

**MERRIAM CITY COUNCIL MINUTES
CITY HALL
9001 WEST 62ND STREET
August 28, 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 via telephone
Bryan Knaff
Bob Pape
Robert Weems
Cheryl Moore was absent

Staff present: Chris Engel, City Administrator; Mike Daniels, Police Chief; Cindy Ehart, Finance Director; Anna Slocum, Parks and Recreation Director; Meredith Hauck, Assistant City Administrator; Bryan Dehner, Fire Chief; Bryan Dyer, Community Development 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. 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 August 14, 2017.

COUNCILMEMBER FRISBY MOVED THAT THE COUNCIL APPROVE CONSENT AGENDA ITEM 1. COUNCILMEMBER WEEMS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

V. MAYOR'S REPORT

1. Swearing in of Police Officers April M. Gebke, Grant W. Sparks, Beau B. Soucie, and Bradley T. Thomas.

Mayor Sissom administered the Oath of Office to Police Officers April M. Gebke, Grant W. Sparks, Beau B. Soucie, and Bradley T. Thomas, followed by badge pinning for each officer.

VI. PLANNING COMMISSION

1. Consider approval of a conditional use permit for group day care home for children located at 8006 W. 60th Terrace in a R-1 (Single Family Residential) District.

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

The applicant/property owner is requesting approval of a conditional use permit for a group day care home at the residence of 8006 W. 60th Terrace. Approval of the conditional use permit will allow the applicant to care for a maximum of ten (10) children (including the applicant's children) under the age of 16 at any one time.

Staff has not received any comments regarding this application. A resident called Community Development regarding the hours of operation for the day care. Staff called the resident back, leaving a voice mail and received no reply. Just prior to the Planning Commission meeting, a resident contacted staff with questions regarding hours of operation and concerns about the applicant's dog. Staff informed the resident that the Planning Commission can set hours of operation and that when Johnson County does their inspection for state licensing they will review the situation with the applicant's dog.

Section 74-160(a) provides the general provisions related to group day care homes.

- (1) A day care home may be operated from a single-family residence or a two-family attached dwelling unit. Group day care homes may only be

operated from a single-family residence. A day care home or group day care home operation may only be conducted by those individuals who are primary residents of the residential unit in which the child care facility will be operated. As required by the State of Kansas, an alternate or substitute may be used when extenuating circumstances prevent the primary resident from operating the business. The alternate or substitute may only be utilized on a short-term basis. In the event that an alternate or substitute is needed for more than 14 days, the approved provider must make a request in writing to the zoning administrator requesting an extension allowing for a longer substitution.

- (2) All outside recreation areas for children must be enclosed with a fence. The entire fenced-in recreation area must be on the same portion of the property as the unit in which the day care operation occurs. Access from inside the dwelling unit to the fenced recreation area must also be fenced-in. All fencing must conform to the regulations set forth in [section 74-94](#) of the Merriam Municipal Zoning Code
- (3) All day care homes and group day care homes are required to submit to annual inspections to be conducted by the city fire marshal or other designated city official. In addition, inspections may be conducted more frequently if deemed necessary by the fire marshal or other designated city official.

The applicant provided a site plan demonstrating that her home satisfies the second provision. Staff also finds the applicant meets the requirements of items 1 and 3.

The Planning Commission held a public hearing on August 2, 2017. There were no comments from the public. At that meeting, the Planning Commission, based on information supplied by the applicant, the criteria outlined in the Merriam Code and Kansas law as outlined in the Planning Commission Staff Report, and testimony presented at the Public Hearing, recommended (7-1) approval, with conditions, of conditional use permit for a group day care home.

Mr. Dyer displayed the site plan for the group day care home.

Councilmember Frisby asked about the dog and what the issue with the dog was.

Mr. Dyer responded that a neighbor had a concern about the dog as it was running loose one day. Mr. Dyer further commented that the County would address any issues with the dog during their inspection.

Councilmember Diebold made a comment about a section of the fence looking like it may be in disrepair.

Mr. Dyer responded that this is another item that the County would address during their inspection if there were any concerns with the condition of the fence.

COUNCILMEMBER HANDS MOVED THAT THE GOVERNING BODY APPROVE, WITH CONDITIONS, THE REQUEST FOR A CONDITIONAL USE PERMIT FOR YELITZA SLATE TO OPERATE A GROUP HOME DAY CARE AT 8006 W. 60TH TERRACE IN AN R-1 DISTRICT AND AUTHORIZE THE MAYOR TO SIGN THE EFFECTUATING ORDINANCE. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

2. Consider approval of a preliminary development plan for the expansion of the parking, storage, and display area for the Shawnee Mission Hyundai automobile dealership located in a PUD-G, (Planned Unit Development-General).

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

The applicant and property owner, Group 1 Automotive represented by Birk Ayer, is requesting approval of a preliminary development plan that combines the existing Hyundai automobile dealership (Lot 13) with the undeveloped lot (Lot 12) to the north allowing the dealership to enlarge the area used for customer parking/storage/display. The applicant proposes to construct a 114,861 square foot parking lot on the northern lot. The additional parking lot area will increase the dealership display and vehicle storage area. Additionally, internal vehicle circulation will be greatly enhanced.

The proposed use of combining the two lots and constructing a new parking lot for the Hyundai automobile dealership is an appropriate use for the subject properties' zoning classification. The Planning Commission and Governing

Body's consideration of this application should be centered on the design and layout of the proposed additional parking for the Hyundai automobile dealership.

A final plat for the property will be submitted to the Planning Commission and Governing Body at a later date. A condition of approval for the final development plan is the recording of the final plat with Johnson County.

The additional parking area will significantly improve internal site vehicle circulation. The applicant has provided a truck turning template demonstrating that a delivery truck can circulate through the dealership. Because of this, there shall be no loading or unloading of vehicles in the right-of-way. The applicant has provided a note on the face of the development plan indicating that loading and unloading of vehicles shall take place on the site and not in the W. Frontage Road right-of-way.

The Planning Commission held a public hearing on August 2, 2017. There were no comments from the public. At that meeting, the Planning Commission, based on information supplied by the applicant, the criteria outlined in the Merriam Code, the Planning Commission Staff Report, and testimony presented at the Public Hearing, unanimously recommended approval, with conditions, of the preliminary development plan.

There was a question from a councilmember regarding if vehicles were being stored elsewhere currently.

Birk Ayer, 215 Johnston St, Rockhill, SC commented that he is unaware of any vehicles being currently stored off site. The expansion will allow for additional front line display of vehicles as well as the ability to have more inventory on the site. The current space has limited site on the frontage which is very important in the car selling business.

Councilmember Hands asked about interior landscaping on the site.

Mr. Dyer displayed the landscaping plan which includes landscaping along the front and street trees along the north and south portions of the lot and trees within the interior islands.

COUNCILMEMBER HANDS MOVED THAT THE GOVERNING BODY APPROVE, WITH CONDITIONS, THE PRELIMINARY DEVELOPMENT

PLAN FOR EXPANSION OF THE SHAWNEE MISSION HYUNDAI PARKING LOT AND AUTHORIZE THE MAYOR TO SIGN THE EFFECTUATING ORDINANCE. COUNCILMEMBER WEEMS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

3. Consider accepting the dedication of easements shown on the Shawnee Mission Medical Center Campus Fourth Plat.

Community Development Director Bryan Dyer commented that Shawnee Mission Medical Center has withdrawn the plat. They are re-evaluating how they want those plat lines to be drawn. The project is moving forward and staff would anticipate the plat being completed before the end of the year.

VI. COUNCIL ITEMS

A. Finance and Administration

1. Appointment of City voting delegates for the Kansas League of Municipalities Annual Conference.

COUNCILMEMBER PAPE MOVED THAT THE COUNCIL AUTHORIZE COUNCILMEMBER CHRIS HANDS AND MAYOR KEN SISSOM AS THE KANSAS LEAGUE OF MUNICIPALITIES VOTING DELEGATES TO REPRESENT THE CITY OF MERRIAM. COUNCILMEMBER FRISBY SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

2. Update on Recreation Facilities ballot initiative.

Assistant City Administrator Meredith Hauck provided information on public education efforts that staff has been providing to the public regarding the ballot initiative.

Staff has attended 37 public events, provided 8 opportunities for facility tours, numerous posts on social media, and printed materials have all been utilized in getting the information about the ballot initiative and the condition of the facilities out to the public. Staff members have fielded many questions from the public at these events and through social media. Those questions and answers are all shared through these channels to ensure the public has adequate information to make an informed decision on September 15th.

Staff will be at 6 additional public events between now and September 15th. Two additional tours will also be provided for folks who want to get a “behind the scenes” look at the facilities. Today a new Blog post has been put up in response to questions received from residents over the weekend. Tomorrow a new video will be launched which will go further in depth about what a yes vote means and what a no vote means. A reminder postcard will go out the week of September 8th reminding folks to get their ballot in the mail. The deadline for ballot submission is noon on September 15th. The Election Commission will begin scanning ballots as they are received and will tally all votes by end of day on September 15th.

B. Community Development/Public Works/CIP

1. Community Development Update.

Community Development Director Bryan Dyer reviewed code enforcement information that was provided in the Council Agenda Packet.

One of the primary reasons for acquiring Citizenserve, the new code enforcement software, is the ability to provide better information to staff, Council, and the general public on the location and type of code enforcement violations.

To track the location of code violations, code enforcement divides the city into the same zones used by the Merriam Police Department. Using the same zones as the Police Department will allow city staff to analyze crime and code enforcement statistics together. For ease of understanding and clarity, the attached maps consolidate the police zones that are primarily residential into four “Neighborhood Areas”.

Mr. Dyer displayed two maps depicting violations that have been found over the past 6 months. The map also showed addresses with multiple violations. A violation is not a notice to appear in court (ticket) for code infractions. Following code enforcement staff’s observation of a violation, staff sends the offender a letter detailing the violation or violations. There have only been 8 court cases related to code violations over the past 6 months. Typically, when folks receive a letter they are given a timeframe to abate the violation. Most folks are able to abate the violation within that timeframe and there is no need for a court citation.

Based upon the data, the area north of Johnson Drive on both sides of I-35 is where the majority of code violations occur. Using this

information Community Development will continue to concentrate both its enforcement and outreach efforts in these areas. Outreach efforts involve insuring that informational materials are centered on the Top Five Code violations and looking for any opportunity to meet with area residents and property owners. Staff will also reach out to landlords and attempt to work with them to provide new tenants with information on city property maintenance requirements.

Mr. Dyer showed the top 8 code violations which includes tall weeds and grass as the number one violation followed by unauthorized storage of boats, trailers, and trash.

VII. STAFF ITEMS

VIII. NEW BUSINESS

X. EXECUTIVE SESSION

XI. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL, COUNCILMEMBER HANDS MOVED TO ADJOURN AT 8:00 PM. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

APPROVED: September 11, 2017

Respectfully submitted,
Juliana Pinnick
Juliana Pinnick
City Clerk