

**MERRIAM CITY COUNCIL AGENDA
CITY HALL
9001 WEST 62ND STREET
June 10, 2019
7:00 P.M.**

If you require any accommodation (i.e. qualified interpreter, large print, reader, hearing assistance) in order to attend this meeting, please notify the Administrative Office at 913-322-5500 no later than 24 hours prior to the beginning of the meeting.

I. CALL TO ORDER - PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. PUBLIC ITEMS

Members of the public are encouraged to use this time to make comments about matters that do not appear on the agenda. Comments about items on the regular agenda will be taken as each item is considered. ***Please note: individuals making Public Comments will be limited to 5 minutes.***

IV. CONSENT AGENDA

All items listed under the heading are considered to be routine by the City Council and may be enacted by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case that item will be removed from the Consent Agenda and considered separately.

1. Consider approval of the minutes of the City Council meeting held May 13, 2019.

V. MAYOR'S REPORT

1. Swearing in of Ward 1 Councilmember Jason Silvers (ceremonial)
2. Appointment of Comprehensive Plan Update Advisory Committee.

VI. COUNCIL ITEMS

A. Finance and Administration

1. Consider approval of an ordinance amending Chapter 5, Alcoholic Liquor of the Merriam Code of Ordinances. (first reading)
2. Consider approval to authorize the creation and hiring of three positions for the new community center.
3. Community Center Update.

4. Monthly Finance Report.

B. Community Development/Public Works/CIP

1. CIP Update. (included in packet)

VII. STAFF ITEMS

VIII. NEW BUSINESS

IX. EXECUTIVE SESSION

X. ADJOURNMENT

Respectfully submitted,

Juliana Pinnick

Juliana Pinnick
City Clerk

MERRIAM CITY COUNCIL MINUTES
CITY HALL
9001 WEST 62ND STREET
May 13, 2019
7:00 P.M.

I. CALL TO ORDER - PLEDGE OF ALLEGIANCE

Mayor Ken Sissom called the meeting to order at 7:00 pm

II. ROLL CALL

Scott Diebold
Al Frisby
Chris Evans Hands
Nancy Hupp
Brian Knaff
David Neal
Bob Pape

Staff present: Chris Engel, City Administrator; Meredith Hauck, Assistant City Administrator; Nicole Proulx Aiken, City Attorney; Todd Allen, Acting Police Chief; Anna Slocum, Parks and Recreation Director; Cindy Ehart, Finance Director; Jenna Gant, Communication and Public Engagement Manager; Bryan Dehner, Fire Chief; Bryan Dyer, Community Development Director; Jim MacDonald, Public Works Superintendent and Juli Pinnick, City Clerk.

III. PUBLIC ITEMS

Members of the public are encouraged to use this time to make comments about matters that do not appear on the agenda. Comments about items on the regular agenda will be taken as each item is considered. ***Please note: individuals making Public Comments will be limited to 5 minutes.***

John Sankey, 10121 W. 65th Dr., commented that he spoke at the last meeting regarding the sidewalks in West Vernon place that residents don't want. There was a sidewalk meeting last week and the room was full of people that do not want the sidewalks. He conducted a survey in the neighborhood and approximately 82 homes indicated they did not want sidewalks. He has not found anyone that is in favor of the sidewalks. He indicated that Sherwood Forest, which is a neighborhood similar to West Vernon Place, was allowed to opt out of sidewalks. He requested that the residents of West Vernon Place be granted that same option.

Mary Thomas, 10114 W 65th Dr., commented that she attended the public sidewalk meeting last week and most of the folks attending do not want sidewalks. She would prefer to mark a narrow lane on the street for walking. This would be

a less expensive option and would serve the same purpose. She would prefer the city use the West Vernon Place sidewalk money elsewhere in the city. She commented that Merriam has made vast improvements since she moved here in 1991, and the city does many projects that enhance the look of the city. She loves her neighborhood the way it is and does not feel the sidewalks will enhance the neighborhood.

Greg Thomas, 10114 W. 65th Dr., commented that he does not want the sidewalks either. He feels they are not needed. He realizes that the sidewalks are in the plan but questioned if the plan can be changed or delayed. He suggested perhaps postponing the project and re-visiting it at a later time could be an option. There have been no accidents in the neighborhood and the sidewalks would not connect to anything.

Pam Bertoncin, 9921 W. 65th Dr., commented that she would like to support the neighborhood for no sidewalks. If the sidewalks went all around the cul-de-sac that would be better, but it is not laid out that way due to all the hills. She has been in the neighborhood 41 years and there have been no accidents or near misses from people walking in the street.

Al Osterhaus, 9920 W. 65th Dr., commented that regarding the sidewalks, he moved in the neighborhood in 1992 with two small children. He never had any issues with young children and no sidewalks in the neighborhood. He does not feel that sidewalks are a benefit to the neighborhood and feels that since the bids for the project have not been let, that it's not too late to change the plan.

Brian Reed, 6512 Mastin, commented that regarding the sidewalks, he has lived in the neighborhood since he was 5 years old and has had no problems without sidewalks. He asked the two council representatives from his ward represent them on this issue.

Thelma Fowler, 9921 W. 65th Dr., commented that she agrees with everything other folks have said regarding the sidewalks in West Vernon Place and asked if the sidewalks are installed, where the liability lands if someone is hurt while walking on them. The public meeting was held last week but it did not appear that anyone at the meeting was taking notes on what was being said. In front of her home there are water issues and it has caused some buckling; she feels it may not be a good idea to install sidewalks in an unstable area. She questioned if there has been any recent study regarding the water runoff in the area, she has photos depicting the water issues that she can provide if needed.

Arlene Noel, 6545 Burnham, commented that she feels her neighborhood has a pocket of privacy and does not favor sidewalks in her neighborhood. She asked why the sidewalks are needed now, and maybe wait a few years to see if there is still a desire for them.

Zach Clary, 6509 Mastin, commented that regarding the West Vernon Place sidewalks, he wanted to thank councilmembers Pape and Neal for walking the neighborhood and knocking on doors and listening to the neighbors about this issue. He asked the council do something different with this project.

Rick Jaso, 6612 Mastin, commented that since the public meeting last Thursday he went through Sherwood Forest to see what that neighborhood was like. It seems that Sherwood Forest is just like West Vernon Place and he does not understand why the wants and needs of West Vernon residents are not as important as the Sherwood Forest folks. Claims that the sidewalks will help will resale and home values seem odd as there are no problems with folks trying to sell their home in the neighborhood.

Peggy Ford, 9816 W. 56th St., commented that she does not live in West Vernon Place but having driven through the area, it has a nice estate look to the neighborhood so she understands why they would not want sidewalks. She lives on a cul-de-sac with only a few houses on it. She remembers hearing that the city was going to put in sidewalks "where needed". She is unclear why her street "needs" sidewalks when there are just a few houses there.

Colleen Evans, 9820 W 56th St., commented that her concern with putting sidewalks in these neighborhoods is the old trees that are where the sidewalks are proposed. She fears it will damage the root systems and cause the trees to die if sidewalks are installed near these large old trees. She feels sidewalks could damage a neighborhood by causing the loss of trees and increasing the carbon footprint without those large trees.

Pat Wilcox, 6501 Mastin, commented that her concern with installing sidewalks are the trees also. She has large pin oaks near the curb where the sidewalks will potentially be installed.

KT Crosby, 6525 Burnham Dr., commented that her street is a two-block long cul-de-sac and she sees no benefit for installing sidewalks. She feels the city resources could be used elsewhere.

IV. CONSENT AGENDA

All items listed under the heading are considered to be routine by the City Council and may be enacted by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case that item will be removed from the Consent Agenda and considered separately.

1. Consider approval of the minutes of the City Council meeting held April 22, 2019.

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

Mayor Sissom allowed resident Darold Edmunds to speak after public items.

Darold Edmunds, 6515 Mastin, thanked councilmember Pape and Neal for listening to the concerns of the West Vernon Place residents over the past couple of weeks. Mr. Edmunds commented that the residents of West Vernon Place have voiced their opinions on the sidewalks in three meetings. He asked when the project will be voted on to cancel.

Mayor Sissom explained to Mr. Edmunds that during public comments, folks are allowed to make comments but not necessarily ask questions. Mayor Sissom thanked everyone for attending and expressing their views regarding this issue. This item is being discussed during the public comment portion of the meeting because the item is not on the agenda for tonight's meeting.

In order for the council to vote on or move forward on an item, that item needs to be on the agenda. While some council members attended the public sidewalk meeting last week not all council members did, and therefore did not hear the information and comments presented at the sidewalk meeting.

It would be difficult to ask the council to take a vote on an issue that they may have limited information on. This is especially difficult when this issue has already been voted on and they are being asked to re-vote to stop a project that was previously approved. While that could occur, there is a process that needs to be followed. A lot of folks are here tonight to address this issue, but there may be others who want to speak to it and are not attending tonight, because they did not know this issue would be discussed as it was not on the agenda. This issue could be placed on an agenda for a future meeting which would allow that information to be publicized and advertised so it may be voted on, but that has not occurred for tonight's meeting and therefore it would be ill-advised to vote on it tonight.

Mayor Sisson felt he needed to explain the background behind Sherwood Forest sidewalks as comments were made tonight in reference to that. The Sherwood Forest project included a full build out of their streets, curb and gutter, and storm drains. At that time, approximately 12-15 years ago it was suggested that sidewalks also be installed with that project, the residents there did not want sidewalks as part of that project. At that time there was no Sidewalk Infill Program; that program was instituted about three years ago. Three years ago it was decided that there was a need to install sidewalks where there were none, which included West Vernon Place along with a variety of other neighborhoods and areas all over the city. This year was Phase III of the program and that phase includes West Vernon Place.

There was no promise made to Sherwood Forest that they would never have sidewalks, but 15 years ago it was decided that the sidewalks would not be included as part of their street project.

Mayor Sissom indicated that the council could talk about this under New Business on the agenda but cautioned about taking any votes regarding the issue at this meeting. This item can be placed on a future agenda which will allow for notification to all folks that are interested in this issue.

V. MAYOR'S REPORT

1. Proclamation-Public Works Week.

Mayor Sissom read a proclamation honoring Public Works Week.

2. Presentation and acceptance of the 2018 Audit Report.

Tara Laughlin, Vice-President, Allen Gibbs Houlik presented the council with the 2018 Audit Report.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL ACKNOWLEDGE RECEIPT OF THE 2018 FINANCIAL AUDIT REPORT. COUNCILMEMBER HUPP SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

3. Merriam Visitors Bureau Annual Report.

Visitors Bureau Director Karen Crane presented the 2018 Visitors Bureau report.

VI. PUBLIC HEARING - Public Hearing regarding the City's grant application submittal for 2020 Community Development Block Grant (CDBG) funding.

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

This is the Public Hearing for the city's application to Johnson County for 2020 CDBG funds. Typically, the city conducts two CDBG Public Hearings. The purpose of that first hearing is to receive input from the public on which public improvement projects the city should submit for funding. The second Public Hearing is to consider the specific CDBG application. However, since the second

May City Council meeting was cancelled because of the Memorial Day holiday, the two Public Hearings have been consolidated into one.

The City of Merriam's 2020 CDBG application is for \$70,000 for the removal of 30 KCPL "cobra head" streetlights and the installation of 44 City of Merriam standard streetlights in the area of the South Park neighborhood that is between Brown Park and W. 49th Street. The project will complete the installation of city standard street lights for the area north of W. 53rd Street.

The "cobra head" streetlights are spaced far apart and do not provide a large amount of illumination at ground level. The CDBG funds will be used to replace the "cobra head" lights with streetlights that are much more appealing and owned by the city. The streetlights that are installed by the city are aesthetically pleasing, shorter, and provide better lighting at ground level. This increased lighting encourages pedestrian activity and neighbor interaction. This increase in activity discourages crime in neighborhoods.

The project area is the South Park neighborhood. This area is bounded by Knox Avenue, Merriam Drive, W. 49th Street, W. 51st Terrace, and Brown Park. Completion of this project will provide residents north of South Park with a lighted pedestrian travel route to the park. The project will serve approximately 433 residents.

The purpose of this Public Hearing is to receive feedback on the application that is included in the Council's information packet. After conducting the Public Hearing, if appropriate, the Council can authorize the Mayor to sign the application.

Mayor Sissom opened the Public Hearing at 7:55 pm. There were no public comments. The Public Hearing closed at 7:56 pm.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL AUTHORIZE THE MAYOR TO SIGN THE 2020 CDBG APPLICATION. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

VII. COUNCIL ITEMS

A. Finance and Administration

1. Consider approval of a resolution finding that the 67th Street Improvements are consistent with the Merriam Pointe project plan.

City Administrator Chris Engel presented the background for this item.

The 67th Street Reconstruction/Improvement project will be awarded in June 2019. A portion of the improvement lies entirely within the I-35 TIF District and is adjacent to the Merriam Pointe

redevelopment project. Home to four major automobile dealerships with potential for two more, Merriam Pointe is a key generator of sales tax revenues for the City. Improvements to 67th Street will improve customer access to the Merriam Pointe businesses.

The I-35 TIF District generates tax increment not committed to developers, but the increment may be spent only for eligible expenses in accordance with TIF statutes. Because the 67th Street improvements lie within the I-35 TIF District and support the Merriam Pointe redevelopment project plan, available TIF increment may be used to fund a portion of the improvement costs. Five-year projections indicate that adequate TIF funds are available to support construction of the 67th Street improvements.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE A RESOLUTION FINDING THAT THE 67TH STREET RECONSTRUCTION/IMPROVEMENT PROJECT IS CONSISTENT WITH KANSAS TIF STATUTES AND THE MERRIAM POINTE REDEVELOPMENT PROJECT PLAN. COUNCILMEMBER HUPP SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

2. Consider approval of amendments to the Parks and Recreation Advisory Board by-laws.

Parks and Recreation Director Anna Slocum provided the background for this item.

The Merriam Parks and Recreation Advisory Board started the process of reviewing by-laws during a special meeting held December 1, 2018. By-laws discussion continued at the March and April 2019 meetings. The changes were voted on individually for recommendation to City Council to approve.

Changes to facilities names will be changed to “city parks and recreation facilities” which is all inclusive rather than listing out each facility by name.

Simplify verbiage to read “Member resignations will be filed with the Chairperson as soon as the member has decided to resign.” Removed the verbiage “as soon as possible after” the member has decided to resign.

Absences were previously delineated as “excused or “unexcused”. The Board feels that an absence is just simply an absence and it is unnecessary to determine any as excused or not excused. They

also recommended changing the notification process regarding absences, which will now be the chairperson notifying the Mayor of three (3) absences within a year. Changes will also include board members to notify the chairperson of an absence, previous language included requesting an excused absence which will no longer apply.

There is one change regarding quorum which better defines quorum to be “voting” appointed members are in attendance, as now the board has a non-voting member and the board will need four (4) members with voting power to be present for a quorum.

There will be an additional section that identifies where meeting notices will be posted.

There were a couple of typographical errors that will also be corrected.

During the conversation regarding ways to ensure the board has a quorum the subject of virtual link-up was discussed. The board was unable to come to a consensus on this issue and the voting resulted in a tie. The board has requested the City Council provide direction on this issue.

Councilmember Frisby asked Director Slocum where she stands on the virtual link-up issue.

She responded that the park board is an only an advisory council that makes recommendations to the city council. She contacted 12 other cities to inquire if they allow a virtual link-up option. Only two (2) allow for virtual link-up and those are administrative boards; they do not ask for council approval on issues. The other cities have advisory board and they do not allow virtual link-up. The reason they do not allow virtual link-up is because they want the board to come together through discussion and interaction at the table to make recommendations. They do not support virtual link-ups.

Director Slocum stated that she tends to agree with that philosophy as when folks try to interact via virtual link-up there is a disconnect. In her experience, it is difficult to understand which member is speaking, there is a delay with the devices being used, it is difficult to hear each other and it is not a natural conversation.

Councilmember Hupp agreed with Director Slocum regarding the disconnect with a virtual link-up. Having experienced a virtual link-up with city council meetings, it is difficult to participate in that setting. Because the Parks and Recreation Board is advisory and

are not the final decision makers on recommendations, she feels that virtual link-up is not needed for this type of board.

Councilmember Diebold commented that he understands the disconnect with a virtual link-up, however, it does give a member the opportunity to vote on issues and participate. He feels that if it were used in an emergency situation only and could be controlled by the chair it could be allowed.

Councilmember Neal commented that he agrees that it is difficult to follow along in a meeting from a distance, however, bringing in a younger sector of our population on boards that have jobs and other commitments that they be called out for could at least allow them to stay plugged in to a certain degree. He feels as long as it would not be abused, and have an approval process for that allowance, it could be used appropriately.

Councilmember Pape questioned if it could even be done at this point in time with our current technology and capabilities.

Director Slocum indicated that the technology today would require a laptop or cell phone for communication as there is no phone line in the current meeting room. The new community center will have much better state of the art technology that this option could be handled easily.

As part of the virtual link-up discussion with the park board, the three absence issue came up as well. A board member may have a situation going on that is causing their continued lack of attendance, so after three (3) absences, the chair would have a conversation with that member. Their absence could be due to a family issue, work obligation or other short term situation, but they are still committed to being on the board. They can discuss that with the board chair and can be worked through. However, continued absences because a member is scheduling other things or is not making their attendance at the meeting a priority and want to participate by virtual link-up for convenience, would not appear to be a good use of the virtual link-up option and would prompt a conversation about their commitment to being on the board.

Mayor Sissom commented that he feels there would need to additional rules if the virtual link-up were going to be allowed. Such as is there a limit as to the number of people that could call in for the meeting, would there be a meeting where 3 or 4 members are participating by phone, how many times can a member call in to a meeting? He feels that when a person agrees to be on a committee

or board it is important that they make an effort to attend the meetings and be present for those meetings.

Councilmembers Frisby and Diebold commented that at this time they don't feel they can make a decision on the virtual link –up option until the technology to make it smooth process is in place but feel this issue should continue to be explored once that technology is available.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL CONCUR WITH THE RECOMMENDATION OF THE PARKS AND RECREATION ADVISORY BOARD AND APPROVE BY-LAW CHANGES AS OUTLINED IN THE ACTION INFORMATION FORM.

There was some discussion regarding the motion and the virtual link-up option.

Director Slocum clarified that the Action Information Form stated that the by-law changes that the Park Board recommended did not include the virtual link-up option as the vote on that issue resulted in a tie. They were asking council for direction on the virtual link-up option. She indicated that she would share with the Park Board the discussion regarding the virtual link-up.

COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

3. Consider approval of residency definition for new Merriam Community Center.

The current definition utilized by Merriam Parks and Recreation defines residency as any person owning taxable real estate in Merriam or any person who has permanent residence within Merriam city limits. To qualify for Merriam resident season pass rate, proof of residency is required with a valid photo driver's license.

In reviewing the current definition, staff is recommending additional clarifications to help provide administrative efficiency. The new residency definition is proposed as:

Any person who has permanent residence within the Merriam City limits

Any person owning taxable real estate in Merriam

Proof required with a valid driver's license, current utility bill (electric, gas or water), current city business license or Notice of Appraised Value issued by the Johnson County Assessor's Office

The Park and Recreation Advisory Board unanimously approved this definition.

There was some discussion regarding the driver's license recommendation. There was a recommendation from the council to include "state issued I.D." as another form of proof of residency.

COUNCILMEMBER HUPP MOVED THAT THE COUNCIL CONCUR WITH THE RECOMMENDATION OF THE PARKS AND RECREATION ADVISORY BOARD AND APPROVE THE RESIDENCY DEFINITION FOR THE NEW COMMUNITY CENTER AND INCLUDE STATE ISSUED ID AS A FORM OF PROOF OF RESIDENCY. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

4. Consider approval of household definition for the new Merriam Community Center.

The current definition utilized by Merriam Parks and Recreation defines a household as more than one person living permanently within the same residence/address. Proof of residency is required for all adults age 18 and over with a valid photo driver's license prior to ID card being produced. A non-resident may include no more than 6 household members.

Defining household provides for an accounting measure in order to attain the business goals outlined in the ProForma completed by Pros Consulting during the Master Plan Process. In order to craft a definition that is inviting to all members of the community, staff researched 12 neighboring communities to determine how each defines households. Although each community is unique, there were common threads within those definitions. Each of those 12 communities utilized the same definition for household whether the patron is a resident or non-resident.

The goal of the proposed definition is to be specific enough for administrative efficiency yet broad enough to include all families. Using common themes from the neighboring communities and census data a definitions were discussed at the March and April Park Board meeting. The new household definition is proposed as:

Two (2) adults and up to four (4) dependent children as defined by IRS Qualifying Age Rule*. Children 18 – 24 must provide proof of residency.

Staff felt it was important to include the definition of the IRS Qualifying Age Rule to provide clarification and consistency utilizing a custom already in practice.

The Park and Recreation Advisory Board unanimously approved this definition.

COUNCILMEMBER FRISBY MOVED THAT THE COUNCIL CONCUR WITH THE RECOMMENDATION OF THE PARKS AND RECREATION ADVISORY BOARD AND APPROVE THE HOUSEHOLD DEFINITION FOR THE NEW COMMUNITY CENTER

5. Consider approval of room names for the new Merriam Community Center.

The seven rooms include the large banquet space that is three individual rooms that will open into one large space. The concept for this space is to theme the room names so the overarching name when the room is open ties the theme together. There is the classroom space, two party rooms and the conference room.

With Merriam's rich history, incorporating the past into the new space can be easily accomplished through naming rooms and then providing a plaque in each room as to the historical significance. The suggestions provided for each space to the Parks and Recreation Advisory Board were categorized based on the use of the room. Discussion of room names occurred at the March and April meeting with the following recommendations made:

Large Banquet

Option 1: Kansa Room, Osage Room, Shawnee Room – one space Indigenous Nations Room

Option 2: Campbell Room, Kessler Room, Loomis Room – one space Founders Room

Classroom Space - Esther Brown Room

Party Rooms - Trolley Room and Depot Room

Conference Room

Option 1: Founders Room (honoring Campbell, Loomis and Kessler)

Option 2: Walker School Room

These options unanimously approved by Parks and Recreation Advisory Board.

There was some discussion among the council regarding the room names. The consensus of the council was to name the Large Banquet room the Founders Room with the three separate spaces being Loomis, Campbell and Kessler. Thus making the Conference room the Walker School Room.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL CONCUR WITH THE WITH THE RECOMMENDATION OF THE PARKS AND RECREATION ADVISORY BOARD AND APPROVE THE ROOM NAMES FOR THE NEW COMMUNITY CENTER, SELECTING THE FOUNDERS ROOM FOR THE LARGE BANQUET ROOM AND WALKER SCHOOL ROOM FOR THE CONFERENCE ROOM.

6. Consider approval of a resolution amending section 7.04, Leave Time, of the Employee Handbook.

City Administrator Chris Engel provided the background for this item.

Section 7.04 of the Employee Handbook governs the accrual and use of vacation time by city employees. The policy sets 240 hours as the limit on the total number of hours an employee can accrue before they begin to forfeit hours. Only the most tenured employees (>10 yrs.) are usually subject to this occurrence because of their elevated accrual rate and/or their ability to cumulatively rollover unused time.

To avoid losing hours, employees with high balances will usually take one day at a time to keep under the limit until they get to a point in the year they schedule a multi-day vacation. This process generally works. However, in rare instances there is a high balance employee that is forced into a “use-it-or-lose-it” situation during a

time when their presence is operationally necessary and the only reason they are taking time off is to avoid losing that time.

Staff recommends adding an exception to the policy that allows the City Administrator, when operationally necessary, to temporarily waive the maximum or work out an alternative arrangement that allows the organization to remain operationally ready while allowing the employee to not lose vacation time.

Staff recommends adding the following two sentences to the existing policy:

Exceptions to this rule may be made when the employee's ability to utilize vacation becomes incompatible with the needs of the City. The City Administrator may grant an exception or allow alternate arrangements when these circumstances occur.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE A RESOLUTION AMENDING SECTION 7.04 OF THE EMPLOYEE HANDBOOK. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

7. Community Center Update. (Included in packet)
8. Monthly Finance Report. (Included in packet)

B. Community Development/Public Works/CIP

1. Consider approval for the placement of sidewalk along Switzer Road between 53rd Street to 55th Street in the amount of \$88,686.27.

Public Works Superintendent Jim MacDonald provided the background for this item.

On February 25, 2019 the City of Merriam entered into an Inter-Local Agreement (ILA) for our 2019 Mill and Overlay Program with the City of Shawnee for the Switzer Road Improvements. The Merriam Share of this ILA was for \$508,847.

The City of Shawnee received seven bids for this project, and selected Phoenix Concrete and Underground. The Merriam share of the Phoenix bid was \$440,000, lower than the ILA estimate. On March 11, 2019 Council approved staff to utilize some the project budget for the purchase of streetlights for Switzer Rd. With the

placement of new streetlights and to minimize any construction conflicts, staff provided Phoenix a set of plans and quantities for an estimate to place approximately 1330' of new sidewalk while they are on site. This section of new sidewalk was not a part of the original scope for the Switzer Road Improvements, and will be paid for solely by the City of Merriam.

COUNCILMEMBER HANDS MOVED TO APPROVE THE PLACEMENT OF NEW SIDEWALK ON SWITZER ROAD BETWEEN 53RD STREET TO 55TH STREET IN THE AMOUNT OF \$88,686.27. COUNCILMEMBER DIEBOLD SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

2. Consider approval of a Supplemental Professional Services Agreement with BHC Rhodes for the Mastin Stormwater Improvement Project.

Public Works Superintendent Jim MacDonald provided the background for this item.

On April 22, 2019 City Council approved a Professional Service Agreement with BHC Rhodes for the design of storm drain improvements along Mastin Street. These improvements include the replacement of failed stormwater structures along the west side of Mastin by Merriam Park Elementary.

During initial design, the idea of addressing the reoccurring traffic issues around the school were discussed as a possible addition to the project. When school is in session there are queueing and parking issues along Mastin Street during both the morning drop-off and afternoon pick-up. While these are real issues, they have not risen to the level of creating a standalone project to address. However, since we will be disrupting this area to replace existing storm drains, it was decided now is the optimal time to make any traffic safety improvements.

Based upon preliminary research, these improvements will all occur in existing city right-of-way (ROW). The existing ROW in this area will allow us to construct new curb approximately 5' west of its existing location, and widen the road to allow an 11' right turn lane into the school. With the placement of this right turn lane, there will be some minor adjustments to lane widths and Mastin Street will have to be re-stripped.

Staff has met and discussed the project with the appropriate school district personnel and they are supportive of the improvements. These improvements will require future use of contingency because they will not be within budget.

COUNCILMEMBER FRISBY MOVED THAT THE COUNCIL APPROVE A SUPPLEMENTAL AGREEMENT WITH BHC RHODES FOR ENGINEERING OF A RIGHT TURN LANE FROM MASTIN STREET TO MERRIAM ELEMENTARY SCHOOL IN THE AMOUNT OF \$10,825.00. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

3. CIP Update. (Included in packet)

Councilmember Hands asked for a quick Community Development update as the council will only be meeting one time this month.

Community Development Director Bryan Dyer commented that the rain has certainly affected construction projects. However, the B.E. Smith Family Center at Advent Health has now opened and is operational.

VIII. STAFF ITEMS

City Administrator Chris Engel reported that the 5701 Committee held their public meeting last week. All presentation materials and minutes from that meeting are available on the city's website.

IX. NEW BUSINESS

Under New Business, Councilmember Neal wanted to discuss the sidewalk project in West Vernon Place. He felt it important to talk about this issue further as there were many folks from the neighborhood still present at the meeting. Councilmembers Neal and Pape have gone through the neighborhood and spoken with many residents to find out what the issues are in regard to the sidewalks and other matters.

Councilmember Neal distributed information depicting information gathered from those discussions. They were able to contact 53 of the 82 households in the neighborhood. There were 32 households that indicated they did not want the sidewalks, 14 households were indifferent to the sidewalks, and 7 households that were in favor of the sidewalks.

Because of the overwhelming West Vernon Place resident opposition for sidewalks for reasons which include the unique nature of the neighborhood with a single access point, low levels of non-resident traffic, steep terrain, history of safety in the neighborhood without the sidewalks, and concerns that the city address more pressing resident concerns like stormwater management from public right of ways Councilmember Neal made the following motion:

MOVE THAT THE COUNCIL DIRECT STAFF TO NOT PROCEED FURTHER THIS FISCAL YEAR WITH THE WORK CURRENTLY SCHEDULED IN WEST VERNON PLACE AS PART OF THE 2019 SIDEWALK INFILL PROJECT.

City Attorney Nicole Proulx Aiken expressed a concern about the Governing Body Rules which allows the agenda to be amended with the approval of the Mayor and City Administrator in the case of an emergency which allows the City Clerk to amend the agenda. She advised it would be best to table the motion and put this item on a future meeting agenda.

There was some discussion regarding the motion and the question of having this project going out to bid for a portion of the project that may not happen.

City Administrator Chris Engel commented that staff can delay the bidding on this project. The engineering is complete, so upon consensus of the council, staff can put the bidding on hold as sidewalks can be constructed as late as October or November.

Mayor Sissom commented that there is a process that should be followed to ensure transparency. Less than half of the council attended the public meeting for this project, so they were not present to hear the information or concerns presented at that meeting. He feels that this meeting may not be the right time to make such a motion. He suggested a Work Session for the council to be able to discuss this item and the a subsequent city council meeting where this issue would be an agenda item which will allow for public notice an give an opportunity for folks to speak in favor of or against the West Vernon Sidewalks. He reminded the council that there are other neighborhoods on the 2019 Sidewalk infill Project and decisions made regarding West Vernon Place may affect those other areas slated to get sidewalks.

Mayor Sissom asked the council if they were supportive a setting a Work Session to discuss the Phase III Sidewalk Project.

There was some discussion regarding placing the West Vernon Place sidewalk on a regular City Council meeting agenda for discussion. It is anticipated that it will occur at the June 24, 2018 regular City Council meeting.

COUNCILMEMBER NEAL WITHDREW HIS MOTION.

Councilmember Neal commented that another issue that has come up while talking with residents in West Vernon Place is stormwater drainage. He provided the council with a handout depicting a map and a photos taken during the last rain event. It appears that there is a lot of water that runs down the street and into the cul-de-sac at W. 65th Dr. The water has caused scouring of soil in the back yards of certain properties. He requested staff look at a rough cost to remediate the issue. He feels it should be investigated to see what might be done to help with the runoff.

X. EXECUTIVE SESSION- no executive session

XI. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL, COUNCILMEMBER HANDS MOVED TO ADJOURN AT 9:25 PM. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

Respectfully submitted,

Juliana Pinnick

Juliana Pinnick
City Clerk

MEMORANDUM

DATE: June 10, 2019
TO: City Council
FROM: Bryan P. Dyer, Community Development Director
RE: Comprehensive Plan Advisory Committee

On March 25, 2019, the City Council approved a contract with Confluence for the updating of the Merriam Comprehensive Plan. One of the first steps in the updating process is the creation of the Comprehensive Plan Advisory Committee. The Committee's role will be to provide feedback on the Comprehensive Plan's direction and priorities, evaluate and consider public input, and review the various drafts of the plan's components.

Following Council's approval of the contract, the city began notifying the public of the formation of the committee and requesting interested citizens to submit their application. The notification was done through social media, the city's website, and e-Merriam. Additionally, staff contacted the school district and several large employers inquiring if those entities were interested in participating in the Committee. The city received 23 applications.

Based on their experience with similar committees, Confluence recommends that the Committee have between 15-17 members with a variety of experiences and backgrounds. After reviewing the applicants, Mayor Sissom selected 17 members and entities to serve on the Committee. These applicants represent a diverse array of backgrounds and experiences, represents both residents and businesses, and are geographically distributed across the city. The Committee also includes representatives from the Planning Commission, City Council, Johnson County Library and Shawnee Mission School District.

The Committee's meeting dates, agenda, and materials will be made available on the city's website.

Comprehensive Plan Advisory Committee

Name	Employer	Employer Product	Position	Ward
Chris Hands	City Councilmember			
Nancy Hupp	City Councilmember			
Mitch Fowler	Planning Commissioner			
Brian Dailey	Planning Chair			
Stoney Bogan	NE JoCo Chamber/DMP			2
SMSD rep	SMSD			
Kevin Killilea	Aristocrat Motors	Automobile Dealership	Vice President	
Robin Harrold	Advent Health	Healthcare	Senior VP Ambulatory Network	
Christopher Leitch	JoCo Library	Library	PIO	4
Daniel Anderson	Advent Health	Hospital	Disaster and emergency planning	2
Kendra Miller	GBA	Engineer Firm	Traffic Engineer	4
Chris Caldwell	The Logan Company	Construction Consultant	Plan reviewer	3
Jacob Laha	DLR Group	Architecture Firm	Architect	1
Marcia Shami	KCKPS USD 500	School District	Teacher	3
David Friederichs	Cerner	Healthcare technology	Sales team leader	1
Valerie Koetting	Ken-a-Vision	Educational Products	Personal Assistant	2
Billy Crook	Self		IT Consultant	4

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Comprehensive Plan Update Advisory Committee Application

The City is looking for 10-15 residents to serve on our Comprehensive Plan Advisory Committee. The Advisory Committee's role is to provide initial feedback on the comprehensive plan's direction and priorities, evaluate and consider public input, and review the various drafts of the plan components. The Comprehensive Plan covers community topics such as demographics and economic trends, housing, future land use planning and redevelopment, parks and open space, and transportation. The Advisory Committee will meet about six times over the next 1.5 years. Most of these meetings will be in the evening and last about 2 hours.

Name	Daniel Anderson
Address	5324 Mastin Street
Phone	8168087156
Email	dananderson1001@gmail.com

(Section Break)

Employment and Related Experience

Employment Status	Employed
Name of Employer	Advent Health Shawnee Mission
Product/Service rendered by employer	Healthcare
Please provide a brief description of work duties/responsibilities.	Disaster and emergency planning services for healthcare.
Related Education/Certifications/Licenses/Other	EMT, Bachelor's in emergency and disaster management
Past Related Work/Experience/Skills:	Missouri army national guard.

(Section Break)

Additional Information

Why do you wish to serve on this committee?	Citizen interested in the future of the community.
Please list any previous volunteer experience	The children's place, KHeart,

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Name	Stoney
Address	5732 Connell Drive
Phone	9136341019
Email	stoneybogan@gmail.com

(Section Break)

Employment and Related Experience

Employment Status	Employed
Name of Employer	NEJC Chamber
Product/Service rendered by employer	Business Development
Please provide a brief description of work duties/responsibilities.	Business Development
Related Education/Certifications/Licenses/Other	BS/BA Telecom/Journalism,
Past Related Work/Experience/Skills:	President - downtown Merriam Partnership

(Section Break)

Additional Information

Why do you wish to serve on this committee?	Like to be involved in Merriam growth (Teach class on Tuesday nights 6-7pm so I can't meet at that time)
Please list any previous volunteer experience	Was on the Parks and rec board years ago

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Name	Chris Caldwell
Address	7113 Slater ST.
Phone	774-262-9228
Email	caldokie38@gmail.com

(Section Break)

Employment and Related Experience

Employment Status	Employed
Name of Employer	The Logan Company
Product/Service rendered by employer	Construction Cost Consultants
Please provide a brief description of work duties/responsibilities.	Review construction project narratives, plans, and specifications to provide pricing to owners for budgeting purposes.
Related Education/Certifications/Licenses/Other	Master/Contractor Electrician
Past Related Work/Experience/Skills:	Sr.Electrical Estimator - 2004 -present Electrical Contractor - 2001-2004 Journeyman Electrician - 1997-2001

(Section Break)

Additional Information

Why do you wish to serve on this committee?	To serve our community with my experience, and make Merriam a better place to live for present and
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future residents.

Please list any previous volunteer
experience

Boy Scouts of America Wichendon, MA Library
renovations committee

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Name	Billy Crook
Address	6633 Wedd St
Phone	8163988227
Email	BillyCrook@GMail.com

(Section Break)

Employment and Related Experience

Employment Status	Employed
Name of Employer	Self
Product/Service rendered by employer	IT Consultant
Please provide a brief description of work duties/responsibilities.	Design and implement IT solutions to business problems
Related Education/Certifications/Licenses/Other	Project management experience through work
Past Related Work/Experience/Skills:	Familiarity with Confluence, CNA. Leading board meetings at my HOA.

(Section Break)

Additional Information

Why do you wish to serve on this committee?	I plan to live in this city for the rest of my days, and I would love to help make its future just right. City planning has interested me for some time. Especially traffic, utilities, infrastructure. I'd love to take part in it
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first hand.

Please list any previous volunteer experience

Bridging the Gap Parks and rec advisory board chair
5701 committee member F4F committee member
Timber Ridge Villas board president Teaching ESL
for KCKPL

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Name	David Friederichs
Address	5024 Farley Street
Phone	9137354486
Email	dwfriederichs@hotmail.com

(Section Break)

Employment and Related Experience

Employment Status	Employed
Name of Employer	Cerner
Product/Service rendered by employer	Healthcare technology and related services
Please provide a brief description of work duties/responsibilities.	I lead a sales team of four members who sell and support Cerner's big data analytics, clinical intelligence, patient engagement, and research solutions to Cerner's largest health system clients, negotiating contracts of up to 40 million dollars. I was recently awarded 2018 Sales Leader of the Year for our business unit.
Related Education/Certifications/Licenses/Other	B.A., Management Information Systems, University of Northern Iowa
Past Related Work/Experience/Skills:	I've been in the healthcare technology field since 2003 working for a variety of companies (MediNotes Corporation, Eclipsys Corporation, Perceptive Software, Certify Data Systems, and Cerner) in consulting, direct & indirect sales, and advisory services roles. Prior to starting in healthcare

technology, I worked for my fraternity (Sigma Phi Epsilon) for two years managing business (recruitment, accounts receivable, academic performance, programming, volunteer recruitment, alumni and university relations) and leadership development for 18 of our chapters in Indiana and Michigan. You can see my full work experience on my LinkedIn profile at <https://www.linkedin.com/in/davidfriederichs>.

(Section Break)

Additional Information

Why do you wish to serve on this committee?

I've lived in Merriam since 2008 and have been exceedingly happy and impressed with how the community has developed during my time here. I believe Merriam has carved out a strategically important niche in the metro area that has positioned our community exceedingly well. I plan to live here for the long-term and feel strongly about contributing toward keeping this very positive momentum going. This comprehensive plan is key to doing that and I'd be honored to contribute.

Please list any previous volunteer experience

I've volunteered for my fraternity, Sigma Phi Epsilon, since leaving the fraternity staff in 2002 in a variety of roles, including advising multiple local chapters in Iowa and metro Kansas City, serving as a housing corporation president, district governor with responsibility for 10 chapters, national committees including advising on strategic initiatives, and lead organizer of a start-up career networking and development conference with a cumulative 1,000+ attendees over three conferences. For these efforts, I've been awarded the Distinguished Alumnus award from the national fraternity, and inducted into the Alumni Hall of Fame for my home chapter at the University of Northern Iowa. In addition to Sigma Phi Epsilon, I've volunteered in a number of ministries at Antioch Church (at I-35 and Antioch Road), and as a business plan advisor for Youth Entrepreneurs, advising students at Washington and Schlagle High Schools in Kansas City, Kansas on developing their business plans to compete in their school and regional competitions. I've also served as a mentor for the Professional Readiness Program of the University of Northern Iowa College of Business.

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Name	Kevin Killilea
Address	9400 W. 65th St., Merriam, KS 66203
Phone	913-677-7407
Email	kevin.killilea@soaveauto.com

(Section Break)

Employment and Related Experience

Employment Status	Employed
Name of Employer	Soave Automotive Group/Aristocrat Motors
Product/Service rendered by employer	Retail Automobile Sales and Service
Please provide a brief description of work duties/responsibilities.	Vice President - CFO/COO - oversee all aspects of the auto dealership business, including all construction projects. I have been with Aristocrat for more than 15 years.
Related Education/Certifications/Licenses/Other	Bachelor of Business Administration - University of Notre Dame
Past Related Work/Experience/Skills:	In current role with Soave/Aristocrat for more than 15 years. Auto dealership management experience for more than 35 years.

(Section Break)

Additional Information

Why do you wish to serve on this	As one of the largest retail businesses located in
----------------------------------	--

committee?

Merriam, we thought it would be good for us to be involved.

Please list any previous volunteer experience

Numerous charitable boards, primarily oriented to fundraising activities. Currently, involved with Sleepyhead Beds and Sunflowers to Roses Bike Tour. Many other past experiences with grade school and high school charity auctions, etc.

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Name	Valerie Koetting
Address	9512 W 57Th Pl
Phone	9132090157
Email	vkoetting@mycci.net

(Section Break)

Employment and Related Experience

Employment Status	Employed
Name of Employer	Ken-a-Vision
Product/Service rendered by employer	Personal Assistsnt
Please provide a brief description of work duties/responsibilities.	Assist a busy senior citizen with beginning Alzheimer's in maintaining her home, keeping her social engagements and staying healthy.
Related Education/Certifications/Licenses/Other	BA - English
Past Related Work/Experience/Skills:	Communications officer for liberal arts college legal secretary at large Chicago firm - Peterson & Ross academic secretary at two liberal arts colleges admin assistant to Exec VP of college Campus secretary for private school of 300 students

(Section Break)

Additional Information

Why do you wish to serve on this committee?

I love Merriam and would like to give back to my community. Feel my background gives me a wide-ranging perspective on things—I have lived in suburban Chicago, Southern California and rural Iowa, so have a wide variety of experience.

Please list any previous volunteer experience

Hospital work in high school Church work all my life
Have mostly had to work so not much time otherwise

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Name	Jacob Laha
Address	5023 Farley St
Phone	3166412376
Email	jacob.laha@gmail.com

(Section Break)

Employment and Related Experience

Employment Status	Employed
Name of Employer	DLR Group
Product/Service rendered by employer	Architecture and Engineering Design
Please provide a brief description of work duties/responsibilities.	I work 40-50 hours a week designing buildings, integrating building systems, coordinating multiple design disciplines, coordinating construction processes. I help program buildings and try to balance the right mix of spaces and determine the needs of the project. the realities of what can be fit into the project, and what can be afforded.
Related Education/Certifications/Licenses/Other	Licensed Architect in Kansas and Missouri. Masters of Architecture degree from Kansas State University
Past Related Work/Experience/Skills:	*10+ years in the architecture and design profession, designing and coordinating buildings of all scales with owners, cities, universities, and various user groups. *Lived in cities of various scales with an understanding of the unique opportunities and challenges that they all face. *American ASsociation

of Architects Kansas City Pillars Program (emerging professionals in the AEC industries self directing programming to be more involved in the KC metro area at all levels of civic engagement)

(Section Break)

Additional Information

Why do you wish to serve on this committee?

I want to serve on the committee as a way to give back to the city that I live in and call home. I also want to help put Merriam on the best path forward, not just for myself and my neighbors, but for our kids, the first of which is due this June. I believe that my background in architecture, which included space planning at the individual room scale to the city scale and everything in between, will provide a valuable asset to the committee and have a positive impact on helping guide the future of Merriam.

Please list any previous volunteer experience

5701 Merriam Drive Steering Committee. American Association of Architects (State of Kansas) board, Director at large American Association of Architects (Kansas City), Elections steering committee PAX Unplugged (board game convention) Philadelphia, PA, volunteer staff Historic Preservation Board, Wichita KS. Department of Architecture, Kansas State University, Professional Advisory Board.

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Name	Christopher Leitch
Address	8600 W 60th St Merriam 66202
Phone	9132447774
Email	christopher.a.leitch@gmail.com

(Section Break)

Employment and Related Experience

Employment Status	Employed
Name of Employer	Johnson County Government: Library
Product/Service rendered by employer	Library
Please provide a brief description of work duties/responsibilities.	Public Information / Community Engagement
Related Education/Certifications/Licenses/Other	MA FEMA Emergency and Crisis Communication
Past Related Work/Experience/Skills:	Community Engagement and Diverse Audience Development Assistant Dean / Academic Affairs and Adult Education

(Section Break)

Additional Information

Why do you wish to serve on this committee?	As a Merriam resident and county employee, I have an abiding interest in how our community grows and develops. If I can contribute energy and enthusiasm
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to this process, and help the project be as multifaceted and diverse as possible, I hope to!

Please list any previous volunteer experience

Board of Park and Recreation Advisors, City of Merriam Public Art Commission, Johnson County, KS Board of Directors, Good Samaritan Project, KCMO Southmoreland Neighborhood Association Advisory Board LGBTQ Steering Committee, National Alliance of Museums

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Name	Kendra Miller
Address	10112 W 65th St
Phone	913-481-2897
Email	Kgmiller1985@gmail.com

(Section Break)

Employment and Related Experience

Employment Status	Employed
Name of Employer	GBA
Product/Service rendered by employer	Engineering
Please provide a brief description of work duties/responsibilities.	Traffic design and studies for DOT's, developers, & municipalities
Related Education/Certifications/Licenses/Other	BS in civil engineering, PE (professional engineer) license in KS & MO, PTOE (professional traffic operations engineer)
Past Related Work/Experience/Skills:	Worked for KDOT in traffic group for 5 years prior to GBA

(Section Break)

Additional Information

Why do you wish to serve on this committee?	Passionate about improving transportation and mobility for residents of merriam. Also am interested in providing input on ways to continue keeping
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merriam a wonderful city to live in.

Please list any previous volunteer
experience

Tutor elementary students, part of GBA's charity
committee tasked with finding local opportunities to
give back to community,

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Name	Marcia Shami
Address	7246 Mastin St
Phone	9132845414
Email	1031samiam@gmail.com

(Section Break)

Employment and Related Experience

Employment Status	Employed
Name of Employer	KCKPS USD 500
Product/Service rendered by employer	Teacher
Please provide a brief description of work duties/responsibilities.	Special education teacher in Kansas City, Kansas working with underprivileged children.
Related Education/Certifications/Licenses/Other	<i>Field not completed.</i>
Past Related Work/Experience/Skills:	<i>Field not completed.</i>

(Section Break)

Additional Information

Why do you wish to serve on this committee?	I have lived in Merriam for 5 years and would like to see it grow and continue to prosper. I enjoy the parks and farmer's market along with everything else Merriam has to offer.
Please list any previous volunteer	Volunteer with JCCC adult education program at

experience

Antioch library.

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AGENDA ITEM INFORMATION FORM

AGENDA ITEM: Consider a first reading of an ordinance amending sections of the Merriam City Code concerning alcoholic beverages.

SUBMITTED BY: Nicole Proulx Aiken, city attorney

MEETING DATE: June 10, 2019

PROJECT BACKGROUND/DESCRIPTION:

The Kansas Legislature recently passed SB 70, concerning alcoholic beverages. The new law, which took effect May 2, 2019, made the following changes:

Consumption of Alcoholic Liquor on Streets, Alleys, Roads, Sidewalks, or Highways

Public venues, hotels, hotel caterers, drinking establishment caterers, or drinking establishment licensees may now extend their licensed premises to a public street, alley, road, sidewalk, or highway for an event if the event is approved by ordinance by the city council.

Temporary Permit Holders

Temporary permit holders:

- may offer samples in accordance with new state law;
- must mark the boundary of any premises covered by their permit with a line of demarcation;
- may only sell alcoholic liquor that is dispensed from original containers;
- must follow new hiring regulations.

The new law also allows individuals to carry an original container of alcoholic liquor onto an event premises if the temporary permit holder allows it, the temporary permit holder does not store the container, and the individual carrying the container removes it when they leave the premises.

This ordinance amends sections of the Merriam Code concerning alcoholic beverages to align with the new state laws. The city administrator, parks and recreation director, acting police chief, and city prosecutor reviewed this ordinance.

CITY COUNCIL GOALS AND OBJECTIVES

Enhance Community Identity and Connections & Maintain Economic Vitality

FINANCIAL IMPACT

Amount of Request/Contract: _____

Amount Budgeted: _____

Funding Source/Account #: _____

SUPPORTING DOCUMENTS

Redline version of ordinance

ACTION NEEDED/STAFF RECOMMENDATION

Staff recommends a first reading of an ordinance amending sections of the Merriam Code concerning alcoholic beverages.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF MERRIAM, KANSAS CONCERNING ALCOHOLIC BEVERAGES; AMENDING SECTIONS 5-1, 5-4, 5-6, 5-223, 5-224, 5-227; REPEALING SECTION 5-198; AND REPEALING THE SECTIONS HEREBY AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MERRIAM, KANSAS:

SECTION 1. That section 5-1 of the Code of Ordinances, City of Merriam, Kansas, is hereby amended to read as follows:

Sec. 5-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic liquor means alcohol, spirits, wine, beer, and alcoholic candy (as those terms are defined in K.S.A. [41-102](#) and amendments thereto), and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being, but shall not include cereal malt beverage (CMB).

Alcoholic liquor retailer means a person who is licensed under the Kansas liquor control act, K.S.A. 41-101 *et seq.*, and Article III of this chapter who sells at retail, or offers for sale at retail, alcoholic liquors or cereal malt beverages. "Alcoholic liquor retailer" does not include a microbrewery, microdistillery or a farm winery.

Beer means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter, and similar beverages having such alcoholic content.

Caterer means an individual, partnership or corporation licensed pursuant to K.S.A. [41-2601 et seq.](#) which sells alcoholic liquor by the individual drink, and provides services relating to the serving thereof, on unlicensed premises which may be open to the public, but does not include a holder of a state or local temporary permit, selling alcoholic liquor in accordance with the terms of such permit.

Cereal malt beverage (CMB) means any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute or any flavored malt beverage, as defined herein, but does not include any such liquor which is more than 3.2 percent alcohol by weight.

Class A club means a premises licensed pursuant to K.S.A. [41-2601 et seq.](#) and which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the director of alcoholic beverage control of the state department of revenue, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members) and their families and guests accompanying them.

Class B club means a premises licensed pursuant to K.S.A. [41-2601 et seq.](#) and which is operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

Club or private club means a class A or class B club.

Club and Drinking Establishment Act means the provisions of K.S.A. [41-2601 et seq.](#) and any amendments thereto.

Distributor means the person importing or causing to be imported into the state or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this chapter and the Kansas liquor control act or CMB for sale or resale to retailers licensed under this chapter and K.S.A. [41-2702](#), and amendments thereto.

Domestic beer means beer which contains not more than 15 percent alcohol by weight and which is manufactured in this state.

Domestic fortified wine means wine which contains more than 14 percent, but not more than 20 percent alcohol by volume and which is manufactured in this state.

Domestic table wine means wine which contains not more than 14 percent alcohol by volume and which is manufactured without rectification or fortification in this state.

Drinking establishment means premises licensed pursuant to K.S.A. [41-2601 et seq.](#) and that may be open to the general public, where alcoholic liquor by the individual drink is sold. "Drinking establishment" includes a railway car.

Farm winery means a winery licensed by the director of alcoholic beverage control of the state department of revenue to manufacture, store and sell domestic table wine and domestic fortified wine.

Flavored malt beverage shall have the meaning set forth in K.S.A. 2010 Supp. 41, 2729 ([41-2729](#)) and amendments thereto.

Food means any raw, cooked or processed edible substance or ingredient, other than alcoholic liquor or CMB, used or intended for use or for sale, in whole or in part, for human consumption.

General CMB retailer is a person who is licensed under the Kansas cereal malt beverage act, as that act is defined in K.S.A. 41-2728, and Article II of this chapter to sell cereal malt beverages (CMBs) or beer containing not more than 6% alcohol by volume at retail only for consumption on the licensed premises.

Hard cider means any alcoholic beverage that: (1) contains less than 8.5 percent alcohol by volume; (2) has a carbonation level that does not exceed 6.4 grams per liter; and (3) is obtained by the normal alcoholic fermentation of the juice of sound, ripe apples or pears, including such beverages containing sugar added for the purpose of correcting natural deficiencies.

Legal age for consumption of cereal malt beverages means 21 years of age, except that "legal age for consumption of CMB" means 18 years of age if at any time the provisions of P.L. 98-363 penalizing states for permitting persons under 21 years of age to consume CMB are repealed or otherwise invalidated or nullified.

Limited CMB retailer is a person who is licensed under the Kansas cereal malt beverage act, as that act is defined in K.S.A. 41-2728, and Article II of this chapter to sell CMBs or beer containing not more than 6% alcohol by volume at retail only in original and unopened containers and not for consumption on the premises.

Manufacture means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer or CMB.

Manufacturer means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or CMB. "Manufacturer" does not include a microbrewery, microdistillery or a farm winery.

Microbrewery means a brewery licensed by the director of alcoholic beverage control of the state department of revenue to manufacture, store and sell domestic beer and hard cider.

Microdistillery means a facility which produces spirits from any source or substance that is licensed by the director of alcoholic beverage control of the state department of revenue to manufacture, store and sell spirits.

Minor means a person under 21 years of age.

Morals charge means a charge involving the sale of sexual relations; procuring any person; soliciting of a child under 18 years of age for any immoral act involving sex; possession or sale of narcotics, marijuana, amphetamines or barbiturates; rape; incest; gambling; illegal cohabitation; adultery; bigamy; or a crime against nature.

Nonprofit, religions, charitable, fraternal, educational, or veterans' organization shall have those meanings as ascribed and defined in K.S.A. [79-4701](#).

Original package means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Original container does not include a sleeve.

Place of business means any place at which CMBs or beer containing not more than 6% alcohol by volume are sold.

Premises means the specific area described in the license application and approved as the location upon which the CMB or alcoholic liquor may be sold or consumed under the license.

Railway car means a locomotive drawn conveyance used for the transportation and accommodation of human passengers that is confined to a fixed rail route and which derives from sales of food for consumption on the railway car not less than 30 percent of its gross receipts from all sales of food and beverages in a 12-month period.

Sale means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.

School means any institution of learning, whether public or private. This definition includes, but is not limited to, a primary school, secondary school, trade school, college and university.

Sell at retail and *sale at retail* mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits. "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a state or local temporary permit.

Sleeve means a package of two or more 50-milliliter (3.2-fluid-ounce) container of spirits.

~~*Special event* means a picnic, bazaar, festival or other similar community gathering, which has been approved by the city council.~~

~~*State temporary permit* means a temporary permit issued by this state pursuant to K.S.A. [41-2601](#), and amendments thereto and does not mean a local temporary alcoholic liquor permit or local CMB special event retailer's permit issued by the city pursuant to article VII of this chapter pursuant to K.S.A. [41-1201](#), and amendments thereto.~~

To sell means to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

SECTION 2. That section 5-4 of the Code of Ordinances, City of Merriam, Kansas, is hereby amended to read as follows:

Sec. 5-4. - Consumption, possession prohibited in certain places; exceptions.

(a) *Public places.*

(1) Except as otherwise provided for herein and in K.S.A. 8-1599, and amendments thereto, no person shall drink, ~~or~~ consume, or possess any open container of alcoholic liquor or CMB on the public streets, alleys, roads, highways, sidewalks, parking lots, or other such similar public place open to use by the public or where the public may congregate, whether owned publicly or privately, or within any vehicle in or upon such place.

(2) Exceptions.

a. Alcoholic liquor may be consumed ~~at a special event or catered event held~~ on public streets, alleys, roads, sidewalks or highways when:

1) a state temporary permit has been issued pursuant to ~~K.S.A. 41-2645~~, K.S.A. 41-1201, and amendments thereto, and a local temporary alcoholic liquor permit has been issued pursuant to article VII of this chapter, for such ~~special an~~ event;

2) ~~or when the~~ caterer's licensee has provided the required notification ~~for a catered event~~ pursuant to K.S.A. ~~41-26435~~, and amendments thereto, and the caterer has a caterer's license issued by the city pursuant to article VI of this chapter.

3) a public venue, hotel, hotel caterer, drinking establishment caterer or drinking establishment licensee has been authorized to extend its licensed premises pursuant to K.S.A. 41-2608, and amendments thereto, and such licensee has been issued the appropriate license or permit by the city pursuant to this chapter.

b. Consumption of alcoholic liquor on public streets, alleys, roads, sidewalks or highways ~~Such special event~~ must be approved by ordinance by the city council. No alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads, sidewalks or highways at any ~~such special event or catered event~~ time.

c. No person shall remove any alcoholic liquor from inside the boundaries of an event as designated by the city council, from the boundaries of a catered event, or from the extended licensed premises of a public venue, hotel, hotel caterer, drinking establishment caterer, or drinking establishment. Such boundaries shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be possessed or consumed.

db. CMB may be consumed at a ~~special an~~ event held on public streets, alleys, roads, sidewalks or highways when a local CMB special event retailer's permit has been issued pursuant to article VII of this chapter for such ~~special~~ event. Such ~~special an~~ event must be approved by ordinance by the city council. No CMB may be consumed inside vehicles while on public streets, alleys, roads, sidewalks or highways at any such ~~special~~ event.

(b) *Private property.*

(1) *Alcoholic liquor.* It is unlawful for any person to drink or consume alcoholic liquor on private property, or to have in his possession any open container of alcoholic liquor on private property, except:

a. On premises where the sale of liquor by the individual drink is authorized by the Club and Drinking Establishment Act and this chapter;

b. Upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor, or for any substance mixed with any alcoholic liquor

and if no sale of alcoholic liquor in violation of K.S.A. [41-803](#), and amendments thereto, takes place;

- c. In a lodging room of any hotel, motel or boardinghouse by the person occupying such room and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. [41-803](#), and amendments thereto, takes place;
 - d. In a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or an organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. [41-803](#), and amendments thereto, takes place;
 - e. On the premises of a manufacturer, microbrewery, microdistillery or farm winery, if authorized by K.S.A. [41-305](#), [41-308a](#), K.S.A. [41-308b](#) or K.S.A. [41-354](#), and amendments thereto; or
 - f. On the premises of an unlicensed business as authorized pursuant to subsection (d).
- (2) *CMB*. It is unlawful for any person to drink or consume CMBs on private property, or to have in his possession any open container of CMB on private property, except:
- a. On premises licensed pursuant to this chapter for on-premises consumption of CMBs;
 - b. Upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving of any CMB;
 - c. In a lodging room of any hotel, motel or boardinghouse by the person occupying such room and by the guests of such person, if no charge is made for the serving of any CMB; or
 - d. In a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or an organization for a private party and if no sale of any CMB takes place.
- (c) *City-owned property*. It is unlawful for any person to drink or consume any alcoholic liquor or CMB on city-owned property, or to have in his possession any open alcoholic liquor or CMB on city-owned property, subject to the following exceptions:
- (1) Alcoholic liquor may be served, dispensed and consumed during a city-sponsored event on city-owned property, provided that such serving, dispensing and consumption shall be in accordance with written rules and regulations relating to city-owned properties approved by the city council.
 - (2) Alcoholic liquor may be served, dispensed and consumed during events not sponsored by the city at the Community Center or Merriam Marketplace, provided that such serving, dispensing and consumption shall be in accordance with written rules and regulations relating to city-owned properties approved by the city council.
 - (3) Upon the city council's approval, alcoholic liquor may be offered for sale, sold and served for consumption during a city-sponsored event on city-owned property, pursuant to a valid state caterer's license and caterer's license issued by the city pursuant to article VI of this chapter.
- (d) *Unlicensed business*.
- (1) An unlicensed business may authorize patrons or guests of such business to consume alcoholic liquor on the premises of such business provided:
 - a. Such alcoholic liquor is in the personal possession of the patron and is not sold, offered for sale or given away by the owner of such business or employees thereof;

- b. Possession and consumption of alcoholic liquor shall not be authorized between the hours of 12:00 a.m. and 9:00 a.m.;
 - c. The business, or any owner thereof, shall not have had a license issued under either the Kansas liquor control act or the club and drinking establishment act revoked for any reason; and
 - d. No charge of any sort may be made by the business for the privilege of possessing or consuming alcoholic liquor on the premises, or for mere entry onto the premises.
- (2) It shall be a violation of this subsection for any unlicensed business to authorize the possession or consumption of alcoholic liquor by a patron of such business when such authorization is not in accordance with the provisions of this subsection.
- (3) For the purpose of this subsection, "patron" means a natural person who is a customer or guest of an unlicensed business.
- (e) *Violation.* Violation of any provision of this section is a misdemeanor, punishable by a fine of not less than \$50.00 or more than \$200.00 or by imprisonment for not more than six months, or both. Upon a conviction, plea of no contest, or guilty plea for violation of this section by a person 18 or more years of age but less than 21 years of age, the municipal judge shall order such person to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. [8-1008](#), and amendments thereto and to pay a fee not to exceed the fee established by that statute for such evaluation. If the judge finds that the person is indigent, the fee may be waived.

SECTION 3. That section 5-6 of the Code of Ordinances, City of Merriam, Kansas, is hereby amended to read as follows:

Sec. 5-6. - Certain sales acts prohibited for alcoholic liquor.

- (a) No club, drinking establishment, caterer, or holder of a state temporary permit or local temporary alcoholic liquor permit nor any person acting as an employee or agent thereof, shall:
 - (1) Offer or serve any free CMB or alcoholic liquor in any form to any person;
 - (2) Offer or serve to any person an individual drink at a price that is less than the acquisition cost of the individual drink to the licensee or permit holder;
 - (3) Sell, offer to sell or serve to any person an unlimited number of individual drinks during any set period of time for a fixed price, except at private functions not open to the general public or to the general membership of a club;
 - (4) Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or CMB or the awarding of individual drinks as prizes;
 - (5) Sell, offer to sell or serve free of charge any form of powdered alcohol as defined in K.S.A. [41-102](#), and amendments thereto; or
 - (6) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsection (a)(1) through (5) of this section.
- (b) A club, drinking establishment, caterer or holder of a state temporary permit or local temporary alcoholic liquor permit may:
 - (1) Offer free food or entertainment at any time;

- (2) Sell or deliver wine by the bottle or carafe;
 - (3) Sell, offer to sell and serve individual drinks at different prices throughout the day;
 - (4) Sell or serve beer or CMB in a pitcher capable of containing not more than 64 fluid ounces;
 - (5) Offer samples of alcohol liquor free of charge as authorized by the Club and Drinking Establishment Act, K.S.A. [41-2601 et seq.](#), or [K.S.A. 41-1204](#), and [amendments thereto](#); or
 - (6) Sell or serve margarita, sangria, daiquiri, mojito or other mixed alcoholic beverages as approved by the director of alcoholic beverage control of the department of revenue in a pitcher containing not more than 64 fluid ounces.
- (c) A hotel of which the entire premises is licensed as a drinking establishment may, in accordance with rules and regulations adopted by the secretary of revenue, distribute to its guests coupons redeemable on the hotel premises for drinks containing alcoholic liquor. The hotel shall remit liquor drink tax in accordance with the provisions of the liquor drink tax act, K.S.A. [79-41a01 et seq.](#), and amendments thereto, on each drink served based on a price which is not less than the acquisition cost of the drink.
- (d) (1) A club or drinking establishment may offer customer self-service of beer or wine, or both, from automated devices on licensed premises so long as the licensee monitors and has the ability to control the dispensing of such beer or wine, or both, from the automated devices.
- (2) a. For the purposes of this subsection, "automatic device" shall mean any mechanized device capable of dispensing wine or beer, or both, directly to a customer in exchange for compensation that a licensee has received directly from the customer.
- b. No licensee shall allow an automated device to be used on its licensed premises without first providing written or electronic notification to the director of alcoholic beverage control of the department of revenue of the licensee's intent to use the automated device. The licensee shall provide the notification at least 48 hours before any automated device is used on the licensed premises.
- c. Each licensee offering customer self-service of wine or beer, or both, from any automated device shall provide constant video monitoring of the automated device at all times during which the licensee is open to the public. The licensee shall keep recorded footage, from the video monitoring for at least 60 days and shall provide the footage, upon request, to any agent of the director of alcoholic beverage control of the department of revenue or other authorized law enforcement agent.
- d. The compensation required by subparagraph a. shall be in the form of a programmable, prepaid access card containing a fixed amount of monetary credit that may be directly exchanged for beer or wine dispensed from the automated device. Access cards may be sold, used or reactivated only during a business day. Each access card shall be purchased from the licensee by a customer. A licensee shall not issue more than one active access card to a customer. For purposes of this subsection, an access card shall be deemed active if the access card contains monetary credit or has not yet been used to dispense 15 ounces of wine or 32 ounces of beer. Each purchase of an access card under this subparagraph shall be subject to the liquor drink tax imposed by K.S.A. [79-41a02](#), and amendments thereto.
- e. In order to obtain a prepaid access card from a licensee, each customer shall produce a valid driver's license, identification card or other government-issued document that contains a photograph of the individual and demonstrates that the individual is at least 21 years of age. Each access card shall be programmed to require the production of the customer's valid identification before the access card can be used for the first time during any business day or for any subsequent reactivation as provided in subparagraph d.

- f. Each access card shall become inactive at the end of each business day.
- g. Each access card shall be programmed to allow the dispensing of no more than 15 ounces of wine or 32 ounces of beer to a customer. Once an access card has been used to dispense 15 ounces of wine or 32 ounces of beer to a customer, the access card shall become inactive. Any customer in possession of an inactive access card may, upon production of the customer's valid identification to the licensee or licensee's employee, have the access card reactivated to allow the dispensing of an additional 15 ounces of wine or 32 ounces of beer from an automated device.

Subparagraph d., e., f. or g. shall not apply to wine or beer that is dispensed directly to the licensee or the licensee's agent or employee.

- (3) Notwithstanding any other provision of law, all laws and rules and regulations applicable to the sale of alcoholic liquor to persons under the legal age of consumption shall be applicable to the sales transaction of the prepaid access card.
- (e) A hotel of which the entire premises is not licensed as a drinking establishment may, in accordance with rules and regulations adopted by the secretary of revenue, through an agreement with one or more clubs or drinking establishments, distribute to its guests coupons redeemable at such clubs or drinking establishments for drinks containing alcoholic liquor. Each club or drinking establishment redeeming coupons issued by a hotel shall collect from the hotel the agreed price, which shall not be less than the acquisition cost of the drink plus the liquor drink tax from each drink served. The club or drinking establishment shall collect and remit the liquor drink tax in accordance with the provisions of the liquor drink tax act, K.S.A. [79-41a01 et seq.](#), and amendments thereto.
- (f) For purposes of this section, the term day means from 6:00 a.m. until 2:00 a.m. the following calendar day.

SECTION 4. That section 5-198 of the Code of Ordinances, City of Merriam, Kansas, concerning Special Events is hereby repealed.

SECTION 5. That section 5-223 of the Code of Ordinances, City of Merriam, Kansas, is hereby amended to read as follows:

Sec. 5-223. - Permit regulations.

- (a) No local temporary alcoholic liquor permit holder shall allow the serving, mixing or consumption of alcoholic liquor on the premises covered by the event between the hours of 2:00 a.m. and 9:00 a.m. on any day at an event for which a local temporary alcoholic liquor permit has been issued. Upon request or demand made at any time by any police officer during the hours of the event for which a local temporary alcoholic liquor permit has been issued hereunder, the permit holder, owner or manager, or assistant manager, or other person then in charge of the event, shall produce and deliver to such officer for inspection and copying, or for other purposes consistent with the provisions of this chapter, a list which correctly reflects the names, addresses and ages of all persons employed by such permit holder on the date upon which such request or demand is made.
- (b) A local temporary alcoholic liquor permit shall be issued for a period of time not to exceed three consecutive days, the dates and hours of which will be specified in the state temporary permit as well as on the local temporary alcoholic liquor permit; provided, however, that a local temporary alcoholic liquor permit may be issued for a ~~special~~ event approved by the city pursuant to Section 5-227 for the entire period of such ~~special~~ event, but in no event shall such permit be issued for a period of time

that exceeds 30 consecutive days. Not more than four local temporary alcoholic liquor permits may be issued to any one applicant in a calendar year.

- (c) A local temporary alcoholic liquor permit shall not be transferable or assignable.
- (d) The local temporary alcoholic liquor permit holder shall cause the permit to be placed in plain view on any premises within the city where the holder of the permit is serving or mixing alcoholic liquor for consumption on the premises.

(e) The boundary of any premises covered by a temporary permit shall be marked by a line of demarcation.

(f) All alcoholic liquor sold at an event covered by a temporary permit shall be dispensed only from original containers.

(g) An individual may carry an original container of alcoholic liquor onto the event premises with the approval of the temporary permit holder and under the following conditions:

(1) The temporary permit holder shall not store any such containers of alcoholic liquor on the event premises; and

(2) each individual carrying any such container onto the event premises shall remove such container when the individual exits the event premises.

(he) The permit holder is responsible for the cleaning of litter and other material during and after the event.

SECTION 6. That section 5-224 of the Code of Ordinances, City of Merriam, Kansas, is hereby amended to read as follows:

Sec. 5-224. - Unlawful acts of permit holder.

It is unlawful for any licensee under this section to:

- (1) Employ or use the services of any person under the age of 18 years in connection with the serving of alcoholic liquor.
- (2) Employ knowingly, ~~or~~ continue in employment, or use the services of any person in connection with the dispensing or serving of alcoholic liquor or the mixing of drinks containing alcoholic liquor who has been adjudged guilty of a felony or of any crime involving a morals charge in this or any other municipality, this state or any other state, or of the United States.
- (3) Knowingly employ or continue to employ any person in connection with the dispensing or serving of alcoholic liquor, or the mixing of drinks containing alcoholic liquor, who has been adjudged guilty of two or more violations of K.S.A. 21-5607, and amendments thereto, furnishing alcoholic liquor to minors or a similar law of this and any other municipality, this state, or any other state, or of the United States, pertaining to furnishing alcoholic liquor to minors within the immediately preceding five years, or who has been adjudged guilty of three or more violations of any intoxicating liquor law of this or any other municipality, this state or any other state, or of the United States, not involving the furnishing of alcoholic liquor to minors within the immediately preceding five years.

- (4) Purchase alcoholic liquor from any person except from a person authorized by law to sell such alcoholic liquor to such licensee.
- (5) ~~Employ or use the services of any person who is under the age of 21 and not supervised by the temporary permit holder or an employee who is at least 21 years of age. Permit any employee of the licensee who is under the age of 21 years to work on premises where alcoholic liquor is sold by such licensee at any time when such employee is not under the on premises supervision of either the licensee or an employee who is 21 years of age or over.~~
- (6) Employ or use the services of any person under 21 years of age in connection with the mixing or dispensing of drinks containing alcoholic liquor.

(7) Employ or use the services of any person who has been convicted within the previous two years of a violation of any intoxicating liquor law of this or any other municipality, this state or any other state, or of the United States, to dispense, mix, or serve alcohol.

SECTION 7. That section 5-227 of the Code of Ordinances, City of Merriam, Kansas, is hereby amended to read as follows:

Sec. 5-227. - Local temporary alcoholic liquor permit for ~~special~~ events.

- (a) A local temporary alcoholic liquor permit may be issued for the consumption of alcoholic liquor on a city street, alley, road, sidewalk or highway for an special event if:

(1) ; provided that such street, alley, road, sidewalk or highway is closed to motor vehicle traffic by the city council for such ~~special~~ event;

(2); a written request for such consumption and possession of such alcoholic liquor has been made to the city council; and

(3) the ~~special~~ event is approved by the city council by ordinance.

The boundaries of such ~~special~~ event shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be possessed or consumed at such ~~special~~ event.

- (b) Drinking establishments that are immediately adjacent to, or located within the licensed premises of an special event, for which ~~a~~ state and local temporary permits have been issued and the consumption of alcoholic liquor on public property has been approved, may request that the drinking establishment's licensed premises be extended into and made a part of the licensed premises of the ~~special~~ event for the duration of the state and local temporary permit issued for such ~~special~~ event.

~~(c) Each licensee selling alcoholic liquor for consumption on the premises of a special event for which a state and local temporary permit have been issued shall be liable for violations of all laws governing the sale and consumption of alcoholic liquor.~~

~~(d) No alcoholic liquor may be consumed inside vehicles while on a public street, alley, road, sidewalk or highway at any special event.~~

~~(e) No person shall remove any alcoholic liquor from inside the boundaries of a special event as designated by the city council.~~

~~(f) No person shall possess or consume alcoholic liquor inside the premises licensed as a special event that was not sold or provided by the licensee holding the local temporary alcoholic liquor permit for such special event.~~

SECTION 8. Savings Clause. The repeal of any Ordinance or Code Section, as provided herein, shall not revive an Ordinance previously repealed, nor shall the repeal affect any right which accrued, any duty imposed, any penalty incurred or any proceeding commenced, under or by virtue of the Ordinance repealed. Said Ordinance or Code repealed continues in force and effect after the passage, approval, and publication of this Ordinance for the purpose of pursuing such rights, duties, penalties, or proceedings.

SECTION 9. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance and the Governing Body hereby declares that it would have passed the remaining portions of this Ordinance if it would have known that such part or parts thereof would be declared invalid.

SECTION 10. Repeal. Sections 5-1, 5-4, 5-6, 5-223, 5-224, 5-227 of the Code of Ordinances of the City of Merriam, Kansas as they existed before the above amendments are hereby repealed.

SECTION 11. Existing Sections. Those sections of Chapter 5 of the Code of Ordinances of the City of Merriam, Kansas not heretofore repealed shall remain in full force and effect.

SECTION 12: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED BY THE City Council the _____ day of _____, 2019.

APPROVED BY THE Mayor the _____ day of _____, 2019.

Ken Sissom, Mayor

ATTEST:

Juliana Pinnick, City Clerk

APPROVED AS TO FORM:

Nicole Proulx Aiken, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF MERRIAM, KANSAS CONCERNING ALCOHOLIC BEVERAGES; AMENDING SECTIONS 5-1, 5-4, 5-6, 5-223, 5-224, 5-227; REPEALING SECTION 5-198; AND REPEALING THE SECTIONS HEREBY AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MERRIAM, KANSAS:

SECTION 1. That section 5-1 of the Code of Ordinances, City of Merriam, Kansas, is hereby amended to read as follows:

Sec. 5-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic liquor means alcohol, spirits, wine, beer, and alcoholic candy (as those terms are defined in K.S.A. [41-102](#) and amendments thereto), and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being, but shall not include cereal malt beverage (CMB).

Alcoholic liquor retailer means a person who is licensed under the Kansas liquor control act, K.S.A. 41-101 *et seq.*, and Article III of this chapter who sells at retail, or offers for sale at retail, alcoholic liquors or cereal malt beverages. "Alcoholic liquor retailer" does not include a microbrewery, microdistillery or a farm winery.

Beer means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter, and similar beverages having such alcoholic content.

Caterer means an individual, partnership or corporation licensed pursuant to K.S.A. [41-2601 et seq.](#) which sells alcoholic liquor by the individual drink, and provides services relating to the serving thereof, on unlicensed premises which may be open to the public, but does not include a holder of a state or local temporary permit, selling alcoholic liquor in accordance with the terms of such permit.

Cereal malt beverage (CMB) means any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute or any flavored malt beverage, as defined herein, but does not include any such liquor which is more than 3.2 percent alcohol by weight.

Class A club means a premises licensed pursuant to K.S.A. [41-2601 et seq.](#) and which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the director of alcoholic beverage control of the state department of revenue, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members) and their families and guests accompanying them.

Class B club means a premises licensed pursuant to K.S.A. [41-2601 et seq.](#) and which is operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

Club or private club means a class A or class B club.

Club and Drinking Establishment Act means the provisions of K.S.A. [41-2601 et seq.](#) and any amendments thereto.

Distributor means the person importing or causing to be imported into the state or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this chapter and the Kansas liquor control act or CMB for sale or resale to retailers licensed under this chapter and K.S.A. [41-2702](#), and amendments thereto.

Domestic beer means beer which contains not more than 15 percent alcohol by weight and which is manufactured in this state.

Domestic fortified wine means wine which contains more than 14 percent, but not more than 20 percent alcohol by volume and which is manufactured in this state.

Domestic table wine means wine which contains not more than 14 percent alcohol by volume and which is manufactured without rectification or fortification in this state.

Drinking establishment means premises licensed pursuant to K.S.A. [41-2601 et seq.](#) and that may be open to the general public, where alcoholic liquor by the individual drink is sold. "Drinking establishment" includes a railway car.

Farm winery means a winery licensed by the director of alcoholic beverage control of the state department of revenue to manufacture, store and sell domestic table wine and domestic fortified wine.

Flavored malt beverage shall have the meaning set forth in K.S.A. 2010 Supp. 41, 2729 ([41-2729](#)) and amendments thereto.

Food means any raw, cooked or processed edible substance or ingredient, other than alcoholic liquor or CMB, used or intended for use or for sale, in whole or in part, for human consumption.

General CMB retailer is a person who is licensed under the Kansas cereal malt beverage act, as that act is defined in K.S.A. 41-2728, and Article II of this chapter to sell cereal malt beverages (CMBs) or beer containing not more than 6% alcohol by volume at retail only for consumption on the licensed premises.

Hard cider means any alcoholic beverage that: (1) contains less than 8.5 percent alcohol by volume; (2) has a carbonation level that does not exceed 6.4 grams per liter; and (3) is obtained by the normal alcoholic fermentation of the juice of sound, ripe apples or pears, including such beverages containing sugar added for the purpose of correcting natural deficiencies.

Legal age for consumption of cereal malt beverages means 21 years of age, except that "legal age for consumption of CMB" means 18 years of age if at any time the provisions of P.L. 98-363 penalizing states for permitting persons under 21 years of age to consume CMB are repealed or otherwise invalidated or nullified.

Limited CMB retailer is a person who is licensed under the Kansas cereal malt beverage act, as that act is defined in K.S.A. 41-2728, and Article II of this chapter to sell CMBs or beer containing not more than 6% alcohol by volume at retail only in original and unopened containers and not for consumption on the premises.

Manufacture means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer or CMB.

Manufacturer means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or CMB. "Manufacturer" does not include a microbrewery, microdistillery or a farm winery.

Microbrewery means a brewery licensed by the director of alcoholic beverage control of the state department of revenue to manufacture, store and sell domestic beer and hard cider.

Microdistillery means a facility which produces spirits from any source or substance that is licensed by the director of alcoholic beverage control of the state department of revenue to manufacture, store and sell spirits.

Minor means a person under 21 years of age.

Morals charge means a charge involving the sale of sexual relations; procuring any person; soliciting of a child under 18 years of age for any immoral act involving sex; possession or sale of narcotics, marijuana, amphetamines or barbiturates; rape; incest; gambling; illegal cohabitation; adultery; bigamy; or a crime against nature.

Nonprofit, religions, charitable, fraternal, educational, or veterans' organization shall have those meanings as ascribed and defined in K.S.A. [79-4701](#).

Original package means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Original container does not include a sleeve.

Place of business means any place at which CMBs or beer containing not more than 6% alcohol by volume are sold.

Premises means the specific area described in the license application and approved as the location upon which the CMB or alcoholic liquor may be sold or consumed under the license.

Railway car means a locomotive drawn conveyance used for the transportation and accommodation of human passengers that is confined to a fixed rail route and which derives from sales of food for consumption on the railway car not less than 30 percent of its gross receipts from all sales of food and beverages in a 12-month period.

Sale means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes all sales made by any person, whether principal, proprietor, agent, servant or employee. *School* means any institution of learning, whether public or private. This definition includes, but is not limited to, a primary school, secondary school, trade school, college and university.

Sell at retail and *sale at retail* mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits. "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a state or local temporary permit.

Sleeve means a package of two or more 50-milliliter (3.2-fluid-ounce) container of spirits.

State temporary permit means a temporary permit issued pursuant to K.S.A. 41-1201, and amendments thereto.

To sell means to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

SECTION 2. That section 5-4 of the Code of Ordinances, City of Merriam, Kansas, is hereby amended to read as follows:

Sec. 5-4. - Consumption, possession prohibited in certain places; exceptions.

(a) *Public places.*

- (1) Except as otherwise provided for herein and in K.S.A. [8-1599](#), and amendments thereto, no person shall drink, consume, or possess any open container of alcoholic liquor or CMB on the public streets, alleys, roads, highways, sidewalks, parking lots, or other such similar public place

open to use by the public or where the public may congregate, whether owned publicly or privately, or within any vehicle in or upon such place.

(2) Exceptions.

- a. Alcoholic liquor may be consumed on public streets, alleys, roads, sidewalks or highways when:
 - 1) a state temporary permit has been issued pursuant to K.S.A. 41-1201, and amendments thereto, and a local temporary alcoholic liquor permit has been issued pursuant to article VII of this chapter, for such an event;
 - 2) a caterer's licensee has provided the required notification for a catered event pursuant to K.S.A. [41-2643](#), and amendments thereto, and the caterer has a caterer's license issued by the city pursuant to article VI of this chapter.
 - 3) a public venue, hotel, hotel caterer, drinking establishment caterer or drinking establishment licensee has been authorized to extend its licensed premises pursuant to K.S.A. 41-2608, and amendments thereto, and such licensee has been issued the appropriate license or permit by the city pursuant to this chapter.
- b. Consumption of alcoholic liquor on public streets, alleys, roads, sidewalks or highways must be approved by ordinance by the city council. No alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads, sidewalks or highways at any time.
- c. No person shall remove any alcoholic liquor from inside the boundaries of an event as designated by the city council, from the boundaries of a catered event, or from the extended licensed premises of a public venue, hotel, hotel caterer, drinking establishment caterer, or drinking establishment. Such boundaries shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be possessed or consumed.
- d. CMB may be consumed at an event held on public streets, alleys, roads, sidewalks or highways when a local CMB special event retailer's permit has been issued pursuant to article VII of this chapter for such event. Such an event must be approved by ordinance by the city council. No CMB may be consumed inside vehicles while on public streets, alleys, roads, sidewalks or highways at any such event.

(b) *Private property.*

- (1) *Alcoholic liquor.* It is unlawful for any person to drink or consume alcoholic liquor on private property, or to have in his possession any open container of alcoholic liquor on private property, except:
 - a. On premises where the sale of liquor by the individual drink is authorized by the Club and Drinking Establishment Act and this chapter;
 - b. Upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor, or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. [41-803](#), and amendments thereto, takes place;
 - c. In a lodging room of any hotel, motel or boardinghouse by the person occupying such room and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. [41-803](#), and amendments thereto, takes place;

- d. In a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or an organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. [41-803](#), and amendments thereto, takes place;
 - e. On the premises of a manufacturer, microbrewery, microdistillery or farm winery, if authorized by K.S.A. [41-305](#), [41-308a](#), K.S.A. [41-308b](#) or K.S.A. [41-354](#), and amendments thereto; or
 - f. On the premises of an unlicensed business as authorized pursuant to subsection (d).
- (2) *CMB*. It is unlawful for any person to drink or consume CMBs on private property, or to have in his possession any open container of CMB on private property, except:
- a. On premises licensed pursuant to this chapter for on-premises consumption of CMBs;
 - b. Upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving of any CMB;
 - c. In a lodging room of any hotel, motel or boardinghouse by the person occupying such room and by the guests of such person, if no charge is made for the serving of any CMB; or
 - d. In a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or an organization for a private party and if no sale of any CMB takes place.
- (c) *City-owned property*. It is unlawful for any person to drink or consume any alcoholic liquor or CMB on city-owned property, or to have in his possession any open alcoholic liquor or CMB on city-owned property, subject to the following exceptions:
- (1) Alcoholic liquor may be served, dispensed and consumed during a city-sponsored event on city-owned property, provided that such serving, dispensing and consumption shall be in accordance with written rules and regulations relating to city-owned properties approved by the city council.
 - (2) Alcoholic liquor may be served, dispensed and consumed during events not sponsored by the city at the Community Center or Merriam Marketplace, provided that such serving, dispensing and consumption shall be in accordance with written rules and regulations relating to city-owned properties approved by the city council.
 - (3) Upon the city council's approval, alcoholic liquor may be offered for sale, sold and served for consumption during a city-sponsored event on city-owned property, pursuant to a valid state caterer's license and caterer's license issued by the city pursuant to article VI of this chapter.
- (d) *Unlicensed business*.
- (1) An unlicensed business may authorize patrons or guests of such business to consume alcoholic liquor on the premises of such business provided:
 - a. Such alcoholic liquor is in the personal possession of the patron and is not sold, offered for sale or given away by the owner of such business or employees thereof;
 - b. Possession and consumption of alcoholic liquor shall not be authorized between the hours of 12:00 a.m. and 9:00 a.m.;
 - c. The business, or any owner thereof, shall not have had a license issued under either the Kansas liquor control act or the club and drinking establishment act revoked for any reason; and
 - d. No charge of any sort may be made by the business for the privilege of possessing or consuming alcoholic liquor on the premises, or for mere entry onto the premises.

- (2) It shall be a violation of this subsection for any unlicensed business to authorize the possession or consumption of alcoholic liquor by a patron of such business when such authorization is not in accordance with the provisions of this subsection.
- (3) For the purpose of this subsection, "patron" means a natural person who is a customer or guest of an unlicensed business.
- (e) *Violation.* Violation of any provision of this section is a misdemeanor, punishable by a fine of not less than \$50.00 or more than \$200.00 or by imprisonment for not more than six months, or both. Upon a conviction, plea of no contest, or guilty plea for violation of this section by a person 18 or more years of age but less than 21 years of age, the municipal judge shall order such person to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. [8-1008](#), and amendments thereto and to pay a fee not to exceed the fee established by that statute for such evaluation. If the judge finds that the person is indigent, the fee may be waived.

SECTION 3. That section 5-6 of the Code of Ordinances, City of Merriam, Kansas, is hereby amended to read as follows:

Sec. 5-6. - Certain sales acts prohibited for alcoholic liquor.

- (a) No club, drinking establishment, caterer, or holder of a state temporary permit or local temporary alcoholic liquor permit nor any person acting as an employee or agent thereof, shall:
 - (1) Offer or serve any free CMB or alcoholic liquor in any form to any person;
 - (2) Offer or serve to any person an individual drink at a price that is less than the acquisition cost of the individual drink to the licensee or permit holder;
 - (3) Sell, offer to sell or serve to any person an unlimited number of individual drinks during any set period of time for a fixed price, except at private functions not open to the general public or to the general membership of a club;
 - (4) Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or CMB or the awarding of individual drinks as prizes;
 - (5) Sell, offer to sell or serve free of charge any form of powdered alcohol as defined in K.S.A. [41-102](#), and amendments thereto; or
 - (6) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsection (a)(1) through (5) of this section.
- (b) A club, drinking establishment, caterer or holder of a state temporary permit or local temporary alcoholic liquor permit may:
 - (1) Offer free food or entertainment at any time;
 - (2) Sell or deliver wine by the bottle or carafe;
 - (3) Sell, offer to sell and serve individual drinks at different prices throughout the day;
 - (4) Sell or serve beer or CMB in a pitcher capable of containing not more than 64 fluid ounces;
 - (5) Offer samples of alcohol liquor free of charge as authorized by the Club and Drinking Establishment Act, K.S.A. [41-2601 et seq.](#), or K.S.A. 41-1204, and amendments thereto; or
 - (6) Sell or serve margarita, sangria, daiquiri, mojito or other mixed alcoholic beverages as approved by the director of alcoholic beverage control of the department of revenue in a pitcher containing not more than 64 fluid ounces.

- (c) A hotel of which the entire premises is licensed as a drinking establishment may, in accordance with rules and regulations adopted by the secretary of revenue, distribute to its guests coupons redeemable on the hotel premises for drinks containing alcoholic liquor. The hotel shall remit liquor drink tax in accordance with the provisions of the liquor drink tax act, K.S.A. [79-41a01 et seq.](#), and amendments thereto, on each drink served based on a price which is not less than the acquisition cost of the drink.
- (d) (1) A club or drinking establishment may offer customer self-service of beer or wine, or both, from automated devices on licensed premises so long as the licensee monitors and has the ability to control the dispensing of such beer or wine, or both, from the automated devices.
- (2) a. For the purposes of this subsection, "automatic device" shall mean any mechanized device capable of dispensing wine or beer, or both, directly to a customer in exchange for compensation that a licensee has received directly from the customer.
- b. No licensee shall allow an automated device to be used on its licensed premises without first providing written or electronic notification to the director of alcoholic beverage control of the department of revenue of the licensee's intent to use the automated device. The licensee shall provide the notification at least 48 hours before any automated device is used on the licensed premises.
- c. Each licensee offering customer self-service of wine or beer, or both, from any automated device shall provide constant video monitoring of the automated device at all times during which the licensee is open to the public. The licensee shall keep recorded footage, from the video monitoring for at least 60 days and shall provide the footage, upon request, to any agent of the director of alcoholic beverage control of the department of revenue or other authorized law enforcement agent.
- d. The compensation required by subparagraph a. shall be in the form of a programmable, prepaid access card containing a fixed amount of monetary credit that may be directly exchanged for beer or wine dispensed from the automated device. Access cards may be sold, used or reactivated only during a business day. Each access card shall be purchased from the licensee by a customer. A licensee shall not issue more than one active access card to a customer. For purposes of this subsection, an access card shall be deemed active if the access card contains monetary credit or has not yet been used to dispense 15 ounces of wine or 32 ounces of beer. Each purchase of an access card under this subparagraph shall be subject to the liquor drink tax imposed by K.S.A. [79-41a02](#), and amendments thereto.
- e. In order to obtain a prepaid access card from a licensee, each customer shall produce a valid driver's license, identification card or other government-issued document that contains a photograph of the individual and demonstrates that the individual is at least 21 years of age. Each access card shall be programmed to require the production of the customer's valid identification before the access card can be used for the first time during any business day or for any subsequent reactivation as provided in subparagraph d.
- f. Each access card shall become inactive at the end of each business day.
- g. Each access card shall be programmed to allow the dispensing of no more than 15 ounces of wine or 32 ounces of beer to a customer. Once an access card has been used to dispense 15 ounces of wine or 32 ounces of beer to a customer, the access card shall become inactive. Any customer in possession of an inactive access card may, upon production of the customer's valid identification to the licensee or licensee's employee, have the access card reactivated to allow the dispensing of an additional 15 ounces of wine or 32 ounces of beer from an automated device.

Subparagraph d., e., f. or g. shall not apply to wine or beer that is dispensed directly to the licensee or the licensee's agent or employee.

- (3) Notwithstanding any other provision of law, all laws and rules and regulations applicable to the sale of alcoholic liquor to persons under the legal age of consumption shall be applicable to the sales transaction of the prepaid access card.
- (e) A hotel of which the entire premises is not licensed as a drinking establishment may, in accordance with rules and regulations adopted by the secretary of revenue, through an agreement with one or more clubs or drinking establishments, distribute to its guests coupons redeemable at such clubs or drinking establishments for drinks containing alcoholic liquor. Each club or drinking establishment redeeming coupons issued by a hotel shall collect from the hotel the agreed price, which shall not be less than the acquisition cost of the drink plus the liquor drink tax from each drink served. The club or drinking establishment shall collect and remit the liquor drink tax in accordance with the provisions of the liquor drink tax act, K.S.A. [79-41a01 et seq.](#), and amendments thereto.
- (f) For purposes of this section, the term day means from 6:00 a.m. until 2:00 a.m. the following calendar day.

SECTION 4. That section 5-198 of the Code of Ordinances, City of Merriam, Kansas, concerning Special Events is hereby repealed.

SECTION 5. That section 5-223 of the Code of Ordinances, City of Merriam, Kansas, is hereby amended to read as follows:

Sec. 5-223. - Permit regulations.

- (a) No local temporary alcoholic liquor permit holder shall allow the serving, mixing or consumption of alcoholic liquor on the premises covered by the event between the hours of 2:00 a.m. and 9:00 a.m. on any day at an event for which a local temporary alcoholic liquor permit has been issued. Upon request or demand made at any time by any police officer during the hours of the event for which a local temporary alcoholic liquor permit has been issued hereunder, the permit holder, owner or manager, or assistant manager, or other person then in charge of the event, shall produce and deliver to such officer for inspection and copying, or for other purposes consistent with the provisions of this chapter, a list which correctly reflects the names, addresses and ages of all persons employed by such permit holder on the date upon which such request or demand is made.
- (b) A local temporary alcoholic liquor permit shall be issued for a period of time not to exceed three consecutive days, the dates and hours of which will be specified in the state temporary permit as well as on the local temporary alcoholic liquor permit; provided, however, that a local temporary alcoholic liquor permit may be issued for an event approved by the city pursuant to Section 5-227 for the entire period of such event, but in no event shall such permit be issued for a period of time that exceeds 30 consecutive days. Not more than four local temporary alcoholic liquor permits may be issued to any one applicant in a calendar year.
- (c) A local temporary alcoholic liquor permit shall not be transferable or assignable.
- (d) The local temporary alcoholic liquor permit holder shall cause the permit to be placed in plain view on any premises within the city where the holder of the permit is serving or mixing alcoholic liquor for consumption on the premises.
- (e) The boundary of any premises covered by a temporary permit shall be marked by a line of demarcation.

(f) All alcoholic liquor sold at an event covered by a temporary permit shall be dispensed only from original containers.

(g) An individual may carry an original container of alcoholic liquor onto the event premises with the approval of the temporary permit holder and under the following conditions:

(1) The temporary permit holder shall not store any such containers of alcoholic liquor on the event premises; and

(2) each individual carrying any such container onto the event premises shall remove such container when the individual exits the event premises.

(h) The permit holder is responsible for the cleaning of litter and other material during and after the event.

SECTION 6. That section 5-224 of the Code of Ordinances, City of Merriam, Kansas, is hereby amended to read as follows:

Sec. 5-224. - Unlawful acts of permit holder.

It is unlawful for any licensee under this section to:

- (1) Employ or use the services of any person under the age of 18 years in connection with the serving of alcoholic liquor.
- (2) Employ knowingly, continue in employment, or use the services of any person in connection with the dispensing or serving of alcoholic liquor or the mixing of drinks containing alcoholic liquor who has been adjudged guilty of a felony or of any crime involving a morals charge in this or any other municipality, this state or any other state, or of the United States.
- (3) Knowingly employ or continue to employ any person in connection with the dispensing or serving of alcoholic liquor, or the mixing of drinks containing alcoholic liquor, who has been adjudged guilty of two or more violations of K.S.A. [21-5607](#), and amendments thereto, furnishing alcoholic liquor to minors or a similar law of this and any other municipality, this state, or any other state, or of the United States, pertaining to furnishing alcoholic liquor to minors within the immediately preceding five years, or who has been adjudged guilty of three or more violations of any intoxicating liquor law of this or any other municipality, this state or any other state, or of the United States, not involving the furnishing of alcoholic liquor to minors within the immediately preceding five years.
- (4) Purchase alcoholic liquor from any person except from a person authorized by law to sell such alcoholic liquor to such licensee.
- (5) Employ or use the services of any person who is under the age of 21 and not supervised by the temporary permit holder or an employee who is at least 21 years of age.
- (6) Employ or use the services of any person under 21 years of age in connection with the mixing or dispensing of drinks containing alcoholic liquor.
- (7) Employ or use the services of any person who has been convicted within the previous two years of a violation of any intoxicating liquor law of this or any other municipality, this state or any other state, or of the United States, to dispense, mix, or serve alcohol.

SECTION 7. That section 5-227 of the Code of Ordinances, City of Merriam, Kansas, is hereby amended to read as follows:

Sec. 5-227. - Local temporary alcoholic liquor permit for events.

- (a) A local temporary alcoholic liquor permit may be issued for the consumption of alcoholic liquor on a city street, alley, road, sidewalk or highway for an event if:
 - (1) Such street, alley, road, sidewalk or highway is closed to motor vehicle traffic by the city council for such event;
 - (2) a written request for such consumption and possession of such alcoholic liquor has been made to the city council; and
 - (3) the event is approved by the city council by ordinance.

The boundaries of such event shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be possessed or consumed at such event.

- (b) Drinking establishments that are immediately adjacent to, or located within the licensed premises of an event, for which state and local temporary permits have been issued and the consumption of alcoholic liquor on public property has been approved, may request that the drinking establishment's licensed premises be extended into and made a part of the licensed premises of the event for the duration of the state and local temporary permit issued for such event.

SECTION 8. Savings Clause. The repeal of any Ordinance or Code Section, as provided herein, shall not revive an Ordinance previously repealed, nor shall the repeal affect any right which accrued, any duty imposed, any penalty incurred or any proceeding commenced, under or by virtue of the Ordinance repealed. Said Ordinance or Code repealed continues in force and effect after the passage, approval, and publication of this Ordinance for the purpose of pursuing such rights, duties, penalties, or proceedings.

SECTION 9. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance and the Governing Body hereby declares that it would have passed the remaining portions of this Ordinance if it would have known that such part or parts thereof would be declared invalid.

SECTION 10. Repeal. Sections 5-1, 5-4, 5-6, 5-223, 5-224, 5-227 of the Code of Ordinances of the City of Merriam, Kansas as they existed before the above amendments are hereby repealed.

SECTION 11. Existing Sections. Those sections of Chapter 5 of the Code of Ordinances of the City of Merriam, Kansas not heretofore repealed shall remain in full force and effect.

SECTION 12: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED BY THE City Council the _____ day of _____, 2019.

APPROVED BY THE Mayor the _____ day of _____, 2019.

Ken Sissom, Mayor

ATTEST:

Juliana Pinnick, City Clerk

APPROVED AS TO FORM:

Nicole Proulx Aiken, City Attorney



AGENDA ITEM INFORMATION FORM

AGENDA ITEM: Consider approval to authorize the creation and hiring of three positions for the new community center.

SUBMITTED BY: Anna Slocum, director Parks and Recreation

MEETING DATE: June 10, 2019

PROJECT BACKGROUND/DESCRIPTION:

In preparation for the new community there will be the need to increase staffing to meet the business plan outline in the 2017 parks and recreation master plan financial proforma. The three full-time requested positions include: Fitness Coordinator, Recreation Coordinator and Aquatics Supervisor. Although the building is not slated to open until summer 2020, these three positions will be an integral part of developing new programming and new operational procedures to opening.

The Aquatics Supervisor will be an exempt position exercising supervision over all aquatics staff. The Fitness and Recreation Coordinators will be hourly positions. They will exercise supervision over a few part-time staff.

The salary range for the Aquatics Supervisor position will be \$49,431 – \$74,146 plus benefits. The salary range for the Fitness and Recreation Coordinators will be \$36,079 - \$54,118 plus benefits. Funding for these positions was included in the 2019 salaries and benefits budget, but the positions were not approved as part of the 2019 budget process.

The goal is to fill the positions by late summer / early fall.

CITY COUNCIL GOALS AND OBJECTIVES

2.0 Provide Exceptional Service Delivery

FINANCIAL IMPACT

Amount of Request/Contract:	\$272,000– estimated annual cost of salary/benefits
Amount Budgeted:	2019 budget: \$82,000; 2020 proposed: \$272,000
Funding Source/Account #:	General Fund Parks and Recreation Salaries / Benefits

SUPPORTING DOCUMENTS

Job Descriptions

ACTION NEEDED/STAFF RECOMMENDATION

Staff recommends the approval to authorize the creation and hiring of three new positions for the new community center.

City of Merriam, Kansas
POSITION DESCRIPTION

Class Title: Fitness Coordinator
Department: Parks and Recreation
FLSA: Non-exempt (overtime eligible)
Phys. Class Level 2 Light Work
WC Code: 9102

GENERAL PURPOSE

Performs a variety of technical, professional and administrative duties in planning fitness, athletic, recreational, and educational year-round activities for city-wide parks and recreation program.

SUPERVISION RECEIVED

Works under the guidance and direction of the Recreation Supervisor.

SUPERVISION EXERCISED

Exercises supervision and authority for assigned programs and activities, Fitness Attendants, contract employees, and volunteers.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Responsible for the ongoing planning, development, facilitation and evaluation of recreation, healthy living, fitness and education programs for implementation in the community for all ages and abilities.

Manages operations of Fitness Center, Group Exercise, and Program / Classroom Space.

Coordinates and performs safety inspection of equipment; coordinates preventative maintenance and repairs of equipment.

Investigates available grant options for program funding, assists in the preparation of grant applications.

Recruits, trains, and evaluates Fitness Attendants contract employees, and volunteers.

Prepares information for publication and marketing in flyers, social media, brochures, news releases, television and radio media.

Promotes and publicizes facility usage and programs through presentations to media, boards and civic groups.

Coordinate community recreation resources and encourage cooperation among partners to avoid duplication of services.

Gathers, interprets and prepares data for reports, studies, and recommendations. Maintains necessary operating records.

Assists in preparation of program budgets; monitors revenues and expenditures in assigned area to assure sound fiscal control and best practices.

Develop and maintain a complete inventory of recreation resources. Recommending replacement schedule for budgetary purposes.

Prepare and maintain procedural manuals and other related program and service records.

Serves as departmental liaison to City employee committees; represents City on other cooperatively sponsored events with other agencies.

Establish and maintain appropriate public relations in the community. Respond to community needs and public inquiries/complaints as they relate to recreation programming.

Performs a variety of miscellaneous community center duties such as answering phone, running errands, selling memberships, facility reservation, registering participants for classes, setting up equipment for programs, etc. Operates reception desk in absence of Administrative Coordinator or Customer Service Representative.

Understands and complies with department policies and procedures, division manuals, codes of conduct, and city personnel rules and regulations.

Other duties deemed necessary as assigned.

PERIPHERAL DUTIES

Assists staff in the performance of their duties as required.

DESIRED MINIMUM QUALIFICATIONS

Education and Experience:

- (A) Graduation from an accredited college or university with a bachelor's degree in Recreation, Park Resources, or Recreation Leisure Service.
- (B) Two years of progressively responsible experience in the development of recreational programming and special event production, and two years progressively responsible experience in the supervision and development

- of subordinate staff.(C) Current group fitness or personal training certification through ACE, NASM or ACSM
- (D) Any equivalent combination of education and experience.
- (E) Certified Park and Recreation Professional designation or ability to obtain within one year of appointment.
- (F) Current certification in CPR/AED and First Aid.

Necessary Knowledge, Skills and Abilities:

- (A) Thorough knowledge of principles and practices of modern parks and recreation programs; knowledge of equipment and facilities required in a park and recreation program; thorough knowledge of community recreation needs and resources; working knowledge of the principles and practices of office management, work organization, and supervision.
- (B) Skill in operation of listed tools and equipment.
- (C) Thorough knowledge of marketing techniques and excellent writing and verbal communication skills.
- (D) Ability to plan, organize, and coordinate special events and park and recreation programs; ability to coordinate, analyze, and utilize a variety of reports and records; ability to establish and maintain working relationships with employees, supervisors, other agencies, and the public.
- (E) Thorough knowledge of personal computer and windows-based recreation related software, Microsoft Word, Excel, Publisher, or other database programs and Internet applications.

SPECIAL REQUIREMENTS

Valid State Driver's License or ability to obtain one. Must be available to work on weekends, evenings, holidays, and attend evening meetings as required.

TOOLS AND EQUIPMENT USED

Personal computer, including word processing software; calculator; copy and fax machine; phone; automobile; athletic and recreational equipment.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to walk, climb, sit, talk, and hear. The employee is occasionally required to use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms.

The employee must occasionally lift and/or move up to 50 pounds with mechanical assistance. Specific vision abilities required by this job include close vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is typical of recreational facilities. Periodic exposure to sun.

SELECTION GUIDELINES

Formal application, interview, and reference check; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and the employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

City of Merriam, Kansas
POSITION DESCRIPTION

Class Title: Aquatic Supervisor
Department: Parks and Recreation
FLSA: Exempt
Physical Class: Level 2, Light Work
WC Code: 9105

GENERAL PURPOSE

Perform a variety of technical, professional and administrative duties in planning year-round aquatic programs. Perform complex duties in maintaining the year-round operation of aquatic facilities.

SUPERVISION RECEIVED

Work under the guidance and direction of the Assistant Parks and Recreation Director.

SUPERVISION EXERCISED

Exercise supervision over Aquatic Coordinator and contract instructors. Indirect supervision of head lifeguards, lifeguards, slide attendants, and pool patrons.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Initiates, plans and coordinates facility schedule for all aquatic programming. Requests and coordinates assistance in staffing with Aquatic Coordinator.

Prepare and maintain procedural manuals for the operation of the aquatics area and other related programs and services.

Operate filtration and chlorination equipment. Tests water for proper chemical balance, adds chemicals to maintain proper swimming conditions. Perform necessary filter backwashes as required.

Oversees maintenance of pool. Works with Facility Operations Supervisor or vendors to coordinate repairs. Checks work for completion.

Prepare outdoor pool for opening and closing each season.

Maintains necessary operating records according to federal, state and county code.

Manages the Learn-To-Swim program. Develop lesson plans, schedule and evaluate lesson participants to ensure placement in the appropriate class level.

Gathers, interprets and prepares data for reports, studies and recommendations.

Researches and evaluates new trends, technology or data to improve organizational performance or customer service.

Understands and complies with department policies and procedures, division manuals, codes of conduct and city personnel rules and regulations.

Supervises the hiring, scheduling, and training of staff. Reviews progress and directs change as needed.

Prepares line item expenditure and revenue budget, makes recommendations for capital equipment and capital improvement expenditures for future planning.

Monitor expenditures and revenues to assure sound fiscal control.

Order necessary supplies and processes invoices for payment

Administer First Aid and CPR as well as emergency and safety procedures.

Administer pool patron disciplinary procedures.

Investigates and responds accordingly to public comments and complaints pertaining to maintenance, customer service, safety, and program delivery.

Promotes programs and facilities through presentations to media, boards and civic groups.

Serve as departmental liaison to City employee committees; represent City on other cooperatively sponsored events/programs with other agencies.

Perform a variety of miscellaneous community center duties such as answering phone, running errands, selling memberships, facility reservations, registering participants for classes, setting up equipment for programs, etc. Operates reception desk in absence of Administrative Coordinator or Customer Service Representative.

Others duties deemed necessary as assigned.

PERIPHERAL DUTIES

Assists staff in the performance of their duties.

Assumes responsibility of the department in the absence of the Director and Assistant Director.

DESIRED MINIMUM QUALIFICATIONS

Education and Experience:

- (A) Graduation from an accredited college or university with a bachelor's degree in Recreation, Park Resources or Recreation Leisure Service.
- (B) Current Aquatic Facility Operator Certification, Certified Pool Operator designation or ability to obtain one.
- (C) Current certification in American Red Cross CPR/AED and First Aid for the Professional Rescuer or ability to obtain one.
- (D) Two years' experience as an Aquatic Supervisor operating a year-round public pool, YMCA, or equivalent setting, or five years' experience as an Aquatic Coordinator. Certified Park and Recreational Professional designation or ability to obtain within one year of appointment.
- (F) Current American Red Cross Lifeguard Instructor Certification or ability to obtain one.

Necessary Knowledge, Skills, and Abilities:

- (A) Thorough knowledge of the operation of pool filtration and chlorination equipment.
- (B) Thorough knowledge of principles and practices of modern aquatic program.
- (C) Ability to plan, organize and coordinate a variety of aquatic programs for the community.
- (D) Working knowledge of principles of human resource management, work organization, and supervision.
- (E) Ability to coordinate and analyze reports and data.
- (F) Ability to communicate effectively, verbally and in writing; ability to establish and maintain effective working relationships with employees, supervisors, and the public.
- (G) Thorough knowledge of personal computer and windows-based recreation related software, Microsoft Word, Excel, Publisher, or other database programs and Internet applications.

SPECIAL REQUIREMENTS

Valid Driver's License or the ability to obtain one. Must be available to work weekends, evenings, and holidays, and attend evening meetings as required.

TOOLS AND EQUIPMENT USED

Pool mechanical and filtration equipment, safety and rescue equipment, telephone, calculator, photocopy machine, personal computer.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential duties of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to walk, climb, sit, talk, and hear. The employee is occasionally required to use hands to finger, handle, feel, or operate objects, tools, or controls; and reach with hands and arms.

The employee must occasionally lift and/or move up to 50 pounds and transport 10 feet. Specific vision abilities required by this job include close vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is noisy with periodic extreme exposure to sun.

SELECTION GUIDELINES

Formal application, interview, and reference check.

The duties listed above are intended only as illustrations of the various types of work performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment of the position.

The job description does not constitute an employment agreement between the employer and the employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

City of Merriam, Kansas
POSITION DESCRIPTION

Class Title: Recreation Coordinator
Department: Parks and Recreation
FLSA: Non-exempt (overtime eligible)
Phys. Class Level 2 Light Work
WC Code: 9102

GENERAL PURPOSE

Performs a variety of technical, professional and administrative duties in planning City-wide special events and cultural year-round activities for city-wide parks and recreation program. Manages the operation of the Art Gallery and Merriam Marketplace.

SUPERVISION RECEIVED

Works under the guidance and direction of the Recreation Supervisor.

SUPERVISION EXERCISED

Exercises supervision and authority for assigned programs and activities, Program Assistant, Farmers' Market staff and volunteers.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Initiates, plans, and coordinates free community events, holiday themed programs, year-round 50+ recreational programming, Art Gallery and Farmers' Market.

Manages community programs at Merriam Marketplace, including Farmers' Market and special events. Recruits, coordinates and communicates with Farmers' Market vendors.

Plans and coordinates regular operation of Tim Murphy Art Gallery monthly exhibitions.

Solicits and coordinates community event sponsorship program with local businesses.

Investigates available grant options for program funding, assists in the preparation of grant applications.

Recruits, trains, supervises and evaluates part-time Farmers' Market staff, Program Assistant and volunteers.

Prepares information for publication and marketing in flyers, social media, brochures, news releases, television and radio media.

Promotes and publicizes programs and facilities through presentations to media, boards and civic groups.

Coordinate community recreation resources and encourage cooperation among partners to avoid duplication of services.

Gathers, interprets and prepares data for reports, studies, and recommendations. Maintains necessary operating records.

Assists in preparation of program and special event budgets; monitors revenues and expenditures in assigned area to assure sound fiscal control and best practices.

Prepares and maintains procedural manuals and other related program and service records.

Establish and maintain appropriate public relations in the community. Respond to community needs and public inquiries/complaints as they relate to recreation programming.

Serves as departmental liaison to City employee committees; represents City on other cooperatively sponsored events with other agencies.

Performs a variety of miscellaneous community center duties such as answering phone, running errands, selling memberships, facility reservations, registering participants for classes, setting up equipment for programs, etc. Operates reception desk in absence of Administrative Coordinator or Customer Service Representative.

Understands and complies with department policies and procedures, division manuals, codes of conduct, and city personnel rules and regulations.

Other duties deemed necessary as assigned.

PERIPHERAL DUTIES

Assists staff in the performance of their duties as required.

DESIRED MINIMUM QUALIFICATIONS

Education and Experience:

- (A) Graduation from an accredited college or university with a bachelor's degree in Recreation, Park Resources, or Recreation Leisure Service.
- (B) Two years of progressively responsible experience in the development of recreational programming and special event production,.
- (C) Any equivalent combination of education and experience.

- (D) Certified Park and Recreation Professional designation or ability to obtain within one year of appointment.
- (E) Current certification in CPR/AED and First Aid.

Necessary Knowledge, Skills and Abilities:

- (A) Thorough knowledge of principles and practices of modern parks and recreation programs; knowledge of equipment and facilities required in a park and recreation program; thorough knowledge of community recreation needs and resources; working knowledge of the principles and practices of office management, work organization, and supervision.
- (B) Skill in operation of listed tools and equipment.
- (C) Thorough knowledge of marketing techniques and excellent writing and verbal communication skills.
- (D) Ability to plan, organize, and coordinate special events and park and recreation programs; ability to coordinate, analyze, and utilize a variety of reports and records; ability to establish and maintain working relationships with employees, supervisors, other agencies, and the public.
- (E) Thorough knowledge of personal computer and windows-based recreation related software, Microsoft Word, Excel, Publisher, or other database programs and Internet applications.

SPECIAL REQUIREMENTS

Valid State Driver's License or ability to obtain one. Must be available to work on weekends, evenings, holidays, and attend evening meetings as required.

TOOLS AND EQUIPMENT USED

Personal computer, including word processing software; calculator; copy and fax machine; phone; automobile; athletic and recreational equipment.

PHYSICAL DEMANDS

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CITY OF MERRIAM, KANSAS

MONTHLY FINANCIAL REPORT

Finance Department



City of Merriam, KS
Monthly Financial Report - Executive Summary
May 2019

Revenues

	Current Month	YTD	YTD	Over/(Under)
Various Funds:	Actual	Actual	Budget/Est	YTD Budget/Est
1% City Sales Tax	\$ 630,541	\$ 1,645,982	\$ 1,786,903	\$ (140,921)
1/4% City Sales Tax-Storm/Street	164,727	429,258	466,132	(36,875)
1/4% City Sales Tax-Rec. Facilities	164,727	429,258	466,132	(36,875)
City Use Tax	54,298	177,429	130,000	47,429
County Sales Taxes - All	167,514	463,631	514,250	(50,619)
Real Property Taxes - Gen Fund	\$ -	\$ 3,066,660	\$ 2,144,736	\$ 921,925
Transient Guest Tax	-	84,846	102,041	(17,196)
Franchise Fees	43,402	488,151	604,788	(116,636)
Court Fines	58,320	309,756	385,417	(75,660)

Expenditures

<i>General Fund - only:</i>	Current Mo.	Monthly	Over/(Under)	Year to Date	Year to Date	Over/(Under)
	Actual	Bud/Est	Bud/Est	Actual	Bud/Est	YTD Bud/Est
Salaries and Benefits	\$ 584,986	\$ 694,317	\$ (109,331)	\$ 3,493,133	\$ 3,471,585	\$ 21,548
Contractual Services:						
OP Fire Services	534,035	216,369	317,666	499,488	1,081,846	(582,358)
Utilities	28,709	38,403	(9,695)	113,378	192,017	(78,639)
Legal	5,850	6,250	(400)	21,843	31,250	(9,407)
Property Maint	34,707	58,850	(24,142)	212,858	294,248	(81,390)
Specific Contractual*	30,457	20,651	9,805	103,910	103,256	653
Other Contractual	56,903	79,324	(22,422)	220,171	396,621	(176,450)
Commodities:						
Gasoline/Diesel Fuel	8,377	12,952	(4,574)	36,058	64,758	(28,700)
Other Commodities	33,899	46,968	(13,069)	181,291	234,841	(53,550)

*Specific Contractual includes: specific ongoing outside contractors (Judge, Prosecutor, Auditor, prisoner care, Information Services, legislative monitor, payroll processing, and animal care). The City Attorney is included under the Legal line item.

Comments:

- Year-to-date 1% and ¼% City sales taxes are 5.85% (\$155,478) less than prior year actual.
 - Auto sales are 5.08% less than prior year actual.
 - Merriam Town Center/Johnson Drive sales are 11.44% less than prior year actual.
 - Other categories are 1.90% less than prior year actual.
- Salaries and benefits are over budget on a year-to-date basis due to overtime associated with winter snow removal and vacation/sick payouts for departing employees.
- Franchise fee revenues for KCP&L were received in June, after the month was closed.

City of Merriam, KS
Monthly Financial Report - Executive Summary
May 2019

Equipment Purchases >\$5,000

Month	Description	Amount
January	Fire – aerial fire truck	\$893,718
February	Police – 2019 Toyota Camry	\$25,300
	Public Works – pressure washer	\$8,274
March	None	\$0
April	Police – tablets and keyboards for police cars	\$52,437
May	Police – body and in-car cameras	\$85,977
	Public Works – two snow plows	\$28,230

Cash and Investment Balances

FHLB = Federal Home Loan Bank	\$ 21,857,000	40%
FHLMC = Federal Home Loan Mortgage Corp.	7,730,000	14%
FNMA = Federal National Mortgage Assn.	775,000	1%
FFCB = Federal Farm Credit Bank	3,950,000	7%
US Treasury Bills	5,880,000	11%
Municipal Bonds	340,000	1%
NOW Account	5,644,382	11%
TD Ameritrade MMA	693,618	1%
Total Investments	<u>46,870,000</u>	<u>86%</u>
US Bank Cash Account	7,512,361	14%
Total Cash plus Investments	<u><u>\$ 54,382,361</u></u>	<u><u>100%</u></u>

City of Merriam, KS
Monthly Financial Report - Executive Summary
May 2019

FAQ's

Question: What is the City Sales Tax rate effective January 1, 2019?

Answer: **9.475%** (6.500% to the State of Kansas; 1.475% to Johnson County; 1.50% to Merriam)

Question: How much does the City owe for general obligation bonds?

Answer: **\$2,680,000** is the current balance for the Series 2012 and **\$18,905,000** for Series 2018.

Question: What is the City's bond rating?

Answer: S & P Global Ratings rates the City's debt as "**AAA (Stable)**"

Question: What is the City's current mill levy?

Answer: **27.880 mills** (2018 levy supporting 2019 budgets)

Question: What is the City's assessed property valuation?

Answer: **\$201 million** per Johnson County Clerk as of November 1, 2018

Question: How much of the City's assessed property valuation is for Residential, Commercial, and Other?

Answer: **\$82 million** or 41% for Residential (including apartments);
\$112 million or 56% for Commercial;
\$7 million or 3% for Other (including vacant land, personal property, utilities)

Question: How many households are in the City?

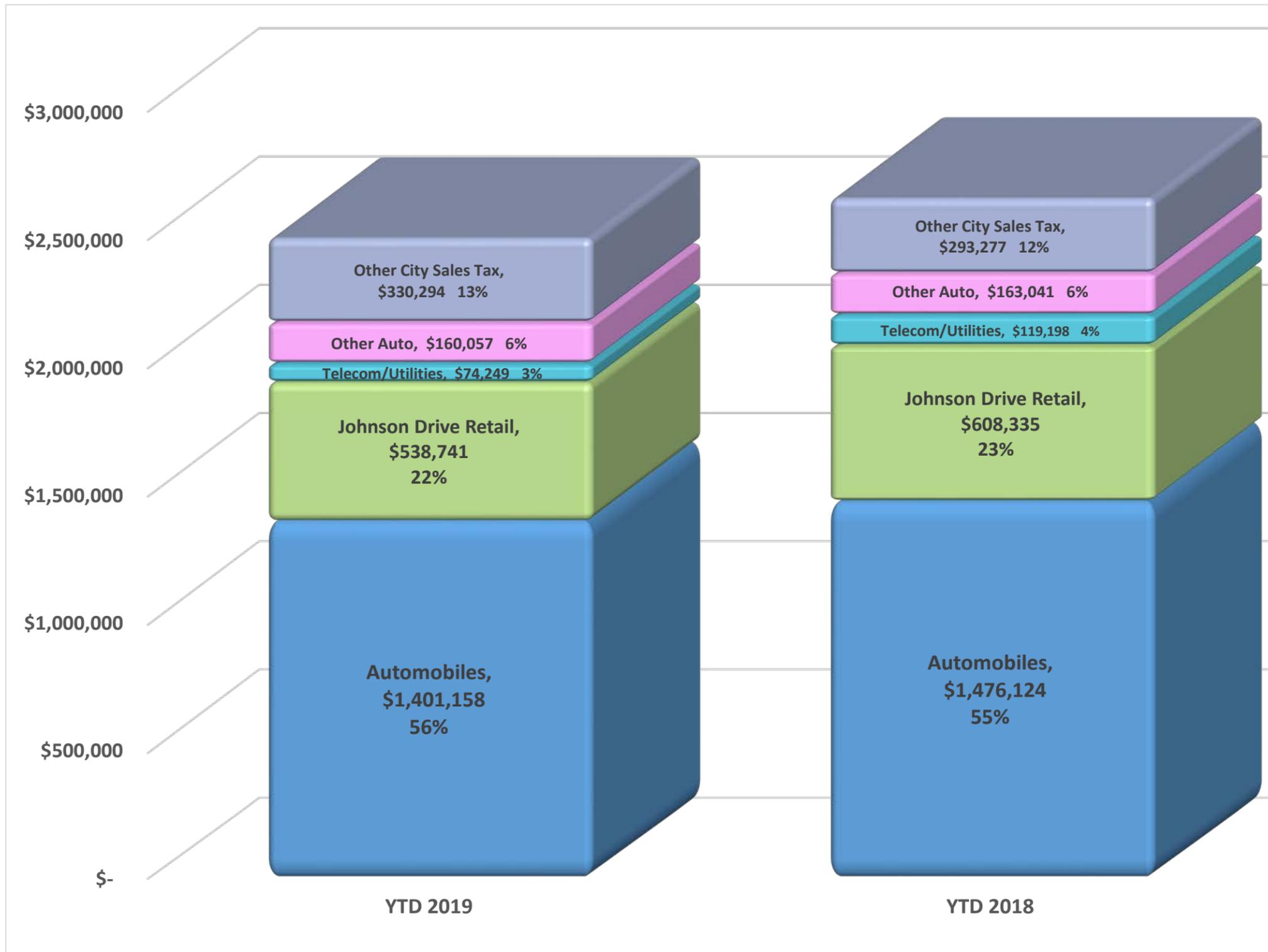
Answer: **5,224 households** (homes and apartments) per the 2010 U.S. Census Bureau

Question: What is the City's "pull factor" and what does this mean?

Answer: **4.76** is the City's pull factor per the Kansas Department of Revenue (December 2018 report). The term refers to how many non-residents a community "pulls" for shopping purposes. A pull factor greater than 1.00 indicates the community attracts more retail sales than it loses when residents shop outside the city. Merriam's is currently the highest in the State of Kansas.

City of Merriam Sales Tax Comparison - 1.50%

YTD 2019 vs 2018



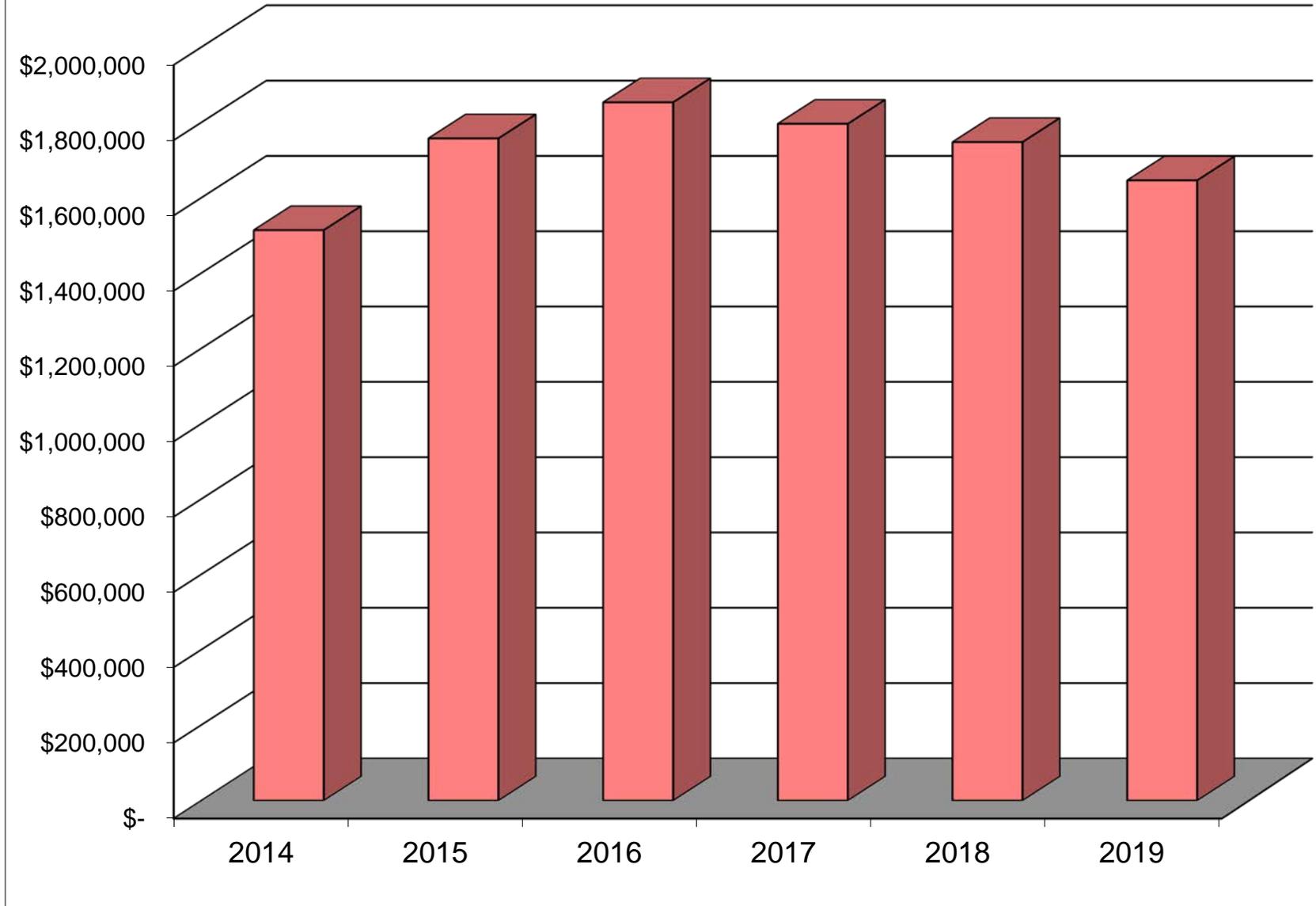
**CITY SALES TAX
(Regular 1%)**

Through: May 2019

Month Collected/Received	2014	2015	2016	2017	2018	2019	Comparison 2018 and 2019	Average 2014-2018
Jan/Mar	514,624	574,826	626,971	590,980	529,653	512,063	(17,590)	567,411
Feb/Apr	474,790	540,376	584,229	553,045	610,842	503,377	(107,465)	552,657
Mar/May	524,471	642,235	642,086	652,197	607,156	630,541	23,385	613,629
Apr/Jun	567,008	595,856	592,501	563,111	659,115			595,518
May/Jul	581,045	660,892	716,216	649,771	639,703			649,525
Jun/Aug	563,690	633,770	647,874	674,524	682,140			640,400
Jul/Sep	615,287	731,544	699,215	689,032	639,170			674,849
Aug/Oct	678,215	661,643	700,659	684,371	678,628			680,703
Sep/Nov	586,979	629,899	649,729	616,925	559,224			608,551
Oct/Dec	542,114	635,858	620,828	671,424	608,523			615,749
Nov/Jan	615,561	581,579	637,878	605,124	581,531			604,335
Dec/Feb	651,082	560,790	709,381	646,873	586,944			631,014
Total	6,914,867	7,449,269	7,827,566	7,597,377	7,382,628	1,645,982	(101,670)	7,434,341
YTD	2014	2015	2016	2017	2018	2019		
May 2019	1,513,886	1,757,438	1,853,286	1,796,222	1,747,652	1,645,982		

Average Collections Between 2014-2018	\$ 7,434,341
Estimated 2019	7,147,612
Estimate Based on Current Collection Rate	6,583,927
Over/(Under) at Current Collection Rate	\$ (563,685)

1% City Sales Tax Year to Date Comparison 2014-2019 (use tax not included)



CITY SALES TAX
(1/4% - Stormwater & Streets, effective Jan 1, 2011, ending Dec 31, 2020)

Through: May 2019

Month Collected/Received	2014	2015	2016	2017	2018	2019	Comparison 2018 and 2019	Average 2014-2018
Jan/Mar	128,656	152,492	164,631	154,253	132,413	133,669	1,256	146,489
Feb/Apr	118,698	141,914	152,386	144,300	164,546	130,861	(33,685)	144,369
Mar/May	131,118	169,300	168,082	170,416	159,202	164,727	5,525	159,624
Apr/Jun	141,752	156,225	154,910	147,382	170,844			154,223
May/Jul	145,261	174,068	186,266	169,174	165,851			168,124
Jun/Aug	140,922	166,285	168,850	174,953	176,365			165,475
Jul/Sep	153,822	192,521	183,734	181,187	166,252			175,503
Aug/Oct	169,554	175,751	183,791	179,181	179,911			177,638
Sep/Nov	156,019	164,616	168,726	160,589	146,113			159,212
Oct/Dec	144,999	165,560	161,727	174,106	157,815			160,842
Nov/Jan	163,812	152,292	166,504	157,629	151,339			158,315
Dec/Feb	171,669	147,535	184,485	168,684	153,380			165,151
Total	1,766,283	1,958,559	2,044,092	1,981,855	1,924,031	429,258	(26,904)	1,934,964
YTD	2014	2015	2016	2017	2018	2019		
May 2019	378,472	463,706	485,100	468,970	456,162	429,258		

Average Collections Between 2014-2018	\$ 1,934,964
Estimated 2019	1,864,529
Estimate Based on Current Collection Rate	1,717,031
Over/(Under) at Current Collection Rate	\$ (147,498)

CITY SALES TAX
(1/4% - Recreational Facilities, effective Jan 1, 2018, ending Dec 31, 2027)

Through: May 2019

Month Collected/Received	2018	2019
Jan/Mar	132,413	133,669
Feb/Apr	164,546	130,861
Mar/May	159,202	164,727
Apr/Jun	170,844	
May/Jul	165,851	
Jun/Aug	176,365	
Jul/Sep	166,252	
Aug/Oct	179,911	
Sep/Nov	146,113	
Oct/Dec	157,815	
Nov/Jan	151,339	
Dec/Feb	153,380	
Total	1,924,031	429,258
 YTD	 2018	 2019
May 2019	456,162	429,258

Estimated 2019	\$ 1,864,529
Estimate Based on Current Collection Rate	1,717,031
Over/(Under) at Current Collection Rate	\$ (147,498)

CITY USE TAX *
(1.50% effective Jan 1, 2018, 1.25% prior years)

Through: May 2019

Month Collected/Received	2014	2015	2016	2017	2018	2019	Comparison 2018 and 2019	Average 2014-2018
Jan/Mar	77,095	38,593	39,717	41,068	55,165	72,636	17,470	50,328
Feb/Apr	75,466	47,210	36,535	41,117	44,762	50,495	5,733	49,018
Mar/May	96,096	58,503	48,686	46,167	72,113	54,298	(17,815)	64,313
Apr/Jun	68,701	45,793	49,281	40,197	78,365			56,467
May/Jul	159,678	48,767	28,682	39,300	53,770			66,039
Jun/Aug	102,766	51,635	48,787	45,665	53,546			60,480
Jul/Sep	85,830	45,551	44,854	41,455	56,892			54,916
Aug/Oct	63,160	45,296	39,447	46,047	55,103			49,810
Sep/Nov	133,417	30,449	44,789	52,239	47,492			61,677
Oct/Dec	75,031	42,577	37,236	41,623	54,762			50,246
Nov/Jan	80,456	38,250	40,162	52,663	63,649			55,036
Dec/Feb	104,997	43,804	49,866	52,544	72,797			64,802
Total	1,122,693	536,426	508,042	540,085	708,417	177,429	5,388	683,132
YTD	2014	2015	2016	2017	2018	2019		
May 2019	248,657	144,306	124,938	128,352	172,041	177,429		

Average Collections Between 2014-2018	\$ 683,132
Estimated 2019	520,000
Estimate Based on Current Collection Rate	709,715
Over/(Under) at Current Collection Rate	\$ 189,715

* Kansas imposes a use tax on items purchased outside of Kansas for use in Kansas. The rate is identical to the sales tax rate in effect where the customer takes delivery.

JOHNSON COUNTY SALES AND USE TAX
(City Share of Regular .5% County Sales/Use Tax)

Through: May 2019

Month Collected/Received	2014	2015	2016	2017	2018	2019	Comparison 2018 and 2019	Average 2014-2018
Jan/Mar	84,640	89,078	87,153	88,372	93,979	84,542	(9,437)	88,645
Feb/Apr	83,785	83,842	86,603	90,888	85,503	84,668	(835)	86,124
Mar/May	91,006	92,338	96,963	99,332	102,037	95,722	(6,314)	96,335
Apr/Jun	93,916	93,747	94,086	89,784	97,820			93,870
May/Jul	93,614	95,251	90,716	96,393	102,354			95,665
Jun/Aug	98,416	100,839	100,524	104,034	105,830			101,929
Jul/Sep	92,813	99,163	100,059	98,683	94,908			97,125
Aug/Oct	94,308	97,123	99,175	101,126	100,533			98,453
Sep/Nov	94,498	97,609	101,810	103,264	94,055			98,247
Oct/Dec	88,106	96,733	93,738	94,396	93,218			93,238
Nov/Jan	94,962	96,928	94,754	98,071	104,279			97,799
Dec/Feb	111,858	103,793	114,670	112,411	108,479			110,242
Total	1,121,922	1,146,444	1,160,251	1,176,755	1,182,993	264,932	(16,586)	1,157,673
YTD	2014	2015	2016	2017	2018	2019		
May 2019	259,431	265,258	270,720	278,593	281,518	264,932		

Average Collections Between 2014-2018	\$ 1,157,673
Estimated 2019	1,175,000
Estimate Based on Current Collection Rate	1,059,729
Over/(Under) at Current Collection Rate	\$ (115,271)

JOHNSON COUNTY PUBLIC SAFETY TAX
(City Share of 1/4% County Sales/UseTax - effective Jan 1, 1995) *

Through: May 2019

Month Collected/Received	2014	2015	2016	2017	2018	2019	Comparison 2018 and 2019	Average 2014-2018
Jan/Mar	21,160	22,270	21,788	22,093	23,495	21,136	(2,359)	22,161
Feb/Apr	20,946	20,961	21,651	22,722	21,376	21,167	(209)	21,531
Mar/May	22,751	23,085	24,241	24,833	25,509	23,931	(1,579)	24,084
Apr/Jun	23,476	23,437	23,522	22,446	24,455			23,467
May/Jul	23,404	23,813	22,679	24,098	25,588			23,916
Jun/Aug	24,604	25,210	25,131	26,009	26,458			25,482
Jul/Sep	23,203	24,791	25,015	24,671	23,727			24,281
Aug/Oct	23,577	24,281	24,794	25,282	25,133			24,613
Sep/Nov	23,625	24,402	25,452	25,816	23,514			24,562
Oct/Dec	22,027	24,183	23,434	23,599	23,305			23,310
Nov/Jan	23,741	24,195	23,689	24,518	26,070			24,442
Dec/Feb	27,965	25,912	28,667	28,103	27,120			27,553
Total	280,478	286,539	290,064	294,189	295,749	66,233	(4,146)	289,404
YTD	2014	2015	2016	2017	2018	2019		
May 2019	64,858	66,315	67,680	69,648	70,380	66,233		

Average Collections Between 2014-2018	\$ 289,404
Estimated 2019	294,000
Estimated Collection Rate	264,933
Over/(Under) at Current Collection Rate	\$ (29,067)

* This County special "Jail Tax" has no sunset date.

JOHNSON COUNTY PUBLIC SAFETY TAX
(City Share of 1/4% County Sales/Use Tax - effective Jan 1, 2009) *

Through: May 2019

Month							Comparison	Average
Collected/Received	2014	2015	2016	2017	2018	2019	2018 and 2019	2014-2018
Jan/Mar	21,160	22,270	21,788	22,093	23,495	21,136	(2,359)	22,161
Feb/Apr	20,946	20,961	21,651	22,722	21,376	21,167	(209)	21,531
Mar/May	22,751	23,085	24,241	24,833	25,509	23,931	(1,579)	24,084
Apr/Jun	23,479	23,437	23,522	22,446	24,455			23,468
May/Jul	23,404	23,813	22,679	24,098	25,588			23,916
Jun/Aug	24,604	25,210	25,131	26,009	26,458			25,482
Jul/Sep	23,203	24,791	25,015	24,671	23,727			24,281
Aug/Oct	23,577	24,281	24,794	25,282	25,133			24,613
Sep/Nov	23,625	24,402	25,452	25,816	23,514			24,562
Oct/Dec	22,027	24,183	23,434	23,599	23,305			23,310
Nov/Jan	23,741	24,232	23,689	24,518	26,070			24,450
Dec/Feb	27,965	25,948	28,667	28,103	27,120			27,561
Total	280,481	286,612	290,064	294,189	295,749	66,233	(4,146)	289,419
YTD	2014	2015	2016	2017	2018	2019		
May 2019	64,858	66,315	67,680	69,648	70,380	66,233		

Average Collections between 2014-2018	\$ 289,419
Estimated 2019	294,000
Estimate Based on Current Collection Rate	264,933
Over/(Under) at Current Collection Rate	\$ (29,067)

* This County special Public Safety tax has no sunset date.

JOHNSON COUNTY PUBLIC SAFETY TAX
(City Share of 1/4% County Sales/Use Tax - effective April 1, 2017) *
(Used for CIP Projects)

Through: May 2019

Month Collected/Received	2017	2018	2019	Comparison 2018 and 2019	Average 2017-2018
Jan/Mar	n/a	23,457	21,135	(2,322)	n/a
Feb/Apr	n/a	21,336	21,167	(170)	n/a
Mar/May	n/a	25,421	23,931	(1,491)	n/a
Apr/Jun	22,395	24,397			23,396
May/Jul	24,062	25,526			24,794
Jun/Aug	25,932	26,387			26,159
Jul/Sep	24,642	23,727			24,184
Aug/Oct	25,225	25,133			25,179
Sep/Nov	25,776	23,514			24,645
Oct/Dec	23,564	23,305			23,435
Nov/Jan	24,388	26,990			25,689
Dec/Feb	27,991	27,120			27,555
Total	223,974	296,313	66,233	(3,982)	225,036

YTD	2017	2018	2019
May 2019	n/a	70,215	66,233

Average Collections Between 2017-2018	\$	225,036
Estimated 2019		294,000
Estimate Based on Current Collection Rate		264,931
Over/(Under) at Current Collection Rate	\$	(29,069)

* This County special "Courthouse" tax will expire March 31, 2027.

**May 2019
REVENUE SUMMARY BY FUND**

Fund Number	Revenues	Budget/Est.	YTD Actual	Monthly Collections	Balance	YTD % Budget/Est.
001	General Fund	\$ 17,569,400	\$ 6,645,809	\$ 1,006,702	\$ 10,923,591	37.83%
201	Special Highway Fund	304,870	74,714	172	230,156	24.51%
202	Special Alcohol Fund	24,944	5,547	4	19,397	22.24%
203	Special Park & Rec	24,944	5,534	4	19,410	22.19%
204	Transient Guest Tax	474,150	132,582	17,967	341,568	27.96%
221	Risk Management Reserve	7,000	5,710	152	1,290	81.57%
222	Equipment Reserve Fund	740,000	323,792	58,524	416,208	43.76%
301	Capital Improvement Fund		2,449,726	561,486		
303	I-35 District CIP Fund		77,904	(78)		
401	Bond and Interest Fund	3,224,423	1,065,059	260,693	2,159,364	33.03%
402	TIFA-Merriam Town Center		-	-		
403	TIFB-I35 District		2,161,469	-		
702	Special Law Enforcement-State/Local		113	-		
TOTAL		\$ 22,369,731	\$ 12,947,959	\$ 1,905,627	\$ 14,110,983	

Average Rate of Sales Tax Collections Should Be:	25.00%
Average Rate of Other Collections Should Be:	41.67%

**May 2019
EXPENDITURE SUMMARY BY FUND**

Fund Number	Expenditures	Budget/Est. *	YTD Actual	Monthly Expenditures	Encumbrances	Balance	YTD % Budget/Est.
001	General Fund	\$ 18,876,122	\$ 6,874,504	\$ 1,741,430	\$ 586,862	\$ 11,414,756	39.53%
201	Special Highway Fund	565,000	4,032	-	1,056	559,912	0.90%
202	Special Alcohol Fund	27,000	9,100	289	-	17,900	33.70%
203	Special Park & Rec	33,000	4,348	108	-	28,652	13.17%
204	Transient Guest Tax	610,471	219,450	37,817	5,887	385,135	36.91%
221	Risk Management Reserve	30,000	17,350	3,144	-	12,650	57.83%
222	Equipment Reserve Fund	1,751,014	1,095,435	114,207	62,217	593,361	66.11%
301	Capital Improvement Fund		3,083,747	1,332,050	464,448		
303	I-35 District CIP Fund		3,045,919	1,199,219	-		
401	Bond and Interest Fund	3,191,150	495,575	-	-	2,695,575	15.53%
402	TIFA-Merriam Town Center		-	-	-		
403	TIFB-I35 District		1,230,240	-	-		
702	Special Law Enforcement-State/Local		1,455	-	-		
TOTAL		\$ 25,083,757	\$ 16,081,155	\$ 4,428,265	\$ 1,120,471	\$ 15,707,940	

Average Expenditure Rate Should Be:	41.67%
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* Excludes budgeted reserves and contingencies

May 2019
EXPENDITURE SUMMARY BY DEPARTMENT
GENERAL FUND - YEAR-TO-DATE

<u>Department</u>	<u>2019</u>			<u>2018</u>	<u>Actual 2019</u>
	<u>Annual Budget/Est.</u>	<u>Year-to-date Actual</u>	<u>% of Budget Used</u>	<u>Year-to-date Actual</u>	<u>Over/(Under) Actual 2018</u>
City Council	\$ 84,020	\$ 29,211	34.77%	\$ 27,968	\$ 1,243
Administration	1,131,434	506,852	44.80%	479,680	27,172
Municipal Court	344,967	139,716	40.50%	129,536	10,179
Info Services	474,172	175,116	36.93%	160,814	14,302
General Overhead					
General	306,200	148,200	48.40%	144,133	4,068
Utilities	263,728	72,169	27.37%	92,354	(20,184)
Property Maintenance	274,001	60,743	22.17%	94,001	(33,258)
Risk Management	191,275	-	0.00%	85,832	(85,832)
Legal	81,742	24,277	29.70%	31,616	(7,339)
Employee Benefits	47,225	9,335	19.77%	15,066	(5,731)
Interfund Transfers	4,671,806	1,923,862	41.18%	2,064,729	(140,867)
Contingency Usage *	-	-	0.00%	-	-
Police	4,190,673	1,725,873	41.18%	1,671,539	54,334
Fire	2,763,181	524,480	18.98%	506,093	18,387
Public Works	2,319,435	927,632	39.99%	843,263	84,369
Parks & Rec	898,238	286,082	31.85%	296,722	(10,640)
Aquatic Center	39,015	2,299	5.89%	39,323	(37,024)
Community Dev	795,009	318,657	40.08%	297,120	21,537
Total General Fund	<u>\$ 18,876,121</u>	<u>\$ 6,874,504</u>	<u>36.42%</u>	<u>\$ 6,979,787</u>	<u>\$ (105,283)</u>

Average Expenditure Rate Should Be:	41.67%
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* Excludes budgeted reserves and contingencies

A large, stylized number '7' is the central graphic. The top and bottom strokes are light yellow. A blue horizontal bar crosses the middle, containing the text 'INVESTMENT REPORT'. Below this bar is a decorative row of triangles in shades of orange and yellow. The right side of the '7' tapers to a point.

INVESTMENT REPORT

**Investment Listing by Maturity Date
5/31/2019**

Fund	Type	Location	Purchase Date	Par Amount	Maturity Date	Yield	Monthly Subtotal
303/901	NOW	Morrill & Janes	12/20/06	5,644,382	N/A	1.250%	\$ 5,644,382
301/901	Treasury MMA	TD Ameritrade	09/01/16	693,618	N/A	0.010%	\$ 693,618
301	AGENCY-FFCB	TD Ameritrade	06/20/16	500,000	06/20/19	1.210%	
301	TBILL	TD Ameritrade	01/31/19	3,000,000	06/27/19	2.447%	
301	AGENCY-FHLB	Country Club	11/02/17	400,000	06/28/19	1.553%	\$ 3,900,000
301	AGENCY-FHLB	Country Club	07/25/17	300,000	07/12/19	1.380%	
301	AGENCY-FHLMC	Country Club	10/25/18	675,000	07/19/19	2.580%	
301	AGENCY-FHLMC	TD Ameritrade	05/31/19	1,215,000	07/19/19	2.399%	
301	AGENCY-FHLB	TD Ameritrade	04/30/19	2,032,000	07/23/19	2.442%	
303	AGENCY-FHLMC	TD Ameritrade	07/17/18	100,000	07/30/19	2.393%	
303	TBILL	TD Ameritrade	07/13/17	500,000	07/31/19	1.353%	\$ 4,822,000
301	MUNICIPAL BOND	TD Ameritrade	02/23/17	100,000	08/01/19	1.500%	
901	AGENCY-FHLMC	TD Ameritrade	11/08/16	200,000	08/15/19	1.200%	
301	AGENCY-FHLB	TD Ameritrade	08/15/18	500,000	08/15/19	2.479%	
901	AGENCY-FNMA	TD Ameritrade	08/31/17	525,000	08/23/19	1.466%	
303	AGENCY-FHLB	TD Ameritrade	04/30/19	500,000	08/23/19	2.453%	
301	AGENCY-FHLB	TD Ameritrade	04/30/19	2,247,000	08/30/19	2.453%	
301	AGENCY-FHLB	TD Ameritrade	04/30/19	1,003,000	08/30/19	2.453%	\$ 5,075,000
901	MUNICIPAL BOND	TD Ameritrade	09/15/17	140,000	09/01/19	1.500%	
301	AGENCY-FHLMC	TD Ameritrade	07/13/17	1,000,000	09/20/19	1.535%	
301	AGENCY-FHLB	TD Ameritrade	04/30/19	3,750,000	09/23/19	2.475%	
222	AGENCY-FFCB	Country Club	10/06/17	300,000	09/26/19	1.489%	
303	AGENCY-FHLMC	TD Ameritrade	07/13/17	500,000	09/27/19	1.499%	
901	AGENCY-FNMA	TD Ameritrade	09/30/16	250,000	09/30/19	1.250%	
301/303/901	TBILL	TD Ameritrade	02/07/19	1,000,000	09/30/19	2.500%	\$ 6,940,000
301	AGENCY-FHLMC	Country Club	04/18/18	300,000	10/28/19	2.369%	
303	AGENCY-FHLMC	TD Ameritrade	10/30/17	750,000	10/30/19	1.650%	
301	AGENCY-FHLB	TD Ameritrade	04/30/19	2,750,000	10/31/19	2.453%	
303	AGENCY-FHLB	TD Ameritrade	04/30/19	1,000,000	10/31/19	2.453%	\$ 4,800,000
301	TBILL	TD Ameritrade	05/09/19	895,000	11/07/19	2.422%	\$ 895,000
222/303	AGENCY-FFCB	Country Club	07/28/17	700,000	12/26/19	1.450%	
301	AGENCY-FHLMC	TD Ameritrade	06/30/16	500,000	12/30/19	1.100%	\$ 1,200,000
901	AGENCY-FHLB	TD Ameritrade	09/07/18	570,000	01/23/20	2.613%	
221	AGENCY-FFCB	Country Club	05/25/18	350,000	01/30/20	2.430%	\$ 920,000
301	TBILL	Country Club	08/15/18	242,500	02/15/20	1.250%	
303	TBILL	Country Club	08/15/18	242,500	02/15/20	1.250%	\$ 485,000
221	AGENCY-FHLB	Country Club	03/09/18	350,000	03/06/20	2.268%	
301	AGENCY-FHLB	Country Club	03/13/18	520,000	03/13/20	2.312%	
901	AGENCY-FHLB	TD Ameritrade	11/08/16	300,000	03/13/20	1.409%	
	AGENCY-FHLB	TD Ameritrade	03/28/19	500,000	03/18/20	2.431%	
301	AGENCY-FHLB	TD Ameritrade	03/27/18	300,000	03/27/20	2.420%	\$ 1,970,000
301	AGENCY-FFCB	TD Ameritrade	10/03/17	500,000	04/03/20	1.680%	
301/222	AGENCY-FFCB	Country Club	01/25/19	650,000	04/24/20	2.560%	
303	AGENCY-FHLB	TD Ameritrade	10/30/17	500,000	04/30/20	1.750%	\$ 1,650,000

Investment Listing by Maturity Date
5/31/2019

Fund	Type	Location	Purchase Date	Par Amount	Maturity Date	Yield	Monthly Subtotal
301	AGENCY-FHLMC	TD Ameritrade	05/17/18	500,000	05/15/20	2.661%	\$ 500,000
301	AGENCY-FHLB	TD Ameritrade	11/08/18	500,000	06/12/20	2.910%	\$ 500,000
303	AGENCY-FHLB	TD Ameritrade	07/13/17	1,000,000	07/13/20	1.750%	
301	AGENCY-FFCB	TD Ameritrade	12/28/17	550,000	07/27/20	2.081%	\$ 1,550,000
301	MUNICIPAL BOND	TD Ameritrade	10/10/17	100,000	08/01/20	1.870%	\$ 100,000
	AGENCY-FHLB	TD Ameritrade	03/14/19	500,000	09/14/20	2.584%	
301	AGENCY-FHLB	TD Ameritrade	09/28/17	750,000	09/28/20	1.889%	\$ 1,250,000
303	AGENCY-FHLMC	TD Ameritrade	04/15/19	475,000	10/15/20	2.500%	
	AGENCY-FFCB	Country Club	03/08/19	400,000	10/26/20	2.490%	
301	AGENCY-FHLB	TD Ameritrade	02/01/17	100,000	10/30/20	1.800%	\$ 975,000
301	AGENCY-FHLMC	TD Ameritrade	06/08/18	250,000	11/25/20	2.770%	\$ 250,000
901	AGENCY-FHLB	TD Ameritrade	11/28/17	500,000	01/19/21	1.956%	\$ 500,000
901	AGENCY-FHLMC	TD Ameritrade	03/14/17	500,000	02/26/21	1.356%	
301	AGENCY-FHLMC	TD Ameritrade	11/16/17	515,000	02/26/21	2.000%	\$ 1,015,000
901	AGENCY-FHLB	TD Ameritrade	11/30/17	500,000	04/28/21	1.820%	\$ 500,000
301	AGENCY-FHLB	TD Ameritrade	05/28/19	235,000	05/28/21	2.420%	\$ 235,000
901	AGENCY-FHLB	TD Ameritrade	03/14/18	250,000	06/14/21	2.509%	\$ 250,000
301	AGENCY-FHLMC	TD Ameritrade	04/05/19	250,000	08/25/21	2.453%	\$ 250,000
					Weighted Yield	1.894%	<u><u>\$ 46,870,000</u></u>



INTEROFFICE MEMORANDUM

TO: MAYOR AND CITY COUNCIL
FROM: JIM MACDONALD, PUBLIC WORKS SUPERINTENDENT
SUBJECT: FEBRUARY CIP UPDATE
DATE: JUNE 10, 2019

HIGHLIGHTS

2019 Sidewalk In-Fill

Final plans and contract documents have been completed and reviewed. This project is ready to advertise for bids.

2019 CARS 67th Street Improvements

Final plans and contract documents have been completed and reviewed. Advertised for bids May 29, 2019, bid opening will be on June 17, 2019, second Public Meeting will be on July 9th, and an earliest construction start date of July 10th.

Switzer Mill and Overlay

Due to construction delays caused by the rain we've had lately, construction on the north portion of Switzer Road is scheduled to begin in mid to late July, and the south portion is anticipated to begin in late August 2019.

Mastin Drainage Improvements

Final plans and contract documents have been completed and reviewed. Advertised for bids June 3, 2019, bid opening will be on June 18, 2019, and an earliest construction start date of July 27th.

SMP bridge over Tukey Creek Repairs

Final plans and contract documents have been completed and reviewed. Advertised for bids June 10th, open bids July 1st, go to Council July 8th, pre-con mtg July 10th, and earliest NTP July 11th.

CITY OF MERRIAM PARK AND RECREATION
ADVISORY BOARD MEETING MINUTES
Tuesday, May 28th, 2019
6:00PM

Roll Call

The May meeting of the Merriam Parks & Recreation Advisory Board was called to order at 6:00 pm, by Chairperson Billy Crook. Board members in attendance included: Kathy Stull, LaVera Howard, Christopher Leitch, Thelma Fowler, Katie Leary and Grant Getzlow. Staff members in attendance included: Anna Slocum, Director; Dave Smothers, Assistant Director; Renee Nagle, Recreation Supervisor, and Ingrid Berg, Assistant Program Coordinator.

Public Comments

There was no one present for public comments.

Approval of Meeting Minutes

Christopher Leitch made a motion to accept the April meeting minutes and Kathy Stull seconded the motion; motion was approved unanimously.

Staff Reports

Director's Report

Community Center Update

Staff is attending weekly OAC meetings to stay updated on construction progress. These meetings are also used to problem solve and share input on design conflicts as well as recommend changes based on availability of product. Depending on the weather, the garage should have all structural components completed next week. The south natatorium foundation wall is set. They have been alternating digging piers and footings with setting foundation walls as the weather permits as some things are easier to do in the rain than others. Board members and staff watched the April drone video from McCarthy.

Update City Council Direction May Meeting

The proof of residency definition that Park Board recommended passed unanimously with one minor change to add being able to use state issued identification as well as valid driver's license. The household definition passed unanimously with City Council encouraging an "add-on fee" for households of more than six. Council members approved the room names suggested for new community center (banquet-Founders Room- with Campbell, Kessler, Loomis; Classroom-Ester Brown Room; Party Rooms-Trolley and Depot; Conference Room-Walker School Room). The By-Laws changes that were suggested passed unanimously with the exception of virtual link for Park Board meetings. Park Board requested guidance on the direction for virtual link-up. Three points were shared:

- 1) Although it does provide opportunity to participate, there needs to be strict guidelines to prevent abuse
- 2) It would allow younger demographics more flexibility, but timing with the current technology capabilities is challenging.
- 3) It does set a precedent for other committees within the city.

The direction provided was to wait on this change until settled in the new building and staff has a chance to understand the interface with technology then create a policy for use. It is also recommended to revisit the number absences allowed when developing this policy.

Turkey Creek Car and Motorcycle Show Update

The Car Show is scheduled for Saturday, September 14th this year. The committee has been meeting the second Wednesday of each month. The logo has been finalized and sponsorship for inclusion in all print materials has concluded. To date there has been \$4,600 received in sponsorship with an additional \$1,000 committed but not yet received. In addition, in-kind sponsorship included \$1,000 in door prizes, free printing of the calendar, and use of an extended sound system at no charge. The calendar that is given to all registrants is being finalized as is the T-shirt color and fabric. Registration forms will be mailed to past participants in June. The committee focus will now shift to finalizing day of event logistics.

Assistant Director's Report

Reports

Farmers' Market Monthly Update

The number of shoppers for the first three weeks combined is 336 (as compared with 632 for 2018). June, July and August are the busier months. There are still open stalls and there has been about three daily vendors each Saturday.

Upcoming Events

Tim Murphy Art Gallery

North American Spirit is the June show with the opening night reception scheduled for Thursday, June 6th from 7-8:30 pm. The show is a unique in that several pieces are a "team effort" between artists Irene Schomacker and Kay Tucker.

Recreation Supervisor's Report

Upcoming Events

Party in YOUR Park-Quail Creek

This event is scheduled for Friday, June 21st from 6:30-8:30 pm at Quail Creek Park (7024 Grandview Ave).

The band will be Beauty and the McBeest, the face painter and inflatable are confirmed. The menu is changing to pulled chicken and pulled pork sandwiches.

New Business

Park Board Vacancy

Four applications have been received and the selection process has begun.

Revenue Guidelines / Pricing Discussion

This discussion was tabled as it is aided by a Power Point presentation which was unable to be shown due to severe storms forcing the meeting to relocate to the storm shelter of the building.

Other Business

5701 Steering Committee Update

The committee met after the public meeting on April 29th to discuss results. It seems the largest interest is for outdoor usage.

Art Committee Update

*Art Project #3 - Waterfall Park-Selection was "Hmmm." The project was installed in April, a month later than contract mostly due to weather. There is a little work still required with landscaping and lighting which is slated to be complete in early May. Dedication date to be determined.

*Art Project #4 - City Hall Façade and lobby. On February 18th the committee met with outside design consultants to discuss areas for improvement for both the outside and inside of City Hall as well as looking at specific art projects. On March 7th they had a meeting for consultants present their ideas. At the March 28th meeting the committee prioritized

suggestions and agreed to base decision on budget plus other factors. It was decided to choose a piece for the outside first and this recommendation will be taken to City Council. The final selection is to be determined.

*Art Project #5 – Community Center-There will be three pieces of art, two in the courtyard entry leading into the community center and one on the two story wall of the parking structure. On February 8th the committee was provided submissions from approximately 126 potential selections. They met again on February 16th and selected six. On May 4th those six were invited to make in-person presentations and five of the six came. At end of day, the artist selection was made and staff are working with the artist to complete contracts that will go before City Council for approval.

Adjournment

LaVera Howard moved to adjourn the meeting at 7:13 pm due to weather threats of tornados and Katie Leary seconded; motion was approved unanimously.

DRAFT

CITY COUNCIL SUGGESTED MOTIONS FOR YOUR CONSIDERATION

CONSENT AGENDA

- 1. Move that the council approve Consent Agenda item 1.**

MAYOR'S REPORT

- 1. No motion.**
- 2. No motion.**

FINANCE AND ADMINISTRATION

- 1. No motion. (first reading)**
- 2. Move that the council approve the creation and authorize the hiring of three new positions for the new community center.**
- 3. No motion.**
- 4. No motion**

COMMUNITY DEVELOPMENT/PUBLIC WORKS

- 1. No motion.**