



**COMMUNITY DEVELOPMENT AND /PUBLIC WORKS
COMMITTEE MEETING
COUNCIL CHAMBERS
March 17, 2008**

The Community Development/Public Works Committee of the Merriam City Council met on Monday, March 17, 2008 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; Paul Glaves, Interim Community Development Director; Susan Hayden, Parks and Recreation Director; Randy Carroll, Public Works Director, Beth Linn, Neighborhood Services Manager and Judy Devere, Recording Secretary.

Public Items

Kerry Zarda, 10103 W. 55th Street, expressed his concern regarding light pollution spilling over onto his property from neighboring properties commenting that this has been an ongoing problem for many months. After a lengthy discussion, Chair Stephens asked Mr. Zarda to let the Committee investigate and discuss the situation and put it back on the agenda for April 21st.

1. CIP Monthly Update

Beth Linn, Neighborhood Services Manager, presented the CIP monthly update highlighting the Residential Streets Group I Street and Drainage Improvements, the 61st Street and Drainage Improvement Project and the 47th Street and Drainage Improvements.

Ms. Linn said the final public meeting for the Residential Streets Group I Street and Drainage Improvements and 61st Street and Drainage Improvement Project would be held on April 15, 2008.

Ms. Linn noted that the City of Merriam and Unified Government staff had completed a field check of the plans for the 47th Street and Drainage Improvements and after the consultant makes necessary changes, staff will be able to set specific dates for upcoming public meetings and easement acquisitions.

2. Consider approval of a contract with Miles Excavating, Inc. for construction of the 61st Street/Residential Streets Group I Street and Drainage Improvements in

the amount of \$1,286,573.60 with 90 days for completion and authorize the Mayor to execute the contract.

Beth Linn, Neighborhood Services Manager, provided the background on this item stating that this project includes 58th Street, 59th Terrace, 60th Terrace, 61st Street, Hemlock and Knox with several cul-de-sacs and 61st Street adjacent to Merriam Elementary School.

Ms. Linn said the final public meeting is scheduled with residents on April 15, 2008. She said the City held a public bid letting on March 6, 2008 and there were six companies that submitted bids for the project. Miles Excavating was the lowest bid in both dollars and days per the A+B computation.

Ms. Linn noted that 61st Street has a 30.6% portion of the project in Shawnee and the City will be receiving revenue from Shawnee for their portion.

Ms. Linn stated that some residents were present in the audience from 58th Street who had submitted a petition asking for the sidewalk on 58th Street, just west of Goodman, be removed from the project. For background information, Ms. Linn said that the City always incorporates a sidewalk on one side of the street as part of the City's standard section. The standard street section is 30 feet of paved improvements which is 24 feet of road from back of curb to back of curb, 2 feet of greenspace and 4 feet of sidewalk. To her knowledge, sidewalks have always been installed on all streets with the exception of the Sherwood Forest Project. That project was somewhat unique due to the narrowness of the right-of-way and the very large trees in that area, therefore, the residents and the City Council decided to remove the sidewalk from the entire project. Ms. Linn provided a visual of the subject sidewalk in the cul-de-sac for the Councilmembers to view.

Carl Weaver, 8206 W. 58th Street, stated that he was the person who initiated the petition for the removal of the sidewalk from the project. He said the main reason he was opposed to the sidewalk was because he built a retaining wall and the sidewalk would take it all out. Mr. Weaver said that in conversation with the persons that signed the petition, everyone questioned the need for the sidewalk. He added that safety was not an issue because there was very little traffic on the street/cul-de-sac.

Chair Stephens commented that the Council looks at a standard that was set for the City and was set when the street program was adopted and it was the Council's desire to have all the street projects standardized for all of Merriam.

Councilmember Crabtree questioned if removing the sidewalk would affect the value of the homes and property. He said that future property owners would seek out homes with sidewalks.

Councilmember Hands said that she supported the street standards but cul-de-sacs are different.

Councilmember Rowe requested that staff look at what other cities are doing regarding sidewalks in cul-de-sacs.

Ms. Linn stated that she would talk to Kristine Leathers, City Engineer, who will have additional information available at the City Council meeting on Monday, March 24th.

Chair Stephens suggested the Councilmembers accept the contract the way it is and look at what other cities are doing in cul-de-sacs.

COUNCILMEMBER ROWE MOVED TO FORWARD A RECOMMENDATION TO THE FULL CITY COUNCIL TO APPROVE A CONTRACT WITH MILES EXCAVATING, INC. FOR CONSTRUCTION OF THE 61ST STREET/RESIDENTIAL STREETS GROUP I STREET AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$1,286,573.60 WITH 90 DAYS FOR COMPLETION AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT AND PLACE ON THE CONSENT AGENDA. THE MOTION WAS UNANIMOUSLY APPROVED.

3. Consider approval of Professional Services Agreement with George Butler Associates for the Shawnee Mission Parkway Bridge over Turkey Creek Tributary project.

Beth Linn, Neighborhood Services Manager, said that during the biennial bridge inspection process, the 1936 portion of the Shawnee Mission Parkway Bridge over the Turkey Creek tributary at Mastin was identified as needing to be scheduled for replacement. She said city staff submitted an application and were awarded 2010 Bridge Replacement and Rehabilitation funds from Mid-America Regional Council (MARC) and Kansas Department of Transportation (KDOT) in the amount of \$1,200,000.

In August 2007, the City of Merriam solicited proposals from qualified professional engineers and received five proposals. The selection committee short-listed consultants based on their proposals and this resulted in a process where four consultants were ranked independently on a variety of criteria related to the project.

In October 2007, Ms. Linn stated that the City Council concurred with the selection committee's recommendation of George Butler Associates (GBA) as the consultant of choice for Shawnee Mission Parkway Bridge over Turkey Creek Tributary project. She noted that GBA has significant expertise with bridge rehabilitation and design as well as traffic concerns that may be present on this project. They also have experience working with KDOT's Bureau of Local Projects and this project would involve KDOT participation since the City was successful securing funds through a MARC grant process in 2005.

A Professional Services Agreement (PSA) had been prepared and included a conceptual study to determine the feasibility of rehabilitation of the culvert. If rehabilitation is not feasible, Ms. Linn said that a second conceptual study would be preformed, upon approval of the council, to determine the best option for replacement. She stated that once a rehabilitation or replacement solution is agreed

upon by City Council, preliminary and final design plans will be completed under a separate professional services agreement.

COUNCILMEMBER CRABTREE MOVED TO FORWARD A RECOMMENDATION TO THE FULL CITY COUNCIL TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH GEORGE BUTLER ASSOCIATES IN THE AMOUNT OF \$135,639 FOR THE PROFESSIONAL SERVICES ASSOCIATED WITH THE SHAWNEE MISSION PARKWAY BRIDGE OVER TURKEY CREEK PROJECT AND PLACE ON THE CONSENT AGENDA. THE MOTION WAS UNANIMOUSLY APPROVED.

4. Purchase of a Nissan Quest Mini Van

Susan Hayden, Parks & Recreation Director, stated that this item refers to the need to replace the existing Parks & Recreation passenger van which is now 12 years old and is approaching the City standard of 90,000 miles for replacement. She said the van had some health issues and the Public Works serviced it 4 times last year and there is the possibility of a transmission replacement soon.

Ms. Hayden said that with Mr. Carroll's assistance, the City utilized the bid process of the Mid-America Council of Public Purchasing (MACPP) for this vehicle, however none of the vehicles that were bid met the city vehicle specifications for fold-away or "stow and go" seat option. Ms. Hayden noted that this option is considered critical for carrying cargo to special events so that staff does not have to continually remove the center and rear seats. Staff then contacted dealers whose inventory contained mini-vans with fold-away options with O'Neill Nissan submitting the lowest bid.

Ms. Hayden said that staff is recommending the purchase of a Nissan Qwest Mini-van from O'Neill Nissan in Overland Park. She said the budgeted amount in equipment reserve fund this year for this purchase is \$20,000. The bid received from O'Neill Nissan is for \$21,197 and staff is recommending the additional \$1,197 above the budgeted amount be transferred from the 5010 Culture and Recreation budget to the Equipment Reserve budget.

Councilmember Rowe asked if the Toyota Sienna had the "stow and go" seats with Ms. Hayden answering she did not think so, that Dodge makes one and Chrysler Plymouth but they were much more expensive. She added that the option with the Nissan Qwest did not completely go under the floorboard but collapses down to about 12 inches above the floor that they thought that was a viable option. Councilmember Rowe noted that the Consumers Report rated the Toyota Sienna as stronger and Merriam has a Toyota dealer within the city. Councilmember Rowe suggested that staff check with the local Toyota dealer to see if they had this option and would meet the bid price. Ms. Hayden said she would check with the Toyota dealer.

Chair Stephens suggested forwarding the item to the City Council with no recommendation to give Ms. Hayden time to contact the Toyota dealer to see if they had the "stow and go" option and would meet the bid from O'Neill Nissan to keep business in Merriam.

COUNCILMEMBER HANDS MOVED TO FORWARD TO THE FULL CITY COUNCIL WITHOUT RECOMMENDATION AND STAFF TO OBTAIN A BID FROM TOYOTA. THE MOTION WAS UNANIMOUSLY APPROVED.

5. Update on development projects.

Paul Glaves, Interim Community Development Director, provided updates on the following projects:

- South Park School
- Pointe at Prairie Haven
- Timber Ridge
- Merriam Pointe
- 67th Street railroad crossing and traffic control
- Merriam Village

6. Update on recruitment process for Community Development Director and Business Development Coordinator positions.

Stephanie Dawkins, Interim City Administrator, stated that interviews had been conducted for the Community Development Director. They had planned to interview six candidates but one withdrew the day before so five were interviewed. She noted there were five very good candidates and have narrowed those down and are on track to have an applicant ready to present to the City Council at the March 24th meeting.

Ms. Dawkins said that the Business Development Coordinator position has been put on hold since that person would report directly to the Community Development Director and is a new position. The process is slated to restart in mid-April.

Ms. Dawkins noted that the Construction Inspector position that is a seasonal position has been advertised and closes April 1st and the plan is to have someone on board starting in May.

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

Chair Stephens stated that she had requested this be put back on the agenda and while it was discussed at the City Council meeting, there were some questions that the Councilmembers wanted Mr. Glaves input on.

Mr. Glaves stated that there needs to be an assistant in the Community Development Department because a series of elements and ordinances as well as in state law that confer upon the CD Director, i.e., as the Zoning Administrator or as Floodplain Administrator, certain powers, duties and authorities and in the absence of that person nobody has had conferred upon them those legal powers, duties and authorities. He added that within the organizational chart of the department simply as a matter of practicality, it is important that there is somebody empowered to act in the absence of the Community Development Director. He noted it can sometimes be done by memo, sometimes by done by letter of authority from the City Administrator, but the clean

thing to do is to have an assistant in which the job description and the City Council in approving the position, have conferred upon the Assistant Director the powers, duties and authorities of the Director in the Director's absence.

Mr. Graves stated that regarding the CIP Department, in his opinion, it should fall under the Community Development Department. He added that at that point, the Community Development Department has three functions which are building codes, CIP, and code enforcement. He said that neighborhood services fits in the department someplace and could be a fourth one eventually.

Mr. Graves said once the decision has been made to add the Assistant Community Development Director, then it is a City Administrators and CD Directors task to figure out how it falls. Mr. Graves said that in a city the size of Merriam, organizational charts change and they change because people change, and what you try to do in a small environment, is to try and make sure that you have the most suitable staff member working on what it is that person is best at. Sometimes organizational chart lines are crossed to have the right person working on the right thing.

Mr. Graves stated that the Council must first decide if they want to put CIP in the Community Development Department. He said he is supportive of having an Assistant Community Development Director and that it must be left to the new CD Director and City Administrator as to who reports to whom and who is doing what. He added that no two people as CD Director are likely to make that decision identically because there is always more than one way to view that.

Finally, Mr. Graves said his opinion was there needs to be an Assistant Community Development Director and the CIP should be in the Community Development Department.

Councilmember Rowe questioned if the City is better off outsourcing the City Engineer functions with Mr. Graves replying that was his opinion until such time that the workload requires a full time engineer.

Mayor Wilkes stated that he wanted to recognize Stephanie Dawkins, Beth Linn, Paul Graves, and Judy Deverej for doing an admirable job during this difficult transition period.

Ms. Dawkins asked for clarification regarding the Assistant Community Development Director position.

COUNCILMEMBER HANDS MOVED TO FORWARD TO THE FULL CITY COUNCIL TO RECOMMEND APPROVAL OF THE RESTRUCTURING OF THE COMMUNITY DEVELOPMENT DEPARTMENT TO INCLUDE CIP AND THE ADDITION OF AN ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR TO THE CLASSIFICATION/COMPENSATION PLAN. THE MOTION WAS UNANIMOUSLY APPROVED.

8. Discussion regarding Chapter 18 of the Municipal Code relating to Nuisances.

Chair Stephens said this was passed by the Council but wanted to further discuss and bring back to Council. One issue regarded entrance on someone's property. The thought has been put forward that it be tied to how many times someone has been in violation of the code and she talked to the City Attorney suggested it could be tied to Council approval.

Chair Stephens asked for further discussion on the plants identified as noxious weeds. She noted that the state has a requirement for fourteen plants that affect both public and private property, so after discussing that with the City Attorney, she thought it would be best to have those fourteen plants listed separately because the way the ordinance reads now, it does not cover public property only private property and the state statute says public and private property. Chair Stephens said she also would like to examine the idea of whether Johnson County has any specific plants that they want on their list of noxious weeds. She asked if some of the members of the Tree Board that are very knowledgeable to get some opinions on some of the names on the list noting she wanted to be sure the City had the correct list in the ordinance.

Mr. Graves pointed out that Section 2-1314 of the Kansas Statutes summarizes that it shall be the duty of the governing body to control the spread and to eradicate all weeds declared by legislative action to be noxious on all lands owned or supervised by them and to use such methods for that purpose and at such times as are approved and adopted by the Kansas department of agriculture and that lists the list that the State has declared to be noxious weeds. He said as a bare minimum as it relates to properties which are owned by you or supervised by you, in his opinion, not private property.

Mr. Graves said he did not know if Johnson County had added multiflora rose or bull thistle to their list of noxious weeds. He added he had looked at the City of Overland Park's weeds and his view was the list came from the city having a lot of agricultural and agrarian area and a lot of those weeds are not that prevalent in an area that has been built up and as old as Merriam. He said he did not recommend tinkering with an ordinance that the City Council had just passed.

Mr. Graves stated that in his past experience in Merriam the issues have been basically three-fold; thistle, poison ivy and too tall. He said from a practical standpoint of a codes compliance officer, they notice too tall and thistles and poison ivy is usually brought to their attention.

Mr. Graves said he had two comments regarding entrance onto property issue. The way it is currently worded relates to entrance onto property for two different purposes; one for the purposes of inspection and two, for the purpose of abatement. He said it must be left in the ordinance for entrance onto the property and the penalties for interference as it relates to abatement regardless of what is done as it relates to inspection. Mr. Graves stated that in his opinion, it should be tied to reasonable suspicion and probable cause.

CHAIR STEPHENS MOVED TO FORWARD TO THE FULL CITY COUNCIL TO RECOMMEND TO RESCIND THE MOTION THAT WAS

MADE TO APPROVE THE ORDINANCE AND LOOK INTO MORE LEGAL ISSUES AND PLANT ISSUES TO BE REWRITTEN FOR A BETTER FIT FOR MERRIAM. THE MOTION WAS APPROVED BY A VOTE OF 3 TO 1 WITH COUNCILMEMBER HANDS CASTING THE DISSENTING VOTE.

Councilmember Hands noted that she thought the document had what was already needed.

COUNCILMEMBER HANDS MOVED FOR ADJOURNMENT.

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Judy Devere, Recording Secretary