V. MAYOR'S REPORT

VI. COUNCIL ITEMS

A. Finance and Administration

1. Consider approval of the purchase of two ballistic tactical shields.

Police Chief Mike Daniels provided the background for this item.

The police department currently has two ballistic shields that were purchased over 10 years ago. They are showing their age and need to be replaced. A few weeks ago, Sgt. Brokaw used one of our shields to take a combative subject into custody. He planned an entry into a hotel room with several officers using the shield as protection, then once inside used the shield to pin the subject to the wall while officers handcuffed him. These shields are also used for our active shooter response.

We would like to replace them with two level III 24" x 36" shields with viewports. These shields weigh 28.12 lbs. and are coated with polyurea to increase durability. The shields are capable of stopping all pistol rounds and rifle rounds up to 7.62 x 51mm, 149-grain, M80 FMJ.

The cost of each shield is \$6,500 for a total of \$13,000.

Chief Daniels displayed a ballistic shield currently used by the department. The shield is showing signs of wear and they deteriorate over time. The new shields would be an upgraded version of the current shields being used.

COUNCILMEMBER HUPP MOVED THAT THE COUNCIL APPROVE THE PURCHASE OF TWO BALLISTIC TACTICAL SHIELDS IN THE AMOUNT OF \$13,000. COUNCILMEMBER MOORE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

2. Consider approval of amendments to Council Policy 102 and 122.

City Administrator Chris Engel presented the background for this item.

Council Policies are designed to administer certain procedures of the council and staff. From time to time these policies are amended to reflect changes in procedures.

The change to Policy 102 is simply a grammatical change.

Policy 122 details items that are allowable to be placed on the City Council Consent Agenda. The changes to Policy 122 include an update to the dollar amount of a change order. The language regarding the change order comes from Council Policy 106 that was amended in 2011 and increased that amount to \$30,000. That amendment is not reflected on Council Policy 122.

One additional item is being added to Council Policy 122 for Consent Agenda items. That additional item is regarding a Budget Amendment from Council Policy 102, which details the level of approval authority for budget amendments. Staff is recommending we simply reference those other policies rather than restating the language, that way if changes occur in the future, Policy 122 will not require a change.

Sam Matier, 8515 W. 57th St. made comments regarding Council Policy 122. Mr. Matier stated that he does not feel that change orders on Policy 122 in excess of \$25,000 should be handled as a routine matter on the Consent Agenda.

Mayor Sissom explained that regarding Consent Agenda items, any member of the City Council or public can request any item be pulled from the Consent Agenda and considered separately. Mayor Sissom further explained that any change order in excess of \$25,000, which is actually now \$30,000 cannot be placed on the Consent Agenda. He added that often times Consent Agenda items are pulled off by a councilmember or member of the public for additional information and/or discussion.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE AMENDMENTS TO COUNCIL POLICY 102 AND 122. COUNCILMEMBER HUPP SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

3. Monthly Finance Report.

Finance Director Cindy Ehart presented the Finance Report for the month of February.

4. Community Center funding discussion.

City Administrator Chris Engel explained that while the City has been exploring the option of a new Community Center over the past year discussions regarding funding sources for such a facility are also being explored.

A sales tax appears to be the most appropriate source of funding for the facility as the survey results reflected that a sales tax was the most desirable funding source for a new facility by Merriam residents. Because Merriam's sales tax is paid 4 to 1 by non-residents, the sales tax option for funding a new Community Center Facility would have the least financial impact to Merriam residents.

Finance Director Cindy Ehart commented that staff has been working through some scenarios of how funding a new facility with sales tax dollars could potentially work.

City sales tax collections for Merriam are strong and have grown steadily over the past few years. Sales tax collections fund half of the City's General Fund and a majority of the CIP Fund. In 2013 the City sales tax collections totaled \$7.6 million. In 2016 that total was \$9.9 million. A ¼ cent city sales tax would generate approximately \$2,050,000 per year.

With an estimated cost of a new Community Center facility costing at approximately \$30 million, the City would most likely issue bonds

to fund the center. Paying the debt service on the bonds through sales tax collections is a likely scenario.

Staff sought out information through our financial advisors and determined that the city has a bonding capacity in the amount of \$25 million dollars or less. With that information, the advisors ran some scenarios of a 10-year bond term versus a 20-year bond term for a \$25 million bond issuance.

In looking at the two term options, it appears that annual debt service payments of interest and principal on a 10-year bond life would total about \$2,820,000 and a 20-year debt service payment on the bonds would total \$1,676,000. With the ¼ cent sales tax generating \$2,050,000 annually the debt service payment could easily be funded through the sales tax on a 20-year note. The 10-year debt service payments would require an additional \$770,00 not generated by the ¼ cent sales tax.

Even though the 10-year bond payments would be more than the funds generated by the ¼ cent sales tax, the difference could be paid from the CIP Fund. This would lower the cost of borrowing by over \$5 million and pay the debt service off in 10 years rather than 20.

To utilize CIP monies to fund the difference on the 10-year note would not greatly impact any CIP projects. On average, there is a transfer of about \$2.7 million from the General Fund to the CIP Fund annually. By reducing that transfer to \$2 million it would still leave adequate funding for CIP projects and the \$.7 million could be used to pay the difference in the debt service payments.

Ms. Ehart reviewed the pros and cons of each of bond terms:

10-year bond

20-year bond

Pros

Lowers cost of borrowing by \$5 million collections

Bond Life=special sales tax life

Cons

Debt service exceeds sales tax collections more
Reduces flexibility in the CIP Fund

Pros

Debt service is less than sales tax

Allows greater flexibility in CIP

Cons

Cost of borrowing is \$5 million
Special sales life is only 10 years

Councilmember Moore commented that recently some reorganization of city departments that combined CIP into Public Works was due to the fact that there was some level of saturation on CIP projects. She wanted to verify that this was correct.

City Administrator Chris Engel responded that absorbing CIP into Public Works was due to the fact that the CIP projects would soon be less aggressive due to all the work that has been done over the years. Many of the larger projects such as creek projects, bridges, and all street projects that are typically high dollar items have been completed. The city has utilized funding for these projects through matching grants and other sources to maximize our CIP dollars.

While a few years ago, many cities were unable to receive these matching grants due to their lack of available funds, Merriam had adequate funding due to the sales tax that has been generated over the past 20 years specifically for infrastructure projects.

The Residential Street Group V is the last segment of residential streets the city has to complete. Once that project is complete, all of the residential streets have been redone. The only other major project is the Upper Turkey Creek basin project and that project has had funds earmarked for several years. All other projects slated will have adequate funding even with the potential transfer of funds to debt service payments. So, using some of that tax revenue would not jeopardize any CIP Projects.

Mr. Engel added that the information presented tonight is preliminary but it is an option the city has been exploring and the scenario is feasible. The information will be on the city's website as part of the Recreation Facilities Blog.

B. Community Development/Public Works/CIP

1. Consider approval of an ordinance adding and amending Chapter 74 of the Merriam Code of Ordinances.

Community Development Director Bryan Dyer presented the background for all three proposed ordinances.

On July 14, 2014, the City Council codified the City of Merriam Code of Ordinances. During the codification process staff identified additional Code revisions that were beyond the scope of codification. Over the past couple years, staff has worked with the Planning Commission and City Council on code amendments to address those additional revisions.

Included in the Council Agenda Packet were three (3) draft ordinances and the Planning Commission staff report that is

associated with ordinance #1. These three (3) ordinances include the code revisions that Planning Commission and City Council have discussed over the last couple of years.

On February 1, 2017, the Planning Commission conducted a public hearing on an ordinance amending Chapter 74 – Zoning of the City Code. The ordinance includes most of the changes identified by the City Council. There were no public comments made during the public hearing. After closing the hearing, the Planning Commission unanimously recommended approval of the ordinance.

Mr. Dyer reviewed the proposed changes to ordinance #1:

Section #1 (Sec. 74-43)

Creates zoning classification of lesser change that is referred to in Sec 50-48(g). The code references a table that details the zoning classification of a lesser charge, however that table was not in the Code. So, staff recommends placing that table in the code by adding it in Section 74-43.

Section 2 (Section 74-87)

Establishes an expiration date for site development plans. The change will give 12 months for construction to commence after final approval of the site development plan. It also will allow for a six-month extension upon request.

Section 3 (Sec. 74-94)

Allow roof eaves or soffits to project into a required yard. Setback requirements previously included the eaves or soffits in those requirements. This change will allow the eaves and soffits to project from a vertical wall of a structure up to three feet into a required yard, but no closer than two feet to the property line.

This section also increases the allowable fence height in the required front yard to an industry standard of 48 inches from the current height of 42 inches, which is not an industry standard.

Section 4 (Sec. 74-97)

Allow the installation of septic tanks only when replacing an existing septic tank. Installation of a septic tank for new development is not allowed per the city's plumbing code.

Section 5 (Sec 74-422)

Clarifies that a principle use is allowed to have one (1) each of the following structures – workshop, storage building, and child's playhouse. Increases the allowable sidewall height of these structures from seven (7) feet to eight (8) feet.

It will also allow detached garages to be larger than 800 square feet on lots that are greater than 10,000 square feet based on the building footprint. Further, it allows larger parcels to have larger detached garages based on the parcel square footage up to a max of 1,020 square feet for a detached garage.

Section 6 (Sec. 74-424)

Adds the requirements that an attached garage cannot be larger than the principle structure, the cumulative square footage of all accessory structures cannot be greater than the principle structure's square footage, the design and construction of a garage must be compatible with the principle structure, and an accessory structure cannot be converted into habitable space.

Section 7 (Sec. 74-473)

Removes reference to application fee for home office. All fee references were supposed to be removed as part of the code codification process that took place in 2014.

Section 8 (Sec 74-535)

Allows the use of permeable pavers or concrete for excess commercial parking areas and removes five-year provision.

Allows the installation of "ribbon drives" in for single-family and two-family dwellings.

Section 9 (Sec 74-705)

Reduce the minimum lot size for Planned Unit Development zoning to 10,000 square feet. This will allow for possible development and redevelopment of smaller parcels.

Section 10 (Sec 74-709)

Removes requirement that a final development plan be filed with the register of deeds. Staff is unaware of anytime that a final development plan has been filed with the register of deeds, so it will be removed.

Ordinance #2 contains the code revision regarding inoperable vehicles. The current code states that staff must begin pursuit of an inoperable vehicle violation within 7 days. This is very different than how other code violations are handled. Staff would prefer to be able to handle the inoperable vehicles in the same manner as all other code violations. This ordinance and ordinance #3 do not amend the Zoning Chapter.

Ordinance #3 amends the insurance proceeds fund for damaged buildings section of the Code and brings the city's procedures for handling damage structure insurance proceeds into conformance

with the recently passed Kansas State House Bill 2446, which changes the timeframe for legal proceedings from 30 to 45 days.

Since the Planning Commission conducted a public hearing on ordinance #1 it does not require a first reading. Because ordinances #2 and #3 do not amend the Zoning Chapter, the Planning Commission did not review them and, per City Council policy, require a first and second reading by Council. Since all three ordinances are related, staff is keeping them together as the Council considers them.

Staff anticipates placing the three ordinances on the City Council March 27, 2017 agenda for final consideration.

2. Consider approval of an ordinance amending section 44-275 of the Merriam Code of Ordinances (first reading).
3. Consider approval of an ordinance amending section 11-120 of the Merriam Code of Ordinances. (first reading).
4. CIP Update.

Public Works Director Kevin Bruemmer provided the following CIP Updates:

Farley Avenue Project - The contractor was gearing up to begin pouring driveways with the warm weather we have been having. However, with the recent cold snap those plans have been backed off.

Shawnee Mission Parkway Bridge over BNSF railroad was to have started today but with the weather, it has been moved to next Monday.

Owen Heights Corrugated Metal Pipe Repair project has been moving forward with the drafting of easements to amend them to reflect the location of existing pipes. The cover letter and easements are scheduled to go out to the thirteen (13) affected property owners this week.

Sidewalk in-fill project is moving along on the first phase. The information letters and FAQs have been sent to residents affected by the first phase of the project.

VII. STAFF ITEMS

VIII. NEW BUSINESS

IX. EXECUTIVE SESSION

X. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL,
COUNCILMEMBER HUPP MOVED TO ADJOURN AT 8:10 PM.
COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS
UNANIMOUSLY APPROVED.

APPROVED: March 27, 2017

Respectfully submitted,
Juliana Pinnick
Juliana Pinnick
City Clerk