



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

The Community Development/Public Works Committee of the Merriam City Council met on Monday, November 19, 2007 at 7:00 p.m. Councilmembers present included: Chair Gayle Stephens, Councilmember Christine Evans Hands, Councilmember Chad Rowe and Councilmember John Crabtree. Staff present included: Stephanie Dawkins, Interim City Administrator; Scott Crain, City Engineer; Dennis Enslinger, Community Development Director; Randy Carroll, Public Works Director, Susan Hayden, Parks and Recreation Director; Tim Murphy, Assistant Parks and Recreation Director; Bill Lietzke, Police Chief; and Judy Devere, Recording Secretary.

Public Items

Chair Stephens moved Item 8 to the front of the agenda.

8. Discussion regarding Frontage Road access

Chair Stephens stated there had been some concern from the OB/GYN Clinic offices on the west access road regarding trains blocking the 75th Street crossing for more than one hour. She said the doctors and nurses are very concerned about being delayed getting to their offices.

Bill Lietzke, Police Chief, commented there is a state traffic ordinance regarding trains blocking the railroad crossings noting that between ten minutes and twenty minutes, it is a \$100 fine, over twenty minutes it is another \$300, and goes another \$300 for every thirty minutes they sit on the tracks. He added that however, there are exemptions for the conductor, dispatcher, etc., if the train is stopped for any safety reason, i.e., malfunctions and if the train is stopped it is probably for one of the exempt reasons because they are not going to stop just for any reason at all. Chief Lietzke said there is little the Police Department could do regarding enforcement on the trains that are stopped on the track. Chair Stephens asked if someone could call the Police Department and have them go down there and find someone. Chief Lietzke said if there is a life-threatening situation or any emergency, the police department or fire department can call the dispatcher. This has been done on a

number of occasions. Chief Lietzke added that for a citizen to call and request that the train be separated would not be adequate for the railroad to separate the train.

Dennis Enslinger, Community Development Director, commented that the interchange of 67th Street, Carter and West Frontage Road opened so there is a temporary light and West Frontage has been striped so it will be open from now on. He added there is still construction on 67th Street but West Frontage is signed and should make it easier for individuals knowing where to turn to get to the clinic. He said it would not eliminate the issue of the trains depending on where it stops.

There was discussion of notifying the clinic to pass the word along to use 67th Street instead of 75th Street. Chair Stephens requested that Mr. Enslinger call the OB/GYN office to let them know the West Frontage Road was now open and this was discussed at the meeting.

Scott Crain, City Engineer, added that to his knowledge, Frontage Road has never been closed throughout the course of the project. There has always been the secondary, what will be the internal road, of the development open to allow access. He said that even when making the connection from the old alignment of the old Frontage Road to the new alignment through the development, the City went to additional expense to make sure that temporary access around the connection point, primarily, for the doctors at the OB/GYN Clinic to be able to get out in case this situation occurred at the railroad tracks. Mr. Crain said, in his opinion that the City has done everything in their power to help accommodate the clinic and keep them aware of that situation throughout construction. He said it would be good for the city to follow up on the situation and would be appropriate for the clinic to get some contact information for BNSF to make personal direct contact.

1. CIP Monthly Update

Scott Crain, City Engineer, provided the following highlights on the monthly CIP update.

- Waterfall Park – Work for the concrete entrance is complete. The grading and base course for the first piece of the lot is complete. Curb work and next lift of base is currently in progress. The trail extensions are still underway with the old gravel road removed and fill dirt brought in and grading is taking place. Public Works will be planting trees this fall around the perimeter of the site
- Vernon Place Streets – Warranty work completed.
- Merriam Hills Streets - Warranty work completed.
- 61st Street – Bid Opening date has been removed from the Active Projects List due to uncertainties related to the easement acquisition process. Notice to Proceed and Projected Substantial Completion dates have been adjusted to coincide with a summer construction since this is adjacent to Merriam

Elementary. The status of this project is the same as last month except to start working with the engineer for utility relocation plans.

- Residential Streets Group I – Bid Opening date has been removed from the Active Projects List due to uncertainties related to the easement acquisition process. Notice to Proceed and Projected Substantial Completion dates have been adjusted to provide a more uniform workload for CIP construction staff and to require sod placement to occur in the fall. This project will be bid concurrently with the 61st Street project with the intention of awarding both projects to the same bidder in an effort to maximize the “economy of scale” benefits. The field check has been done as well as the engineer is preparing plans for utility relocations.
- Lowell Road/55th Terrace – Project is complete. This will be on the November City Council Agenda for acceptance.
- Merriam Pointe – Staff continues to work with the contractor and utilities to get 67th Street open. Disagreements between utility companies continue to delay the project. Staff is working to get the temporary traffic signal operational and traffic switched onto the new West Frontage Road as soon as possible. Grading in the right-of-way and seeding/sodding is underway. Most of the city sidewalk has been completed and are working towards getting the street lights operational. Staff is continuing to work with BNSF Railroad to arrive on site and begin the widening. Due to weather conditions some of the work on this project will extend into next year.
- Merriam Village – Work is well underway and continues daily. The controlling item of work currently is the retaining walls by multiple crews. Work on site grading and underground utilities continues as well as the temporary signal at Johnson Drive and Eby. Work is ongoing on Eby as much as the retaining walls and utilities will allow. Due to weather conditions some of the work on this project will extend into next year.
- Timber Ridge – The streets are in and the contractor continues to work toward completion. There are still some storm sewers, street lighting and city sidewalks to be completed.

2. Consider acceptance of the Lowell Road / 55th Terrace Street and Drainage Improvements and authorize final payment to Miles Excavating, Inc.

Scott Crain, City Engineer, provided the background for this item stating that included in the agenda item was a breakdown of the expense related issues of the project. He said per line item adjustments the city was able to decrease the original bid amount of the project by almost \$120,000 and this was primarily due an overestimate of sod quantities by the consultant that was recognized fairly quickly after bid. Mr. Crain said staff continues to hear great things from the residents regarding the project.

COUNCILMEMBER ROWE MOVED TO FORWARD A RECOMMENDATION TO THE FULL CITY COUNCIL TO ACCEPT THE LOWELL ROAD / 55TH TERRACE STREET AND DRAINAGE IMPROVEMENT PROJECT AND AUTHORIZE FINAL PAYMENT TO MILES EXCAVATING, INC. AND PLACE ON THE CONSENT AGENDA. THE MOTION WAS UNANIMOUSLY APPROVED.

4. Agreement Between the City of Shawnee and the City of Merriam for the Public Improvements of 61st Street from Mastin Street to Stearns Street (61st Street Improvements)

Mr. Crain said that the City of Merriam has approached the City of Shawnee asking that we partner in a public improvement project on 61st Street from Mastin Street to the city limits. He said the project will include concrete curb and gutters, asphalt pavement, sidewalk, reforestation, storm sewer improvements and other incidental items. The City of Merriam would administer and inspect the project.

Mr. Crain stated that the total estimate for design and construction of the project is \$459,900. By entering into this agreement with Shawnee, Merriam would fund 69.4% of the total and Shawnee would fund 30.6% of the total based on the amount of the project within each city. He said the ILA has been reviewed and approved by the City Attorney.

COUNCILMEMBER HANDS MOVED TO FORWARD A RECOMMENDATION TO THE FULL CITY COUNCIL TO APPROVE THE INTER-LOCAL AGREEMENT WITH SHAWNEE FOR PUBLIC IMPROVEMENT TO 61ST STREET (MASTIN TO CITY LIMITS) AND PLACE ON THE CONSENT AGENDA. THE MOTION WAS UNANIMOUSLY APPROVED.

3. Update on Railroad Quiet Zone

Mr. Crain said that just before his departure as City Administrator, Mr. Bennion had a meeting with the BNSF Railroad, the federal railroad administration, and KDOT, all the entities involved to get together and approve a quiet zone. He said his understanding was that the reaction at the meeting was very positive towards being able to install a quiet zone. Mr. Crain noted the crossing specifically discussed during the meeting was the one at 75th Street by the concrete plant. He said there was general discussion about the ability to extend the concept into other crossings in Merriam in the future but the focus was on 75th Street crossing at this point.

Mr. Crain noted it was his impression that \$15,000 was in CIP for 2008 and the city has received a written commitment from the managing group of Hampton Inn that they are willing to participate at 50% level toward the implementation of that crossing up to a maximum of \$15,000. He noted staff thought \$30,000 would resolve that matter.

Stephanie Dawkins, Interim City Administrator, noted that staff wanted to provide an update that the City is still moving in the right direction because there is an

application process that needs to be submitted to start the process. She added that knowing there is funding and this looks feasible, staff wanted to make sure that was still a priority of the City Council. Chair Stephens noted that it was.

5. Consider approval of Merriam Aquatic Center 2008 Recommended Season Operating Schedules, Fees and Policies

Susan Hayden, Parks and Recreation Director stated that one item included in the agenda item form and not in the PowerPoint presentation was that there were significant repairs or maintenance projects that occurred prior to the 2007 season that included the repair of the theme slide features, replacement of old shade canopy at the north concessions patio, replacement of water slide stair treads, new fencing and additional deck with shade features, and new parking lot. She said the Vavra Park landscape enhancement/ water feature is expected to be completed prior to opening in 2008 so no other facility improvements are expected at the aquatic center.

Ms. Hayden provided a PowerPoint presentation focusing on what benefits the Aquatic Center provides to the citizens of Merriam. She said the facility recognized the needs of each of the age demographics within the community. 147 children were taught to swim and 114 youth participated in the Merriam Dolphins Swim and Dive program and 17,600 people attended during daily open swimming. She also addressed a number of challenges this past season including construction of Merriam Village project and challenges by the Governing Body to keep expenditures under better control. She provided results to the challenges noting that the facility was kept clean despite being surrounded by the Merriam Village project. Customer services was improved by instituting phone in and mail in season pass renewals. Ms. Hayden noted that operating costs were reduced 6% from 2006, primarily due to change in staffing levels and actual revenues exceeded estimated revenues by 13%.

Ms. Hayden also commented that the public that uses recreational facilities tend to go where the latest and greatest are and this year it was Shawnee Splash Cove, in 2004 it was the west pool in Shawnee and in 2005 it was Overland Park's Young Park. She said the aquatic center facility was aging but in good condition but was last renovated in 1999 and Merriam's population has been decreasing over the last few years.

Ms. Hayden stated that the following recommendations were brought forward from the advisory board:

- Pool rules: Eliminate the option for patrons to bring in own refreshments.
- Season pass policies and fees: Change non-resident household season pass limit of 5 members per household to 6 members, create a \$20 per person "add-on" fee for non-resident households with more than 6 members. Eliminate limit of 250 non-resident household memberships sold.
- Daily Admission policies: No changes recommended
- Season Schedule and Hours of Operation: Recommend the season operating date from Memorial Day – Labor Day, with normal operating hours Noon-8:00 PM, and shortened hours from 4-7:00 PM weekdays when school resumes in August. The zero-depth pool will open at 10:30 am during

morning swim lessons to provide recreation for waiting parents and siblings. Regular admission policies and fees would apply to this time period.

- Programs: Continue all 2007 programs including swim lessons, Merriam Dolphins Swim and Dive Team, Aqua Aerobics, pool rentals, and special events.

Ms. Hayden said that following discussion, the parks and recreation advisory board recommended to the city that the aquatic center should not be evaluated on its profitability, but on its benefit to the community and should be operated in a safe manner. Chair Stephens commented that although expenses have been decreased and salaries are down from the \$180,000 last year, she appreciated what the board was saying but as a city council member she is responsible for taxes that the residents have to pay and many of the residents in her district support the pool and go there all the time but it is always a red flag to her when the city is in the red so far that there is only so much that can be provided as a community service without financial difficulty.

COUNCILMEMBER HANDS MOVED TO RECOMMEND APPROVAL OF 2008 PROPOSED SEASON SCHEDULE, HOURS OF OPERATION, ADMISSION AND SEASON PASS FEES AND POLICIES AS PRESENTED AND PLACE ON THE CONSENT AGENDA. THE MOTION WAS UNANIMOUSLY APPROVED.

6. Consider approval of Merriam Farmers' Marketplace 2008 Recommended Season Schedule and Regulations

Tim Murphy, Assistant Parks and Recreation Director, presented the background for this item including a PowerPoint presentation. He said the 2007 Farmers' Market shopper attendance was almost 10,000 compared to the average of 10,937, since moving to the Marketplace in 2002. Vendor attendance decreased a bit due to some double stall vendors relocating and the frost in April, which affected the amount of product available at not only our market, but other area farmers' markets for the season. Mr. Murphy said that several of our vendors reported excellent sales and shoppers enjoyed the weekly free musical entertainment.

Mr. Murphy emphasized that the Farmers' Market this year had no complaints regarding the rules, regulations and operation of the marketplace.

Mr. Murphy pointed out that the daily patronage average was 431 and last year was 581 which was the best year the marketplace has ever had. He said the vendor average was 19.96 and last year was 30. Mr. Murphy noted that the farmers markets are increasing around the area. There was discussion of ways to increase vendor numbers and letting community service groups use the empty spaces with Mr. Murphy noting that the city already allows that.

Mr. Murphy indicated that almost \$4,000 was spent for advertising in the Kansas City Star and staff was not very pleased with the results. He said in the final year end

discussion with the vendors, the vendors came up with ideas and staff will put together a market plan.

Mr. Murphy said that staff continued to work this year with a vendor steering committee to improve communication and provide operational recommendations. He said that staff is currently developing a market plan to better utilize budgeted funds and increase both vendor and patrons for the 2008 season.

Mr. Murphy said the advisory board and staff are recommending the following:

- Farmers' Market 2008 operating season dates and hours should be Saturdays, May 3rd – October 4th from 7am – 1 pm.
- Season vendor fees are recommended to stay the same at \$264 per stall for 2008, as the fees were just increased in 2007. Daily vendor fees are recommended to be \$15 per day during the months of May, June, September and October, \$30 per day during the months of July and August.
- The Farmers' Market will be moved to the south east parking lot at the community center on Car Show day, there will be no charge for vendors on that day.

COUNCILMEMBER ROWE MOVED TO FORWARD TO THE FULL COUNCIL A RECOMMENDATION FOR APPROVAL OF THE 2008 FARMERS' MARKET SEASON DATES AND HOURS AS SATURDAYS, 7AM - 1PM MAY 3RD – OCTOBER 4, 2008 AND PLACE ON THE CONSENT AGENDA. THE MOTION WAS UNANIMOUSLY APPROVED.

7. Consider approval of a Regional Public Works Mutual Aid Agreement

Stephanie Dawkins, Interim City Administrator, provided the background for this item stating that this is an agreement the Mid-America Regional Council has been working on for some time. She said Merriam already has agreements with other cities, not necessarily formal written agreements, where the city provides trucks or borrow trucks from other cities. She said this helps if there is a major ice storm or major disaster, it allows for reimbursement from FEMA without the extra red tape if you do not have a formal agreement.

Ms. Dawkins noted that FEMA has made some revisions to their policies in the past few years essentially saying that if you don't have a written agreement, they will reimburse the city however, it will take longer and the first 8 hours would not be covered. She added that what MARC is trying to do is to bridge those gaps and the biggest issues are worker's compensation and compensation.

Ms. Dawkins commented that Michelle Daise, City Attorney, asked her to point out for the council members information that it does require the city to indicate compensation requirements in advance of providing assistance and secondly, it talks about the city's local emergency manager and the question is whether the council wants that to be the chief administrator officer, which would be the City Administrator, or the chief elected official, which would be the Mayor. Ms. Dawkins

said this does not need to be spelled out in the agreement, just that the city is abiding by the intent of the agreement.

Ms. Dawkins said that she had reviewed the agreement with Randy Carroll, Susan Hayden and Scott Crain this past summer and they offered no comments or concerns.

Chair Stephens inquired if other cities used the administrator or mayor as the local emergency manager and why this did not fall under Randy Carroll, Public Works Director. Ms. Dawkins said it very well could, it is whoever the city designates and various cities do it different ways depending upon how they are organized. Randy Carroll said in the past typically in other cities, it is the city administrator or mayor. Ms. Dawkins said that when a state of emergency is declared at a higher level, it is then filtered down to the other levels. She said she was comfortable with designating the Mayor in conjunction with the City Administrator. The councilmembers agreed with Ms. Dawkins suggestion.

COUNCILMEMBER HANDS MOVED TO FORWARD TO THE FULL COUNCIL A RECOMMENDATION FOR APPROVAL OF A REGIONAL PUBLIC WORKS MUTUAL AID AGREEMENT AND PLACE ON THE CONSENT AGENDA. THE MOTION WAS UNANIMOUSLY APPROVED.

9. Discussion of vacant business zoned buildings or houses and vacant houses – possibility of an inventory of those

Chair Stephens stated that she has a great concern regarding vacant businesses and houses and if a list could be created. She felt that when these problems exist in the city, it creates a deteriorating effect for the neighborhood and starts blight. Chair Stephens said this should be addressed in some way but did not know how and asked what other cities do regarding this. She asked if a fee could be charged if a property is left vacant for years. There was further discussion of a number of vacant businesses and houses in Merriam.

Dennis Enslinger, Community Development Director, said that Community Development is willing to create a list noting that some have different circumstances, some are vacant because they are in bankruptcy, and there are properties that are vacant because families have not decided what to do especially with residential properties. He added that staff is willing to create a list and effectively do code enforcement on those properties and as time allows and with further council direction, investigate other options. He noted he is not sure from a property owner's standpoint, what can be done.

Ms. Dawkins commented that to assist Community Development, the councilmembers might send the addresses of the vacant properties that they are aware of to Mr. Enslinger. She added that codes might be the best mechanism but beyond that, there are a lot of property rights issues that will have to be researched.

COUNCILMEMBER HANDS MOVED FOR ADJOURNMENT.

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Judy Devere, Recording Secretary