

**MERRIAM CITY COUNCIL  
MINUTES  
CITY HALL  
9000 W. 62ND TERRACE  
February 25, 2008  
7:00 P.M.**

**I. CALL TO ORDER - PLEDGE OF ALLEGIANCE**

Mayor Carl Wilkes called the meeting to order at 7:00 p.m.

**II. ROLL CALL**

Mayor Carl Wilkes

Pam Bertoncin  
Bryan Burks  
John Crabtree  
Chris Evans Hands  
Nancy Hupp  
Dan Leap  
Chad Rowe  
Gayle Stephens

**Staff Present**

Stephanie Dawkins, Interim City Administrator; Michelle Daise, City Attorney; Bill Lietzke, Police Chief; Dennis Enslinger, Community Development Director; Cindy Ehart, Interim Finance Director; Randy Carroll, Public Works Director; Bob Pape, Fire Marshal, Doug Crockett, Interim Fire Chief, Beth Linn, Neighborhood Services Manager, and Juli Pinnick, Deputy City Clerk.

**III. 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.

**A. Council items:**

1. Approval of the minutes of the regular City Council meeting held January 28, 2008.

2. Approval of the minutes of the special City Council meeting held February 11, 2008.
3. Approval of an ordinance to revise and relocate the General Franchise and Franchise Application Requirements from Chapter 24 to Chapter 14 of the Code of Ordinances of the City of Merriam, Kansas.
4. Approval of an ordinance repealing Merriam Code Sections 16-282 through 16-285 relating to carrying concealed weapons.
5. Approval of a Charter Ordinance relating to the Kansas Code of Procedure for Municipal Courts.
6. Approval of an ordinance relating to municipal court prosecutor, costs and discovery.
7. Approval of an ordinance amending section 27-2 of the Merriam Code of Ordinances relating to driving under the influence of intoxicating liquor or drugs, amending section 30 of the "2007 Standard Traffic Ordinance for the Kansas Cities."
8. Approval of an ordinance to adopt the 2006 International Fire Code and the 2003 National Fire Protection Association Life Safety Code with modifications.
9. Approval of Revisions to Chapter 18: Nuisances of the Municipal Code.
10. Approval of revisions to Chapter 5: Buildings and Building Regulations and Chapter 11: Property Maintenance Code of the Municipal Code.
11. Approval of an Interlocal Agreement with Johnson County for 2008 CARS funding for 49<sup>th</sup> Street.
12. Approval of a resolution acknowledging review and approval of the 2009-2013 County Assisted Road System (CARS) application.
13. Approval of an Interlocal Cooperation Agreement with the Johnson County Board of County Commissioners to establish a council of local government representatives for the purpose of addressing transportation planning issues.

Councilmember Bertoncin asked to remove item number nine (9) from the consent agenda.

**COUNCILMEMBER ROWE MOVED THAT THE COUNCIL APPROVE THE CONSENT AGENDA ITEMS 1-13 EXCLUDING ITEM NUMBER 9. THE MOTION WAS UNANIMOUSLY APPROVED.**

Councilmember Bertoncin commented that she objects to asking the commercial and private property owners to comply with the ordinance while exempting 'public properties', such as parks, golf courses, streamway trails, etc. She also strongly objects to allowing 'agents of the city' on private property without permission and requested if rewording of that section would be possible.

Community Development Director commented that the Streamway Path is considered parkland and that the grass along the path is allowed to grow longer than 10 inches. Also there are many native plants along the path that are allowed to grow as natural ground coverings.

Entry onto property is typically done by Code Enforcement Officers or in some cases the Community Development Director. The procedure when entering private property includes knocking on the resident's door to notify them that the city will be on their property. In some cases in which a property owner is being uncooperative it may be beneficial not to notify the resident that the Codes Officer will be entering the property.

There was some discussion regarding the listing of weeds, which included sunflowers, dandelions and others that are native plants.

Community Development Director Dennis Enslinger responded that this ordinance was modeled after Lenexa and Overland Park which have similar ordinances. The state statute has a list of plants defined as weeds and this ordinance goes beyond the state statute in an effort to be more inclusive based on comments received from residents. Many of these plants would be allowed to a certain extent. When any plant becomes invasive in nature then it would be deemed a nuisance.

**COUNCILMEMBER BURKS MOVED THAT THE COUNCIL APPROVE AN ORDINANCE REVISING CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF MERRIAM, KANSAS RELATING TO THE REGULATION OF NUISANCES. THE MOTION WAS APPROVED. COUNCILMEMBERS BERTONCIN AND LEAP VOTED NAY.**

#### **IV. 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.

Bob Bertoncin, 9921 W. 65<sup>th</sup> Place, commented that related to the last on the agenda, code enforcement or city officials could have a vest or jacket identifying themselves as city employees might be helpful when they are on private

property. Mr. Bertoncin had seen officers identified this way in a Phoenix, Arizona city park recently.

## **V. MAYOR'S REPORT**

1. Presentation of Police Department's 2007 annual report.

Police Chief Bill Lietzke presented the 2007 Police Department Annual Report.

2. Consider the appointment of an Interim Community Development Director.

**COUNCILMEMBER STEPHENS MOVED THAT THE COUNCIL APPOINT PAUL GLAVES AS THE INTERIM COMMUNITY DEVELOPMENT DIRECTOR AND AS SUCH THE "CHIEF BUILDING OFFICIAL AND ZONING ADMINISTRATOR". THE MOTION WAS UNANIMOUSLY APPROVED.**

3. Update regarding Merriam Pointe.

Community Development Director Dennis Enslinger stated that a letter was provided in the packet updating the council on the project.

## **VI. PLANNING COMMISSION**

## **VII. COUNCIL ITEMS**

### **Work Session**

### **Finance and Administration Committee**

### **Community Development/Public Works Committee**

1. Discussion regarding proposed reorganization of the Community Development Department to include CIP.

Interim City Administrator Stephanie Dawkins commented that as the workload in the CIP department is less than in the past and with recent vacancies in that department, options were explored to combine the CIP department into the Community Development Department. This had been the structure in the past when there were only a few CIP projects going on. It was also discussed the possibility of hiring a seasonal construction inspector to work during construction months and continue with a contract engineer.

Community Development Director Dennis Enslinger commented that through discussion at the Community Development Committee meeting options regarding neighborhood services were explored. Neighborhood Services is a new category for the city with the scope of services to include licensing of rental properties for single family and duplex units. In addition it was the hope that Neighborhood Services would also try to expand services to work with neighborhood groups or individuals who had code compliance issues and were having issues with either being able to maintain their properties or issues obtaining materials for maintenance of their property. There was some discussion of the code compliance duties shifting to Neighborhood Services rather than under Community Development Director.

Currently the biggest issue appears to be the CIP Department which has no employees staffed at this time. Beth Linn has been filling in for the CIP Department in various capacities such as securing easements for the street projects and has also taken over answering Joe Chick's cell phone and fielding those calls. If Mr. Enslinger was not leaving his position he would be the one fielding those calls.

During Mr. Enslinger's tenure CIP has been its own department which was overseen by the City Engineer. If it is the desire to roll CIP back into the Community Development Department it is important to give some support to the CD Director as far as the daily functions of the CIP department. CIP and Community Development Department are too much for one person to oversee. The Assistant CD Director could oversee CIP and the Neighborhood Services division.

The consensus of several councilmembers was to wait on the restructuring until the position of the Community Development Director could be filled. Some councilmembers also expressed in interest in getting feedback on the restructuring from Interim Director Paul Glaves.

There were concerns over the function of the CIP Department during the next month with no staff.

Mr. Enslinger commented that a planner could be hired as an alternative to the restructuring to relieve the CD Director of the daily planning responsibilities. Mr. Enslinger urged staff to begin the process of hiring a seasonal construction inspector immediately to get that position filled before the beginning of the construction season.

**COUNCILMEMBER CRABTREE MOVED THAT THE COUNCIL TABLE THIS ITEM UNTIL NEXT MONTHS CITY COUNCIL MEETING. THE MOTION FAILED. COUNCILMEMBERS BURKS, HANDS, HUPP AND**

**STEPHENS VOTED NAY. THE MAYOR VOTED NAY BREAKING THE TIE.**

Councilmember Bertoncin commented that the information provided for the proposed restructuring was very complete and although the new CD Director will have input regarding the restructuring she feels it imperative that a seasonal construction inspector be hired as soon as possible.

Mayor Wilkes wanted to be sure the council give Stephanie Dawkins direction as to the scope of work Beth will be doing.

Ms. Dawkins responded that the City Administrator does have the authority to compensate or put someone in a position to take care of the CIP issues, as it is not a Department Head position; the Employee Handbook outlines the process for such a situation. Beth Linn is the only staff member with any knowledge of the workings of the CIP department therefore she would be the logical choice to fill those needs. Ms. Dawkins did request the Council give some direction on the seasonal construction position. Typically she would only be authorized to fill those positions budgeted, which would be a full time construction inspector.

**COUNCILMEMBER BURKS MOVED THAT THE COUNCIL AUTHORIZE THE CITY ADMINISTRATOR TO HIRE A SEASONAL CONSTRUCTION INSPECTOR. THE MOTION WAS APPROVED. COUCNILMEMBERS LEAP AND CRABTREE VOTED NAY.**

2. Consider approval of a Charter for the Johnson County Transportation Cooperation Council (TCC) and designate and appoint one official representative and one alternative representative to serve as members for the TCC.

Councilmember Rowe provided the background for this item.

**COUNCILMEMBER STEPHENS MOVED THAT THE COUNCIL APPROVE A CHARTER FOR THE JOHNSON COUNTY TRANSPORTATION COOPERATION COUNCIL (TCC) AND DESIGNATE CHAD ROWE AS THE OFFICIAL REPRESENTATIVE AND THE CITY ADMINISTRATOR AS THE ALTERNATE REPRESENTATIVE TO SERVE AS MEMBERS OF THE TCC. THE MOTION WAS APPROVED. COUNCILMEMBER CRABTREE VATED NAY STATING THAT HE IS NOT OPPOSED TO COUNCILMEMBER ROWE BUT THAT THE CITY ADMINISTRATOR HAS ENOUGH DUTIES AND MAYBE SOMEONE ELSE COULD SERVE AS ALTERNATE.**

**VIII. STAFF ITEMS**

Staff items included copies of the Finance and Administration committee minutes being distributed as they were inadvertently left out of the agenda packet.

The city will soon have community videos on our website. A company called CGI Communications has a program called E-Local Link, which produces videos, free of charge, to cities. The videos produced for Merriam will be about tourism and economic development, parks and recreation, schools, quality of life, and a welcome video. CGI seeks sponsorship from local businesses for these videos, and in return the businesses get a link and a video produced for them about their business on our website.

The city received an e-mail from The Watchdog column in the Kansas City Star asking about the progress on 67<sup>th</sup> Street. The city has responded so it may appear in the paper next week.

Beth Linn updated the council on HB 27-24 which is a bill that would prohibit cities from charging a landlord license or rental inspection fee. Ms. Linn went to Topeka today to testify before the committee. Testimony included explaining to the committee that the City of Merriam treats landlords as business owners and the city requires all business owners to have an occupational license and does not separate them into a different category. We will continue to monitor the bill, as well councilmembers may want to contact the legislators and let them know that the city does not support this bill.

March 10<sup>th</sup> will be the date of the work session with Bob Saunders, the firm hired to conduct the City Administrator search.

Mayor Wilkes invited the council to be his guests at an award ceremony April 11, 2008 in which he will be receiving an award called Service Above and Beyond. The award presented by the Church of Jesus Christ of Latter Day Saints is for outstanding citizens who have dedicated years of unselfish service to make the community a better place.

Councilmember Hupp reminded the council about the fundraiser on Saturday at the Community Center. Dinner will be served and a band Moonlight Serenade will be performing.

Mayor Wilkes and the Council thanked Community Development Dennis Enslinger for his work and professionalism with the city and wished him the best on his new position at Prairie Village.

**IX. OLD BUSINESS**

**X. NEW BUSINESS**

**XI. EXECUTIVE SESSION**

**COUNCILMEMBER BURKS MOVED THAT THE CITY COUNCIL RECESS INTO EXECUTIVE SESSION TO CONSIDER CONSULTATION WITH LEGAL COUNSEL ON MATTERS THAT WOULD BE DEEMED PRIVILEGED IN AN ATTORNEY-CLIENT RELATIONSHIP RELATING TO PENDING LITIGATION. PRESENT WILL BE THE CITY ATTORNEY, INTERIM CITY ADMINISTRATOR, AND COMMUNITY DEVELOPMENT DIRECTOR. THE MEETING WILL RECONVENE IN THE COUNCIL CHAMBERS AT 8:40 P.M. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

*The meeting reconvened at 8:40 p.m.*

**XII. ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL, COUNCILMEMBER CRABTREE MOVED TO ADJOURN AT 8:42 P.M. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

Respectfully submitted,

Juli Pinnick  
Deputy City Clerk