



**COMMUNITY DEVELOPMENT AND /PUBLIC WORKS
COMMITTEE MEETING
COUNCIL CHAMBERS
February 19, 2007**

The Community Development/Public Works Committee of the Merriam City Council met on Monday, February 19, 2007 at 7:00 p.m. Councilmembers present included: Chair Gayle Stephens, Councilmember John Crabtree, Councilmember Christine Evans Hands and Councilmember Chad Rowe (via telephone link). Staff present included: Quinn Bennion, City Administrator; Scott Crain, City Engineer; Maureen Rogers, Finance Director; Beth Linn, CIP Project Manager; Randy Carroll, Public Works Director; Susan Hayden, Director of Parks and Recreation; Tim Murphy, Assistant Director of Parks and Recreation; Dennis Enslinger, Community Development Director; and Judy Devere, Recording Secretary.

Public Items

Chair Stephens complimented Randy Carroll, Public Works Director, and his staff for the great job of cleaning the streets during the recent snow events.

Chair Stephens suggested that the City send a letter to the Kansas City Star in support of the Animal Haven facility. Quinn Bennion, City Administrator, said a letter could be drafted and reviewed at the February 26th City Council meeting.

1. Discussion regarding carport regulations.

Dennis Enslinger, Community Development Director, said this was a follow-up from the January 22nd City Council meeting when Lori Keller, 5435 Switzer, attended and wanted to discuss the carport issue. Mr. Enslinger provided photos of several carports located in the city that are not in compliance with the revised regulations that were approved with Ordinance #1530 on January 23, 2006. He said those revisions were a clarification between two issues of the code in terms of the definitions and where carports are allowed. Mr. Enslinger said he wanted to stress that carports are allowed on residential property but it is a matter of where they are located.

Mr. Enslinger said that during the January 23, 2006 City Council meeting, there was a discussion about existing carports which did not conform to the clarified provisions. At that time staff pointed out that if the Council adopted the Planning Commission's recommendation existing individuals would have two years to either remove the

carport or bring it into compliance with the clarified code provisions. He said the Council approved the recommendation of the Planning Commission and this two year compliance provision was incorporated into the code provisions.

Mr. Enslinger stated that since the approval of Ordinance #1530, city staff has identified eleven (11) carports which do not comply with the approved provisions. He said of the 11 carports, the City issued some form of building permit for three (3) of the properties and has determined that these properties shall be considered non-conforming structures. The remaining structures are not considered non-conforming and would need to be relocated or removed to comply with adopted code provisions.

Mr. Enslinger said that outlined in the staff report are three options for the City Council to consider:

- 1) Leave the ordinance as is and request that compliance with the clarified provisions occur by January 23, 2008;
- 2) Approve an ordinance which removes the two year compliance provision and grandfather all existing carports; or
- 3) Extend the period of time an individual has to bring the carport into compliance.

Mr. Enslinger stated that staff's recommendation is that all existing carports should not be grandfathered in and at some point should be removed from those properties. He said that one reason is people don't always go to the code when looking at what they can do with their property. He said a person could look at a non-conforming carport and assume they could do the same thing and that would get into a code issue violation.

Councilmember Rowe suggested that all 11 carports be grandfathered with a provision that if the property sold, the carport must be removed. Councilmember Crabtree agreed with the suggestion.

Councilmember Crabtree asked Lori Keller, 5435 Switzer, about specifics regarding snow load and wind load. Ms. Keller replied that an additional kit was purchased with her carport and has a 30 pound snow load and 90 MPH wind load. Mr. Enslinger commented that all the carports would have to be viewed together because they are not all built equally.

Mr. Bennion said that he had talked to Ms. Keller and apparently she did contact City Hall in June of 2005 and visited with someone. Mr. Bennion said he did not know who she talked to and at that time it was shared that no permit was required so Ms. Keller did do her diligence in trying to seek city guidance.

Councilmember Hands asked if the carports could be looked at on a case by case basis and what the remaining life on the structure might be based on what a building inspector would say. Mr. Enslinger said most probably a building inspector would not be able to rate most of the structures that are in existence adding that Ms. Keller has documentation but a number of them probably do not have documentation with regard to snow and wind loads. He said there has already been a new carport constructed without a permit and staff has tried to document all the existing carports when the ordinance was passed. There was further discussion about tying the carport

to the sale of the property with Mr. Enslinger suggesting just giving people additional time to get a life value out of the carport as opposed to doing the sale of the property because it is difficult to track.

Councilmember Hands asked Ms. Keller if she knew the life value of her carport. Ms. Keller stated that she and her husband hoped to get at least 10-15 years life out of it. She said it was a \$1,600 carport and wanted at least 10 years life out of it to make it worth that expense.

Chair Stephens said she would like to look at several things including:

- Grandfather the remaining 8 properties
- Tie the carport to the sale of the property
- Tie it to the condition of the carports and if they start deteriorating and need repair then that is a reason for it to be removed,
- Extend the deadline date to 2015 providing for an additional 7 years
- Periodically inspected by codes officer

Mr. Enslinger stated that it would be better to tie it to a date and not the sale of the property therefore treating all properties equally.

Mr. Bennion said if he understood correctly, staff would have the city attorney draft a modifying ordinance that extends the date to January 23, 2015 and somehow draft into that the transfer of property, whichever comes first, and will need to verify with the city attorney so she could research and make sure that is a valid grandfathering ability. Mr. Enslinger added that Council would consider a draft ordinance and would initiate a text change for that particular provision and then would have to go to the Planning Commission for a public hearing and back to Council for approval.

JOHN CRABTREE MOVED TO FORWARD TO THE FULL CITY COUNCIL A RECOMMENDATION TO GRANDFATHER IN THE REMAINING EXISTING CARPORTS AT THE TIME OF THE APPROVAL OF ORDINANCE #1530 TO THE LIMIT OF JANUARY 23, 2015 OR TRANSFER OF PROPERTY WHICHEVER COMES FIRST. THE MOTION WAS UNANIMOUSLY APPROVED.

2. Home Loan Program

- (a) Approve Home Improvement Loan Partnership with Mission Bank**
- (b) First Suburbs Coalition Loan Program**

(a) Approve Home Improvement Loan Partnership with Mission Bank

Dennis Enslinger, Community Development Director, said that every year staff looks at renewing the agreement with Mission Bank who helps to partner the City's Home Improvement Loan Program that the City sponsors for property owners. He said that this year, Mission Bank and staff got together and are proposing a couple of changes to try and make the program more marketable. He said the changes included were on the action form:

Mr. Enslinger said that this is a yearly agreement and typically does not bring it to committee because it has not changed in context or content and is usually administratively approved because it is a budgeted item. He said staff wanted to bring it to CD/PW Committee and City Council because of the changes to the original agreement.

Councilmember Hands asked how many persons applied but were not approved for the loan. Duane Patton, Mission Bank, replied that 5 applicants were turned down because of their inability to qualify for the loan either based upon their credit or the loan to value. Councilmember Hands stated she was trying to determine how much interest there is in the program. Mr. Patton said the number of applications changes. With the CIP projects for the streets and property owners were putting in driveways, there were more applicants and at the same time they did additional improvements to their homes. Mr. Patton said consumer loans are down and the bank is not receiving the number of loan requests as before.

COUNCILMEMBER HANDS MOVED TO FORWARD TO THE FULL CITY COUNCIL A RECOMMENDATION FOR APPROVAL OF THE HOME IMPROVEMENT LOAN PARTNERSHIP PROGRAM AGREEMENT AND REQUEST THE CITY COUNCIL AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE THE AGREEMENT. THE MOTION WAS UNANIMOUSLY APPROVED.

Mr. Bennion asked if this could be added to the consent agenda. Councilmember Hands amended the motion.

COUNCILMEMBER HANDS MOVED TO FORWARD TO THE FULL CITY COUNCIL A RECOMMENDATION FOR APPROVAL OF THE HOME IMPROVEMENT LOAN PARTNERSHIP PROGRAM AGREEMENT, PLACE ON THE CONSENT AGENDA AND REQUEST THE CITY COUNCIL AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE THE AGREEMENT. THE MOTION WAS UNANIMOUSLY APPROVED.

(b) First Suburbs Coalition Loan Program

Mr. Enslinger stated that this is another loan program that Mid America Regional Council (MARC) has been working on as part of the First Suburbs Coalition loan program. He said it is a little different than the loan program that we now offer. He said it would be offered to a broader scope of individuals. The rates would be higher based on some other things. One of the keys to this program is Community America Credit Union is the main provider and is an agreement between MARC and Community America Credit Union and is not an agreement between the City of Merriam and anyone else. He said all MARC is asking for is a letter of intent to participate in the program and the cost would be \$250 related to developing marketing materials to advertise the program. There are no additional funds requested of the City. The funds all come from Community America Credit Union setting aside two million dollars for those communities that participate within the First Suburbs Coalition.

Mr. Enslinger said some of the differences are the Loan to Value is higher. They would loan more money than the house is worth. The loan period would be a little longer and the rates would be different. He said it is a good program to participate in giving other residents of Merriam to use a different program if the one we have isn't currently working for them. This program would not have the same review requirements by the building inspector as the current program. This would be something that the bank would grant. A summary of the program was included in the packet. He said there is no risk to the City other than the \$250; the bank assumes all the risks.

COUNCILMEMBER CRABTREE MOVED TO FORWARD TO THE FULL CITY COUNCIL AND ADD TO THE CONSENT AGENDA TO REVIEW THE REQUEST BY THE FIRST SUBURBS COALITION AND DETERMINE IF THE CITY OF MERRIAM SHOULD PARTICIPATE IN THE FIRST SUBURBS COALITION LOAN PROGRAM AND DIRECT THE MAYOR TO SUBMIT A LETTER OF REQUESTING PARTICIPATION IN THE PROPOSED LOAN PROGRAM ACCORDINGLY. THE MOTION WAS UNANIMOUSLY APPROVED.

3. Discussion regarding storm water ordinance, detention requirements and detention waiver.

Dennis Enslinger, Community Development Director, stated that he and Scott Crain, City Engineer, would provide the background for this item adding that over the last two years staff has been discussing issues with stormwater and the fact that the ordinance provides for a waiver as listed on the agenda item information form. Detention may be waived at the discretion of the Community Development Director in the event that the developer demonstrates in the drainage study that the delayed release rate will increase a downstream peak discharge from the larger overall drainage basin concentrating at a later time than the included subject sub-basin. However, the developer will be required to either propose or participate in alternate mitigating measures if the increase in runoff from the development will cause or aggravate downstream flooding or overtax existing inadequate or obsolete drainage facilities.

Mr. Enslinger said that under this provision of the Stormwater Ordinance, the project would not detain stormwater but would release stormwater into the system so that site stormwater would reach Turkey Creek prior to the peak flow during a storm event. He said in the past, if the developer met the detention waiver criteria, the city did not typically require the developer to participate in funding alternative mitigating measures.

Mr. Enslinger said that given the increase in the number of projects which can meet the detention waiver criteria and the fact that a number of surrounding cities have adopted policies which establish participation levels when securing a waiver from detention requirements, staff is recommending the establishment of additional policies. He said staff is asking the committee to discuss possible policy alternatives to ensure that developments are adequately participating in stormwater issues within the community.

Mr. Crain pointed to the Turkey Creek Watershed on the map commenting that there is a significant portion of the Turkey Creek Watershed that does not originate in Merriam. He said portions of the watershed are in Shawnee, Overland Park and Lenexa. He said what occurs in big rain events is the actual and theoretical models used to determine whether or not detention is beneficial is when it is raining over this entire watershed and then it stops, the lower portions of the watershed which are primarily in Merriam contribute water to Turkey Creek quicker. He explained that the waiver is requested often in Merriam so that water is allowed to get to Turkey Creek before the peak flow in Turkey Creek reaches Merriam. Mr. Crain said what occurs if we provide detention is we are still letting water out of our development's detention facilities when the peak is coming down Turkey Creek and at that point we are just adding to that peak and making the situation worse.

Mr. Crain stated that staff recognizes and believes the detention waiver is beneficial. He supported in lieu of payments or modified detention in some fashion. Staff would like to have some discussion about potential changes in policy to provide some equity to those developments that might not be able to meet that waiver provision. Mr. Crain said he recommends maintaining the city's study requirements for the watershed. If the developer is able to meet the waiver and can document that to the City of Merriam that staff would like to suggest a policy introducing in lieu instead of work or payments actually providing detention which could potentially contribute more detrimental effects downstream. The payment would likely be based on a cost estimate for what the detention facility would cost the developer including the cost of the land. Mr. Crain said that instead of actually installing that detention facility the developer would contribute an in lieu of detention contribution to the City for use on drainage projects to address drainage issues in Merriam. Mr. Crain said staff could bring this back in policy form at next month's committee meeting.

Chair Stephens asked if the in lieu of payments would be used for drainage projects over the entire city or only along the Turkey Creek area. Mr. Crain responded by saying he thought that would be a policy decision. He said initially we would want to look downstream of that specific development for use of those funds but would like to see the funds not limited. He said there are other drainage issues in Merriam other than on Turkey Creek although that is certainly the most significant and should the CORP project ever come to fruition that is going to be a significant dollar amount for the City of Merriam to undertake. There was discussion of developments currently under construction.

Councilmember Rowe asked the differences from the current policy. Mr. Crain said there are very few differences until the point of actually talking about an in lieu of detention payment. The stormwater studies would still be required whereas now we don't require that they do the study to the point of defining whether or not a waiver can be met. That may be a requirement in the new policy because if the developer can meet the waiver the City may not want the developer to provide detention. Mr. Crain said in answer to Councilmember Rowe's question about equality, any existing development, the City is not looking to go back and suggest that they need to be doing something different than what has already been approved as part of a stormwater management plan. The City is not looking for an in lieu detention

payment for those developments that have not been required to provide detention in the past.

Mr. Enslinger stated that meetings are scheduled with Downtown Merriam Partnership and Drainage District.

Mr. Bennion commented regarding Mr. Enslinger's schedule and said that he anticipated having the discussion tonight then discussion with DMP this Thursday and the Drainage District early in March. The policy would be brought back to this committee for further discussion and forwarded to City Council. He said at this time, staff does not anticipate this to be an ordinance change because it is already provided in the ordinance for the waiver and already provided that there could be alternative mitigating measures. Mr. Bennion said at this point staff almost views this as a fee schedule that is developed in lieu of detention.

COUNCILMEMBER HANDS MOVED TO DIRECT STAFF TO CONTINUE RESEARCHING AND BRING BACK A POLICY REGARDING THE IN LIEU OF DETENTION PAYMENT. THE MOTION WAS UNANIMOUSLY APPROVED.

4. Update regarding Community Development Department structure and positions.

Dennis Enslinger, Community Development Director, referred to the memo received by the councilmembers and said that in 2007 there was a budget line item where budget money was converted to hiring additional staff as opposed to contracting it out. A building inspector and a planning tech would help out across the board in the department with both code enforcement, building inspections and planning. He said the positions would be advertised shortly. He said one of the other changes that has occurred is with the retirement of the Housing Inspector, Inez Crockett. Staff took the opportunity to look at the position in relationship to the Council's goal and priorities and in addition how that position currently functions within the department. The position of Housing Inspector will be retitled Neighborhood Services Coordinator and the title itself gives an idea of a broadened approach. The coordinator would also focus on items the Council had indicated as a priority in terms of senior housing initiatives, connecting with neighborhood and neighborhood associations. He said the rental licensing would be divided into complexes, single family and duplexes and that the current code officer, David Easley, would probably pick up the apartment complexes. Staff sought direction from the committee that the department is headed in the right direction and focus.

Chair Stephens inquired about changing the housing inspections to every 5 years instead of every 2 years. Mr. Enslinger said that currently the ordinance states every 2 years and that is something other communities have done and staff could explore this further.

Mr. Bennion commented that the building inspector and building tech were actually in the 2006 budget and again in 2007 and has held off until those individuals are needed. He said that staff felt it is time and warranted with the number of building

permits coming in and anticipated influx of building permits with Shawnee Mission Medical Center, Merriam Village, Merriam Pointe, Timber Ridge Villas, Pointe at Prairie Haven and any South Park development. Staff will have continual review of the positions and if at some point the building permits dropped back down to the current level, the positions would need to be revisited.

5. Update regarding South Park Comprehensive Plan Element.

Dennis Enslinger, Community Development Director, said there are a couple of upcoming meetings. The charrette is scheduled for March 7, 8, 9 and 10. The kickoff would be on the 7th in the evening probably at the school. The charrette will be hosted at the Community Center and that would take place over the 9th and 10th and the final meeting would be on the 10th. He said the concept is different than what has been done in the past. A design charrette is compacted down into a number of days and during that time period there would be some meetings that were geared toward specific interest groups such as the steering committee, outside builders who might be interested in the sight and business owners and property owners in the district. Councilmembers and Planning Commission members might be scheduled during the 8, 9 and 10th. He said in addition one of the unique aspects to the charrette is that participants would be able to walk in at any time and see what the consultants are working on and ask questions. He said participants could spend 15 or 20 minutes and the consultants would take down your comments. Mr. Enslinger said there would be some planned meetings and group presentations at the end of the day so people could get a summary of what happened. Property owners in the district will be notified and in addition have tried to include notice in the email and e-Merriam. He added that if anyone outside the district wants to receive notice, they should contact him. He said on March 1st, there would be a meeting with a number of the business owners and property owners within the commercial and industrial areas of the planned study area to address their concerns regarding the charrette.

6. Consider approval of a Resolution acknowledging review and approval of the 2008-2012 County Assisted Road System (CARS) Application.

Scott Crain, City Engineer, provided the background for this item stating that this is the same application as made last year with the exception of the deletion of the project that was funded for this year.

With no discussion from the Councilmembers, Chair Stephens entertained a motion.

COUNCILMEMBER CRABTREE MOVED TO FORWARD A RECOMMENDATION TO THE FULL CITY COUNCIL TO APPROVE A RESOLUTION ACKNOWLEDGING REVIEW AND APPROVAL OF THE 2008-2012 COUNTY ASSISTED ROAD SYSTEM (CARS) APPLICATION AND PLACE ON THE CONSENT AGENDA. THE MOTION WAS UNANIMOUSLY APPROVED.

7. Consider approval of a contract with D.E.C./Decksapes, Inc. for construction of the Merriam Aquatic Center Buffer Feature – Phase I in the amount of \$89,500.00 and authorize the Mayor to execute the contract.

Scott Crain, City Engineer, said the buffer feature project has been divided into three phases due to the type of work involved and timing of the proposed Eby Road improvements. He said the Phase I contract being considered involves expansion of the pool deck area along the west side of the facility, upgrade and relocation of the bleacher area and new shade structures. The City held a public bid opening on February 14, 2007 and three bids were received ranging from \$106,000.00 to \$157,353.06. D.E.C./Decksapes, Inc. submitted the low bid for the work with a bid of \$106,000.00.

Mr. Crain said the original design of the decking envisioned a synthetic material (Trex) with a two-tone design in the surface for aesthetic purposes. The City sought and the contractor suggested a \$10,000 credit to eliminate the design as well as a design modification that NSP has endorsed resulting in another credit of \$6,500. Mr. Crain said that staff is recommending deletion of the surface design and award of the contract in the amount of \$89,500.

COUNCILMEMBER HANDS MOVED TO FORWARD A RECOMMENDATION TO THE FULL CITY COUNCIL FOR APPROVAL OF A CONTRACT WITH D.E.C/DECKSCAPES, INC. FOR CONSTRUCTION OF THE MERRIAM AQUATIC CENTER BUFFER FEATURE – PHASE I IN THE AMOUNT OF \$89,500.00 AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT. THE MOTION WAS UNANIMOUSLY APPROVED.

8. **Consider approval of a contract with Tom Burge Fence & Iron, Inc. for construction of the Merriam Aquatic Center Buffer Feature – Phase II in the amount of \$46,950.00 and authorize the Mayor to execute the contract.**

Mr. Crain said that the Phase II contract being considered involves replacement of the chain link fence surrounding the perimeter of the pool with a black powder-coated steel fence. The City held a public bid opening on February 14, 2007 and two bids were received ranging from \$46,950.00 to \$47, 256.00. He said Tom Burge Fence & Iron, Inc. submitted the low bid for the work with a bid of \$46,950.00.

COUNCILMEMBER CRABTREE MOVED TO FORWARD A RECOMMENDATION TO THE FULL CITY COUNCIL FOR APPROVAL OF A CONTRACT WITH TOM BURGE FENCE & IRON, INC. FOR CONSTRUCTION OF THE MERRIAM AQUATIC CENTER BUFFER FEATURE – PHASE II IN THE AMOUNT OF \$46,950.00 AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT. THE MOTION WAS UNANIMOUSLY APPROVED.

9. **Update regarding West Frontage Road/67th Street reconstruction.**

Mr. Crain said that it is anticipated the contractor, Holland Corporation, will be on site to begin the actual widening of 67th Street sometime in March of this year. He said there is a phone conference meeting scheduled with the railroad tomorrow to hopefully work out all the differences regarding the agreement with them to widen

the crossing. He said there are fallback positions depending upon the results of that meeting but anticipate construction occurring to improve that intersection to get the signal in place as early as March. He said at this point, it depends on the delay the railroad causes and finalizing the agreement. Mr. Crain said he could see it being four to six months for the track to be widened and some of that will have to occur before finalizing the installation of the traffic signal for the roadway intersection. He said staff anticipates the work occurring and being completed in this construction season.

10. Consider approval of a Relocation Agreement with WaterOne related to 67th Street Public Improvements.

Mr. Crain said this item is in relation to the 67th Street project and the widening that is going to occur around Carter and realignment of West Frontage Road. WaterOne has several facilities within private easements that were adjacent to the original right-of-way of 67th Street. He said that relocation of private utilities from private easements is an expense that the City of Merriam is required to bear.

Mr. Crain said that originally WaterOne suggested the value of this Agreement to be in excess of \$45,000 and through negotiation and redesign of the project; the Agreement amount is currently \$16,019.62 adding that this is an estimated amount that may be revised up or down depending upon the actual expenses incurred by WaterOne to accomplish the relocations efforts.

COUNCILMEMBER HANDS MOVED TO FORWARD A RECOMMENDATION TO THE FULL CITY COUNCIL AND PLACE ON THE CONSENT AGENDA FOR APPROVAL OF A WATER MAIN RELOCATION AGREEMENT WITH WATER DISTRICT NO. ONE OF JOHNSON COUNTY FOR IMPROVEMENTS ALONG 67TH STREET AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT. THE MOTION WAS UNANIMOUSLY APPROVED.

11. Update on Farley Street and Drainage Construction.

Mr. Crain provided the update stating that from the last council meeting update that very little has occurred on the project and a lot of that is related to the inability of the contractor to work because of the frozen sub grade conditions. He said there have been some issues during this time and staff has had multiple phone and email exchanges with the contractor discussing the disagreements over the language in the contract and what the contract truly means. He said a meeting is scheduled with the city attorney to make sure staff is relaying the correct information and taking the proper positions and to clarify some issues. Mr. Crain said he continued to believe that what is best for the City and the residents at this point is to continue the project and finish the project with the current contractor.

12. Consider approval of a contract with Miles Excavating, Inc. for construction of the Lowell Road/55th Terrace Street and Drainage Improvements in the amount of \$1,074,506.70 with 80 days for completion and authorize the Mayor to execute the contract.

Beth Linn, CIP Project Manager, stated the Lowell/55th Terrace project includes the conversion of Lowell Road (from Johnson Drive to 55th Terrace) and 55th Terrace (from Lowell Road to Goodman) from ditch section streets to curb and gutter streets with improved storm drainage with sidewalk added on one side. New street lighting will be installed with construction.

Ms. Linn said that City staff held two public meetings on March 21st and October 3rd to discuss the project with the residents and will hold the final public meeting on March 20th. She said the project was advertised and the City held a public bid letting on February 7, 2007 with seven companies submitting bids for the project. Miles Excavating, Inc. is the recommended best bid at \$1,074,506.70 with completion in 80 calendar days.

COUNCILMEMBER CRABTREE MOVED TO FORWARD A RECOMMENDATION TO THE FULL CITY COUNCIL FOR APPROVAL OF A CONTRACT WITH MILES EXCAVATING, INC. FOR CONSTRUCTION OF THE LOWELL ROAD/55TH TERRACE STREET AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$1,074,506.70 WITH 80 DAYS FOR COMPLETION AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT. THE MOTION WAS UNANIMOUSLY APPROVED.

13. CIP Monthly Update.

Ms. Linn said that the first public meeting with residents for the 47th Street and Drainage Improvements will be held February 20, 2007 at 7:00 PM at Bristol Hill United Methodist Church (4826 County Line Road, Kansas City, Kansas).

Ms. Linn said the final public meeting with residents for the Lowell Road/55th Terrace Street and Drainage Improvements will be held March 20, 2007 at Merriam City Hall.

Mr. Crain noted that the Eby Street project scheduled for 2008 is anticipated to be moved to 2007. He said Shafer, Kline and Warren currently have those plans out for pricing to perspective contractors. That is a development project so they get to pick who the contractor is and is not a public bid process. The consultant and developer are hopeful to move forward with the public improvements on this project in the very near future.

14. Consider approval of park name recommendation.

Susan Hayden, Director of Parks and Recreation, said at the conclusion of the acceptance of the Master Plan for Brown Park and the park land shown at 51st and Merriam Drive Council authorized staff to go ahead with the park name naming policy. She covered the process steps as outlined in the staff report.

Ms. Hayden said through the process, thirty-five names were received and some were submitted more than once. Two of the suggested names (Waterfall Park and Julius

McFarlin Park) received six nominations each. The recommendations went to the Merriam Parks and Recreation Advisory Board for their meeting in December and at that meeting all the thirty-five names were reviewed and the Park Board actually went through a two ballot process where they narrowed the names down from the thirty-five names to two finalists. The board was looking at what was the most appropriate name to market the features and activities that will happen in that park as a result of the Master Plan. She said some of the names suggested were related to the natural features of the park and others were related to the railroad theme or the sports fields that are suggested for the park and two were related to individual names. Ms. Hayden said as a result of that discussion, the Parks and Recreation Advisory Board is recommending the name "Waterfall Park" as the most appropriate name for the park. She said that name has been published twice within the city legal papers the last 60 days and no comments have been received.

There was discussion of naming ball fields or sports fields after Julius McFarlin. Ms. Hayden said the policy does provide for facilities within that park to be named for an individual. The Committee recommended naming a sports field for Mr. McFarlin with Councilmember Crabtree suggesting McFarlin Sports Complex.

COUNCILMEMBER HANDS MOVED TO FORWARD A RECOMMENDATION TO THE FULL CITY COUNCIL FOR APPROVAL OF PARK NAME RECOMMENDATION OF WATERFALL PARK AND A FACILITY TO BE DETERMINED NAMED MCFARLIN SPORTS COMPLEX OR FIELDS. THE MOTION WAS UNANIMOUSLY APPROVED.

15. Consider approval of Interlocal Agreement between the City of Merriam and Johnson County Transit for 2007 EasyRide Program.

Susan Hayden, Director of Parks and Recreation, stated this is a program that staff wants to succeed and warmly embraced by the residents and this would be the third year the City of Merriam would be involved in this program.

Ms. Hayden pointed out in the action form the ridership keeps dropping from 334 one-way trips in 2004, in a six month period, to 224 in 2006 so the cost of the one-way trip is going up. She said that Tim Murphy, Assistant Director of Parks and Recreation, was present and was the city representative to the EasyRide Committee and was available to answer questions. Ms. Hayden said that staff thought this might be an item the Councilmembers would want to forward on to a work session. She added that one of the Council's goals was to provide services to senior citizens and this is a wonderful service and means a lot to the citizens that are using it.

Ms. Hayden referred to the Cost Share per Participating City and said the original cost was set at \$1.00 per citizen back in 2004 and there has been a 10% increase within each city.

Councilmember Hands commented she had a less than happy experience with EasyRide this past summer and Mr. Murphy was aware of this. She asked if staff had any idea why ridership has gone down. Mr. Murphy said a lot of marketing has been

added to the program and can't determine why the numbers have gone down noting that some numbers have gone down because people pass away or move out the Merriam location. He said that Merriam and Fairway had been hit with a lot of marketing within the past six months and still the numbers are down. Councilmember Hands asked if maybe citizens were frustrated with not being called back as she was. Mr. Murphy replied that it is very easy to sign up for the program and one of the issues is when riders call the same day requesting a ride and right now there are riders on Tuesdays, Wednesdays and Thursdays from 10 a.m. – 3 p.m. and they have to call in advance to get a ride. He said that some riders that do not want to change a time when some slots or times were already booked. There was discussion of a program that recently started in Shawnee.

Mr. Murphy stated that staff wants this program to continue and it's hard to justify just looking at the numbers. Mr. Bennion commented on a meeting with EasyRide and ways to advertise the program with mailings to homeowners associations, churches, etc.

16. Update of Downtown Merriam beautification efforts, flower baskets & brackets.

Quinn Bennion, City Administrator, said that he wanted to update the Committee and get any feedback or comments they may have. He said at this point there would not be any action required by the Committee or Council but just to let them know the direction staff planned to take and if there were any significant concerns. Mr. Bennion said that last year there was an effort to place hanging flower baskets on some poles in the main downtown area just north of Johnson Drive with Mr. Carroll spending a lot of time researching this. There were 13 poles with 26 baskets and prior to placing them on the street, Randy Carroll and Terry Harris went door-to-door and met with the neighboring business asking if they would help out with watering and care for the plants. He said during the summer the business owners did care for the plants for the most part with the City doing some pesticide spraying and came up with a contraption with a watering tank and commended Public Works for this. It took business owners, primarily Dave and Anita Carrel, approximately one hour per day to water including the weekends.

Mr. Bennion said staff met with representatives of DMP, including the Carrels, the executive board, this past month and talked about the long term maintenance and flower baskets. They strongly urged that potentially this should be a city maintenance item. Mr. Carroll anticipated that and if the first year was successful that the city would likely take that on and has a plan looking into 2007 with existing staff and equipment to go ahead and take that on as city maintenance duties. Councilmember Crabtree asked if this would put a strain on the city staff. Mr. Carroll replied that his staff could take the water truck with two employees and water all the plants in one-half hour. Chair Stephens asked if staff planned to increase the number of plants. Mr. Bennion replied yes and that is what staff wanted to discuss. Chair Stephens said she received as many comments from people about the flowers downtown as she did about the flags. Mr. Bennion said staff also received dozens of comments about the plants and how it really beautified the area. He said with those types of comments and a little capital outlay and some labor that is a worthwhile project to continue. He

added staff also received comments from businesses requesting baskets and did have two businesses on the south end out of the area that bought baskets.

Mr. Bennion stated that the DMP Executive Committee was very supportive of expanding the program. He said that staff is recommending placing an additional 37 poles with 74 baskets. Mr. Carroll said the maintenance would take 1-1/2 hours a day. He said the plants would go from the north end where they left off last year to the center of the Turkey Creek Bridge and on the south end from Johnson Drive all the way to Carter. Mr. Bennion commented there were a couple of businesses on Kessler that are paying for them and one business, Ron Butler, has already paid for two baskets. Chair Stephens commented that she would like to see them all the way to the shopping center when it is constructed. Mr. Bennion said that in discussions with Mr. Carroll, staff felt with the value, comments and positive publicity received the 1-1/2 hour a day to water the baskets was warranted. Mr. Bennion said the funding sources included private dollars, Community Center will fund a few of the poles in front on Kessler and the remainder would be from the 1/8 cent sales tax which would be within the City Administrator authority with the DMP being very supportive of that effort. There was discussion if additional staff would be required for the maintenance. Mr. Carroll said he thought his staff would be able to handle the watering and would see how this would work for the upcoming year.

Chair Stephens said that she had people tell her how much they enjoyed seeing the flags on the bridge and would this be possible for them to be displayed over the summer. Mr. Bennion replied that staff had discussed this and planned to put the flags up prior to Memorial Day starting in May through the summer and adding them to the Merriam Drive Bridge as well. He said staff also received a lot of positive comments about the flags.

Mr. Bennion said an update on the Fields of Freedom included downtown Shawnee requesting to join in this year and the idea is to add and enhance our field and along Merriam Drive but to take flags from I-35 and Johnson Drive to Old Shawnee Town with flags every 30 ft. He said there would be approximately between 600-800 flags on the Merriam side and Shawnee would have about the same amount. He said the committee continues to meet and make plans.

COUNCILMEMBER CRABTREE MOVED FOR ADJOURNMENT.

The meeting was adjourned at 9:22 p.m.

Respectfully submitted,

Judy Devere, Recording Secretary