

**MERRIAM CITY COUNCIL MINUTES
CITY HALL
9001 WEST 62ND STREET
May 22, 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

Scott Diebold
Al Frisby
Chris Evans Hands
Nancy Hupp
Bryan Knaff
Cheryl Moore
Bob Pape
Robert Weems

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

III. PUBLIC ITEMS

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

IV. CONSENT AGENDA

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.

Mayor Sissom removed item 3 from the Consent Agenda. This item will be considered at a subsequent City Council meeting.

1. Consider approval of the minutes of the City Council meeting held May 8, 2017.

2. Consider the purchase of three police vehicles.
3. Consider approval of a resolution approving the 2017-2021 County Assisted Road System (CARS) applications to Johnson County.

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

V. MAYOR'S REPORT

1. Stuart Little-Legislative Update.

Stuart Little provided an update to the council regarding the 2017 Legislative Session.

2. Proclamation-Public Works Week May 21-May 27.

Mayor Sissom read the Proclamation honoring approximately 13 Public Works employees in attendance.

Mayor Sissom announced that a member of the Art Committee, Todd Boyer has stepped down from his position on the committee. Mr. Boyer served as chairman of that committee. Phil Lammers, current committee member, has agreed to accept the appointment to chairman.

VI. PUBLIC HEARING - Public Hearing regarding the City's grant application submittal for 2018 Community Development Block Grant (CDBG) funding.

Community Development Director Bryan Dyer provided the background for this item.

This is the second of two scheduled Public Hearings regarding the city's application to Johnson County for 2018 CDBG funds. The first hearing occurred on April 24, 2017. The purpose of that hearing was to receive input from the public on which public improvement project the city should submit for funding. There was no public comment at the meeting. Following the conclusion of the Public Hearing, the City Council directed staff to work on a CDBG application for the installation of 28 City of Merriam standard streetlights in Wellington Woods and Demeese Heights neighborhoods.

The purpose of this Public Hearing is to receive feedback on the specific application that is included in the Council's information packet. After conducting the Public Hearing, if appropriate, the Council may authorize the Mayor to sign the application.

The City of Merriam's 2018 CDBG application is for \$100,000 to be used for the removal of 16 KCPL "cobra head" streetlights and the installation of 28 City of

Merriam standard streetlights in the northcentral portion of the city. The “cobra head” streetlights are spaced far apart and do not provide a large amount of illumination at ground level. The CDBG funds will be used to replace the “cobra head” lights with streetlights that are much more appealing and owned by the city. The streetlights that are installed by the city are aesthetically pleasing, shorter, and provide better lighting at ground level. This increased lighting encourages pedestrian activity and neighbor interaction. This increase in activity discourages crime in neighborhoods. Since the new lights are city owned and metered, the city only pays the actual cost of the electricity used.

Mayor Sissom opened the Public Hearing at 7:30 pm.

There were no public comments.

Mayor Sissom closed the Public Hearing at 7:30 pm.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL AUTHORIZE THE MAYOR TO SIGN THE 2018 CDBG APPLICATION. COUNCILMEMBER MOORE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

VII. COUNCIL ITEMS

A. Finance and Administration

B. Community Development/Public Works/CIP

1. Recreational Facilities Discussion - Development Challenges in Downtown Merriam.

City Administrator Chris Engel commented that through the on-going process of educating the public about the city’s recreational facilities and the options for those facilities, he felt it important to discuss the challenges of the Community Center in its current location on Merriam Drive. These challenges not only affect the City, when trying to rehab or make upgrades to our facilities but also affect private businesses who want to invest in downtown Merriam.

Mr. Engel asked Community Development Director Bryan Dyer to review some of the challenges and issues folks face with properties in Downtown Merriam.

Mr. Dyer commented that because many of the buildings in Downtown Merriam are very old and are located in the FEMA Floodplain, development and redevelopment cause many challenges.

One of those challenges includes building codes related to ADA (Americans with Disabilities Act) Accessibility Guidelines. When many of the buildings were constructed, including the Irene B. French Community Center, this act was not in place. Retrofitting buildings that are 70-100 years old to meet these guidelines is very difficult. Particularly when a building site has a change in use from a less public use to a more public use, the ADA Guidelines can hinder those changes. Parking requirements can also cause challenges as the building codes require different parking requirements for different types of uses. Many of the required upgrades are life safety issues and must be addressed when buildings are either modified or a change in use occurs.

Mr. Dyer explained that Johnson County Wastewater has requirements for certain types of uses as well. A site that wants to be changed to a restaurant use, for example, would have to install a grease interceptor. This can be a very expensive requirement to meet. As well, any business that involves washing of cars, requires a sand/oil interceptor be installed in the floor drain. Other existing non-complying conditions may require upgrades such as the discovery of knob and tube wiring would require new wiring be installed. Inadequate electrical panels are often discovered during a building remodel and requires upgrades to the panel.

Mr. Dyer displayed a map depicting the FEMA100 year Floodplain area which includes the Floodway and Floodway Fringe. A large portion of downtown is located in the floodway. Any new structure or substantial improvement, which includes 50% improvement to the value of a structure, is required to be elevated or floodproofed. The elevation must be increased to one-foot above the flood elevation. Floodproofing is difficult and expensive.

The floodplain is a risk map for the purpose of the federal flood insurance program. Cities are required to adopt the floodplain maps and the base regulations in order to enable residents to buy flood insurance. If the city did not adopt the floodplain maps and regulations, folks would not be allowed to get the flood insurance. The flood insurance can be very expensive for businesses.

If you are in the floodway fringe the insurance is less expensive than if you are in the floodway. Banks will require a business to get flood insurance if you have a loan and your business is in the floodplain. The regulations adopted by a city are designed to reduce the amount of financial loss during a flood.

New development in the floodway is very difficult as folks are required to do a hydrologic and hydraulic analysis to ensure that those improvements or developments will not increase the flood

velocity and elevations. These are fairly expensive to do. Basements are not allowed in the floodplain.

The last flood in downtown Merriam was in 1998; since that time the US Army Corps of Engineers have been working on mitigating the floodplain in this area. Staff would ultimately like to see downtown Merriam out of the floodplain completely but even taking parts of it out of the floodplain would be a great improvement.

Mayor Sissom commented that while the Community Center property is only partially in the floodplain, and there are options to either build new or make significant improvements to the existing structure on that site, floodplain issues could dramatically affect the costs of those improvements.

Mr. Dyer commented that a large portion of the Community Center parcel is in the floodplain and any development within that area requires a Floodplain Development Permit and the hydrologic and hydraulic analysis to be done. The development would have to be elevated one-foot above the base flood elevation.

Building Code regulations hinder a lot of improvements at the current Community Center, as it was designed for a school and is a very old structure. In the past few years when the Parks and Recreation Director desired making some changes to the Center, it could not happen due to an area being a fire rated corridor. Mr. Dyer further commented that even when folks feel they have a good assessment of an existing building when they delve into the project and start peeling back walls they can find a multitude of issues that then require additional changes and upgrades they were not anticipating.

Mayor Sissom commented that while we understand that any addition to the existing structure would have to be elevated to one-foot above flood elevation, the oldest portion of the building has a basement that is below the flood elevation and will continue to leak and seep water regardless of what is done to fix it.

Mr. Dyer commented that Turkey Creek and downtown Merriam is a low spot and there is most likely a lot of ground water in the area, so most basements in that area, including the Community Center will have a lot of hydrostatic pressure on anything in the ground and it would be very difficult to keep a basement dry. Mr. Dyer further commented that accessibility issues with the Community Center is a monumental undertaking. Compliance with ADA regulations will be very difficult to meet in that existing structure.

2. Community Development Update.

Community Development Director Bryan Dyer provided the following Community Development Updates:

6121 Slater is scheduled for demolition on Thursday. On Wednesday, the Fire Department will conduct training at the site.

Staff has processed the first Best Management Practices application for storm water management. Hopefully more will come in. Neighborhood Services Manager David Easley attending the Rain Garden and Native Planting seminar at the library and provided information about the program to folks there.

There have been no Planning Commission applications submitted for the Kmart property.

It is anticipated that staff will receive some planning commission applications this week for the July Planning Commission meeting. Once received, staff will let council know.

VIII. STAFF ITEMS

City Administrator Chris Engel commented that CTC, the city's contractor for the Wayside Horn installation, arrived in town to begin their make-ready work. July 1 is our expected completion date for that project.

IX. NEW BUSINESS

X. EXECUTIVE SESSION

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL RECESS INTO EXECUTIVE SESSION PURSUANT TO THE KANSAS OPEN MEETINGS ACT EXCEPTION FOR PRELIMINARY DISCUSSIONS RELATED TO THE ACQUISITION OF REAL PROPERTY TO PROTECT THE CONFIDENTIALITY OF THE ACQUISITION DISCUSSION. PRESENT WILL BE THE GOVERNING BODY, CITY ADMINISTRATOR, AND CITY ATTORNEY. THE MEETING WILL RECONVENE IN THE COUNCIL CHAMBERS AT 8:20 PM. COUNCILMEMBER HUPP SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

The meeting reconvened at 8:20 p.m.

XI. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL, COUNCILMEMBER HANDS MOVED TO ADJOURN AT 8:21 PM.

COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

APPROVED: June 12, 2017

Respectfully submitted,

Juliana Pinnick

Juliana Pinnick
City Clerk