

MERRIAM CITY COUNCIL AGENDA
CITY HALL
9001 WEST 62ND STREET
September 13, 2021
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.*** In accordance with the *Governing Body Rules of Procedure*, the City reserves the right to refuse Public Comments that are personal, impertinent or slanderous.

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 so requests, in which case that item will be removed from the Consent Agenda and considered separate.

1. Consider approval of the minutes of the City Council meeting held August 23, 2021.

V. MAYOR'S REPORT

1. Proclamation – Hispanic Heritage Month

VI. COUNCIL ITEMS

1. Consider approval of a resolution amending Section 7.02 - Holidays of the Employee Handbook.
2. Consider approval of an ordinance amending section 2-23 of the Merriam Code of Ordinances. (first reading)

3. Consider approval of an ordinance amending Chapter 26 of the Merriam Code of Ordinances related to stormwater best management practices (BMP). (first reading)
4. Consider approval of the use of contingency funds for Police Department HVAC repairs.
5. CIP Update.

VII. STAFF ITEMS

VIII. EXECUTIVE SESSION

IX. ADJOURNMENT

Respectfully submitted,

Juliana Pinnick

City Clerk

**MERRIAM CITY COUNCIL MINUTES
CITY HALL
9001 WEST 62ND STREET
August 23, 2021
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
Chris Evans Hands
Bruce Kaldahl
Brian Knaff
David Neal
Bob Pape
Jason Silvers
Whitney Yadrich

Staff present: Chris Engel, City Administrator; Ryan Denk, City Attorney; Jennifer Jones-Lacy, Assistant City Administrator; Jim MacDonald, Public Works Director; Jenna Gant, Communication and Public Engagement Manager; Bryan Dyer, Community Development Director; Donna Oliver, Finance Director; Anna Slocum, Parks & Recreation Director; Bryan Dehner, Fire Chief; Darren McLaughlin, Police Chief 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.*** In accordance with the *Governing Body Rules of Procedure*, the City reserves the right to refuse Public Comments that are personal, impertinent or slanderous.

There were no public comments.

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 so requests, in which case that item will be removed from the Consent Agenda and considered separate.

1. Consider approval of the minutes of the City Council meeting held August 9, 2021.

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

V. MAYOR'S REPORT

Mayor Sissom announced that long-time resident Melvin Quinn passed away recently. Mr. Quinn regularly attended the City Council meetings and initially brought forward a drainage issue in his neighborhood which the City was able to get fixed. He was a veteran, and a cancer survivor; he will be missed.

Mayor Sissom announced that another long-time resident passed away, Bill Nye was a resident of Edelweiss and one of the original residents of the neighborhood. Bill served on the Planning Commission, BZA and City Council. Bill was 90 years old.

1. Consider approval of a resolution endorsing the Climate Action Plan.

Assistant City Administrator Jennifer Jones-Lacy presented the background for this item.

At the Council meeting on July 26th, Karen Clawson with MARC's Environmental Program presented the Regional Climate Action Plan which provides a voluntary framework to guide and align local climate action in ways that make a difference for the entire region.

The Plan provides a set of strategies that have a goal of net zero greenhouse gas emissions by 2050. The attached resolution endorses the plan and states that the City will work to review and implement the solutions outlined in the plan as appropriate for our community. The plan will be reviewed and discussed as a possible roadmap for action as part of Merriam's new Green Team initiative.

COUNCILMEMBER YADRICH MOVED THAT THE COUNCIL APPROVE A RESOLUTION ENDORSING THE CLIMATE ACTION PLAN. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

VI. PUBLIC HEARING - Public Hearing to receive comments regarding the City exceeding the revenue neutral mill rate.

1. Consider approval of a resolution acknowledging the City's intent to exceed the revenue neutral rate.

Finance Director Donna Oliver reviewed the requirements and reasons the City will exceed the revenue neutral rate.

Mayor Sissom opened the Public Hearing at 7:14 pm. There were no public comments. The Public Hearing closed at 7:15 pm.

COUNCILMEMBER PAPE MOVED THAT THE COUNCIL APPROVE A RESOLUTION TO LEVY A PROPERTY TAX LEVY EXCEEDING THE REVENUE NEUTRAL RATE. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

VII. PUBLIC HEARING – Public Hearing for 2022 Budget

1. Consider approval of a resolution adopting the 2022 Budget.

Finance Director Donna Oliver reviewed the proposed 2022 Budget.

Mayor Sissom opened the Public Hearing at 7:30 pm.

Billy Croan, 6636 Wedd St. commented that the CIP Budget includes a drainage project for West Vernon Place. He suggested including Timber Ridge in that project as there are drainage issues in that neighborhood as well.

The Public Hearing closed at 7:23 pm.

COUNCILMEMBER PAPE MOVED THAT THE COUNCIL APPROVE THE 2022 BUDGET. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

VIII. COUNCIL ITEMS

1. Agenda Management Software Presentation.

Assistant City Administrator Jennifer Jones-Lacy reviewed the process staff conducted before selecting iCompass agenda software. She presented an overview of the software and reasons for selecting iCompass. The fee for the software is \$7,500 per year. The cost for the software is within the City Administrators authority to approve and does not require council approval. Once the contract is executed, staff will begin the implementation process.

2. Consider approval of a supplemental agreement with BHC for additional sidewalk design.

Public Works Director Jim MacDonald presented the background for this item.

On May 10, 2021 the City entered into an agreement with BHC to provide professional services for the design and engineering of the 55th Street improvements scheduled to be constructed in 2022. City Council previously approved \$230,979 for the original agreement.

After the site-walk through and design meeting it was determined the original scope of work did not include the five or six foot sidewalks on the south side of 55th Street per the recommendation of the 2040 Comprehensive Plan that was adopted on March 22, 2021 by City Council.

The south side of 55th Street from Switzer to Merriam Drive has many challenges, there are utility conflicts, limited ROW, and various elevations that may include retaining walls. This will require additional surveys, engineering, and ROW and easement tract maps. The approval of this agreement in the amount of \$40,116 will bring our total 55th street design and engineering contract to \$271,095.

The original construction budget did not include these changes therefore; additional construction funds may be needed to cover these changes.

COUNCILMEMBER PAPE MOVED THAT THE COUNCIL APPROVE A SUPPLEMENTAL AGREEMENT WITH BHC ENGINEERING FOR ADDITIONAL SIDEWALK DESIGN. COUNCILMEMBER DIEBOLD SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

3. Monthly Finance Report.

Finance Director Donna Oliver presented the Finance Report for the month of July.

4. Community Development Update.

Community Development Director Bryan Dyer presented the following updates:

Bob's Discount Furniture is scheduled to open in early September.

The Downtown Merriam Grant Committee will be conducting walking tours next week. There are three opportunities for people to participate.

The Bike /Pedestrian planning committee will meet with the consultant this week.

Staff has begun outreach for the new driveway grant program.

IX. STAFF ITEMS

1. Sale of Fire truck to Overland Park Fire Department.

City Administrator Chris Engel provided the background for this item.

In 2021 the City took delivery of a new Pierce Fire Engine that replaced the 20-yr old Engine E426. As a result, Engine E426 is no longer required for Merriam fire operations and considered "surplus property" in need of disposal. As the City was determining how to best dispose of the Engine, OPFD approached the City and asked if we would consider negotiating a sale of the Engine directly to Overland Park for training purposes. Due to its age, E426 lacks many of the technological "bells and whistles" of modern fire apparatus which makes it perfect for training purposes.

OPFD has long been a regional leader in their commitment to training current and future firefighters. They maintain a world-class training facility, had a long relationship with the Fire Academy at Johnson County Community College and currently facilitate a Fire Sciences Program within the Blue Valley School District. This dedication to a well-trained and professional staff was one of the key drivers of the Merriam-OPFD merger; well-trained OPFD staff directly benefit Merriam residents.

After market research into the resale value of similarly aged and equipped apparatus, staff has been advised by a national reseller of used fire trucks that \$20,000 is a baseline fair market value.

Administrative Regulation No. 5 – Disposal of Surplus Property governs how city staff should dispose of such property and requires City property with a value greater than \$5,000 be sold via competitive bid. However, the Policy

also lists transfer of surplus property to another department as “the best method of disposition.”

The City Administrator is authorizing the waiver of the Administrative Policy and intends to proceed with the sale after appropriate paperwork and documentation is drafted.

Fire Chief Bryan Dehner commented that the truck will be used for a variety of training including students at Blue valley High School and the community college Fire Science program.

X. EXECUTIVE SESSION

XI. ADJOURNMENT

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL,
COUNCILMEMBER PAPE MOVED TO ADJOURN AT 7:55 PM.
COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS
UNANIMOUSLY APPROVED.**

Respectfully submitted,
Juliana Pinnick
City Clerk

PROCLAMATION

WHEREAS, the City of Merriam is welcoming and inclusive and dedicated to improving the quality of life for those we serve; and

WHEREAS, what began in 1968 as Hispanic Heritage Week under President Johnson and was expanded by President Reagan in 1988 to cover a 30-day period starting on September 15, the United States observes Hispanic Heritage Month; and

WHEREAS, Hispanic Heritage Month celebrates the histories, cultures and contributions of those whose ancestors were indigenous to North America as well as Spain, Mexico, the Caribbean, and Central and South America; and

WHEREAS, the purpose of Hispanic Heritage Month is to create awareness of the contributions of people of Hispanic Heritage to the American culture. Many people of Hispanic Heritage serve as civil rights leaders and community organizers, politicians, teachers, journalists, first responders, artists, healthcare professionals, athletes, inventors, entertainers, and more; and

WHEREAS, Hispanic Heritage Month is tied to the celebration of the rich tapestry of our community and reflects an array of distinct cultures;

NOW, THEREFORE, I, Ken Sissom, on behalf of the Merriam City Council, do hereby proclaim September 15 - October 15, 2021 as

Hispanic Heritage Month

and encourage our community to join us in celebrating the great contributions of Hispanic and Latino Americans to our city, state, and nation.

Proclaimed this 13th day of September, 2021.



ATTEST

Ken Sissom, Mayor

Juliana Pinnick, City Clerk



AGENDA ITEM INFORMATION FORM

AGENDA ITEM: Consider approval of a resolution amending section 7.02 – Holidays, of the Employee Handbook

SUBMITTED BY: Juli Pinnick, City Clerk

MEETING DATE: September 13, 2021

PROJECT BACKGROUND/DESCRIPTION:

The City of Merriam Employee Handbook Section 7.02 lists the City observed holidays but also states that the Governing Body designates holidays each year via resolution, which gives the indication that the holidays could vary.

The City Holiday schedule rarely varies. However, some years when the Christmas holiday falls on a Tuesday or Thursday, often the Monday prior or Friday following the holiday is granted as an extra holiday. Rather than having to determine each year if these extra days will be granted, the following suggested language for the Employee Handbook would outline how that occurs :

*When December 25 falls on a Tuesday then, Monday, December 24 is observed as an additional holiday.
When December 25 falls on a Thursday, then Friday, December 26 is observed as an additional holiday.*

Having this set in the Handbook policy will assist staff in scheduling coverage for those years when the additional holiday occurs well in advance and will be consistent each year.

Juneteenth became a federal holiday in June 2021. This holiday commemorates the day when the last African America slaves in the United States were informed of their freedom in 1865. The City Administrator suggested adding Juneteenth as an observed City holiday.

Adopting this policy change will provide nine regular paid holidays annually, with an occasional 10 holidays in some years. Having the holidays set by the policy will allow the official City holidays to be listed on the City's website as calendar items as well as clearly outlining holiday hours for buildings that are open on holidays on a more permanent basis. There will also no longer be a need to come to Council for approval on an annual basis.

CITY COUNCIL GOALS AND OBJECTIVES

2.2: Recruit and retain the best talent available within NE Johnson County

FINANCIAL IMPACT

Amount of Request/Contract: N/A

Amount Budgeted: N/A

Funding Source/Account #: N/A

SUPPORTING DOCUMENTS

- Copy of section 7.02 of the Employee Handbook with outlined changes
- Resolution amending the Employee Handbook of Merriam, Kansas

ACTION NEEDED/STAFF RECOMMENDATION

Approve the resolution adopting the amended policy.

City of Merriam Employee Handbook

Chapter Title: Leave Time
Chapter Number: 7
Section Title: Holidays
Section Number: 7.02
1326, 202106

Effective Date: January 1, 2005
Revision Date: September June

Holidays

The following holidays are typically observed by the City. ~~At the end of each year, the Governing Body designates by resolution the holidays to be observed for the following year.~~

New Year's Day, January 1st

Martin Luther King, Jr. Day, 3rd Monday in January

Memorial Day, last Monday in May

Juneteenth, June 19th

Independence Day, July 4th

Labor Day, 1st Monday in September

Thanksgiving Day and the day after, 4th Thursday in November and the next day

Christmas Day, December 25th

Formatted: Superscript

A recognized holiday that falls on a Saturday will be observed on the preceding Friday.

A recognized holiday that falls on a Sunday will be observed on the following Monday.

When December 25 falls on a Tuesday then, Monday, December 24 is observed as an additional holiday. When December 25 falls on a Thursday, then Friday, December 26 is observed as an additional holiday.

Payment for Holidays

The City will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification. Regular full-time employees and Fire Department shift employees will receive eight (8) hours holiday pay. Benefit-eligible part-time employees will receive holiday pay on a pro-rated basis equal to the number of hours they normally and regularly work.

This handbook and the personnel policies referenced do not constitute or imply a contract, agreement, promise or guarantee of employment or continued employment. The City reserves the right to change these policies at any time and without prior notice to employees.

Eligibility for holiday pay requires that the employee be in paid status the scheduled workday before and after the holiday.

All FLSA non-exempt benefit-eligible employees who are required to work on a city-observed holiday shall be paid holiday pay plus time and one-half their regular rate of pay for all hours worked on the observed holiday. Fire Department shift employees shall be paid time and one-half their regular rate of pay plus their regular compensation for all hours worked on the observed holiday. All FLSA exempt benefit-eligible employees will receive their normal weekly salary during a week that includes an observed holiday(s), whether or not they work on the day the holiday is observed.

If the designated and observed holiday differs from the actual holiday, employees who only work on the actual holiday will receive time and one-half their regular rate of pay for the time worked on the holiday in addition to the holiday pay (for the observed holiday). An employee who works both the City observed and designated holiday and the actual holiday will only be paid time and one-half for the hours worked on actual holiday or the observed holiday, but not both.

Illustrations

City observed and designated holiday is Friday.

Actual holiday is Saturday.

1. Employee works a regular eight (8) hours shift. Employee works his/her regular shift on Friday and Saturday is the employee's regularly scheduled day off.

Employee will be paid for eight (8) hours *holiday pay*, eight (8) hours at time and one-half for hours actually worked on Friday, and receive no compensation for Saturday (day off). Total compensation: 20 hours.

2. Employee works a regular eight (8) hours shift. Employee's regular day off is Friday. Employee works his/her regular shift on Saturday (actual holiday).

Employee will be paid for eight (8) hours *holiday pay*, no compensation for Friday, and time and one-half for all hours actually worked on Saturday. Total compensation: 20 hours.

3. Employee works a regular eight (8) hour shift. Employee's regular work schedule includes working both Friday and Saturday. Employee works a regular shift on both days.

This handbook and the personnel policies referenced do not constitute or imply a contract, agreement, promise or guarantee of employment or continued employment. The City reserves the right to change these policies at any time and without prior notice to employees.

Employee will be paid for eight (8) hours *holiday pay*, eight (8) hours at time and one-half for *either* Friday or Saturday, and eight (8) hours at straight time for *either* Friday or Saturday. Total compensation: 28 hours.

This handbook and the personnel policies referenced do not constitute or imply a contract, agreement, promise or guarantee of employment or continued employment. The City reserves the right to change these policies at any time and without prior notice to employees.

RESOLUTION NO. _____

A RESOLUTION ADOPTING AN AMENDMENTS TO THE “EMPLOYEE HANDBOOK OF MERRIAM, KANSAS” PURSUANT TO SECTION 2-60 OF THE CODE OF ORDINANCES OF THE CITY OF MERRIAM, KANSAS.

WHEREAS, Section 2-60 of the Code of Ordinances provides that the “Employee Handbook of Merriam, Kansas” be adopted for the purpose of establishing personnel rules and regulations for the City;

WHEREAS, Section 2-60 further provides that such rules and regulations may be amended from time to time by resolution; and

WHEREAS, the Governing Body determines that it is advisable to amend said rules and regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF MERRIAM, KANSAS THAT:

Section 1. Amendment. The Employee Handbook of Merriam, Kansas is hereby amended to read as set forth in Exhibit 1, attached hereto and incorporated herein by reference.

Section 2. Official Copy. In accordance with Section 2-60 of the Merriam Code, each “Official Copy” of the Employee Handbook of Merriam, Kansas on file with the City Clerk and each official department copy of said handbook, shall be updated to include the amendment adopted hereby.

Section 3. Effective Date. This Resolution and the amendment to the “Employee Handbook of Merriam, Kansas” policy 7.02 set forth herein shall take effect immediately.

ADOPTED by the Governing Body this _____ day of _____, 2021.

(SEAL)

Ken Sissom, Mayor

ATTEST:

Juliana Pinnick, City Clerk

Exhibit 1

City of Merriam

Employee Handbook

Chapter Title: Leave Time

Chapter Number: 7

Section Title: Holidays

Section Number: 7.02

Effective Date: January 1, 2005

Revision Date: September 13, 2021

Holidays

The following holidays are observed by the City.

New Year's Day, January 1st

Martin Luther King, Jr. Day, 3rd Monday in January

Memorial Day, last Monday in May

Juneteenth, June 19th

Independence Day, July 4th

Labor Day, 1st Monday in September

Thanksgiving Day and the day after, 4th Thursday in November and the next day

Christmas Day, December 25th

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

When December 25 falls on a Tuesday then, Monday, December 24 is observed as an additional holiday. When December 25 falls on a Thursday, then Friday, December 26 is observed as an additional holiday.

Payment for Holidays

The City will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification. Regular full-time employees and Fire Department shift employees will receive eight (8) hours holiday pay. Benefit-eligible part-time employees will receive holiday pay on a pro-rated basis equal to the number of hours they normally and regularly work.

Eligibility for holiday pay requires that the employee be in paid status the scheduled workday before and after the holiday.

All FLSA non-exempt benefit-eligible employees who are required to work on a city-observed holiday shall be paid holiday pay plus time and one-half their regular rate of pay for all hours worked on the observed holiday. Fire Department shift employees shall be paid time and one-half their regular rate of pay plus their regular compensation for all hours worked on the observed holiday. All FLSA exempt benefit-eligible employees will receive their normal weekly salary during a week that includes an observed holiday(s), whether or not they work on the day the holiday is observed.

If the designated and observed holiday differs from the actual holiday, employees who only work on the actual holiday will receive time and one-half their regular rate of pay for the time worked on the holiday in addition to the holiday pay (for the observed holiday). An employee who works both the City observed and designated holiday and the actual holiday will only be paid time and one-half for the hours worked on actual holiday or the observed holiday, but not both.

Illustrations

City observed and designated holiday is Friday.

Actual holiday is Saturday.

1. Employee works a regular eight (8) hours shift. Employee works his/her regular shift on Friday and Saturday is the employee's regularly scheduled day off.

Employee will be paid for eight (8) hours *holiday pay*, eight (8) hours at time and one-half for hours actually worked on Friday, and receive no compensation for Saturday (day off). Total compensation: 20 hours.

2. Employee works a regular eight (8) hours shift. Employee's regular day off is Friday. Employee works his/her regular shift on Saturday (actual holiday).

Employee will be paid for eight (8) hours *holiday pay*, no compensation for Friday, and time and one-half for all hours actually worked on Saturday. Total compensation: 20 hours.

3. Employee works a regular eight (8) hour shift. Employee's regular work schedule includes working both Friday and Saturday. Employee works a regular shift on both days.

Employee will be paid for eight (8) hours *holiday pay*, eight (8) hours at time and one-half for *either* Friday or Saturday, and eight (8) hours at straight time for *either* Friday or Saturday. Total compensation: 28 hours.



AGENDA ITEM INFORMATION FORM

AGENDA ITEM: Consider approval of an ordinance amending Section 2-23 of the Merriam Code of Ordinances (first reading)

SUBMITTED BY: Juli Pinnick, City Clerk

MEETING DATE: September 13, 2021

PROJECT BACKGROUND/DESCRIPTION:

Merriam Code of Ordinances Section 2-23 states:

*The city council shall hold regular meetings on the second and fourth Monday of each month at 7:00 p.m.; provided, however, that when the day fixed for any regular meeting shall fall upon a day designated by law as a **legal** or **national** holiday, or when otherwise deemed necessary or appropriate by the city council, such meeting may be canceled or rescheduled following the passage of a resolution so indicating.*

The City has official holidays and City offices are typically closed on official City holidays. When a City Council meeting falls on an official City holiday, a resolution is passed to cancel the City Council meeting. There are Federal (national) and State holidays (legal) which are designated by law, but may not be an official City holiday. An example of a national or legal holiday not observed by the City would be Columbus Day (October 11), President's Day (February 15) and Veteran's Day (November 11). Quite often these holidays fall on a City Council meeting day and because City offices are open, the City Council meeting is held. This practice does not follow City Code. In an effort to better reflect our current practice, it is suggested that the City Code be changed to require the cancellation of meeting on an official City holiday rather than a legal or national holiday.

CITY COUNCIL GOALS AND OBJECTIVES

FINANCIAL IMPACT

Amount of Request/Contract: N/A

Amount Budgeted: N/A

Funding Source/Account #: N/A

SUPPORTING DOCUMENTS

- Current Code with proposed change
- Ordinance

ACTION NEEDED/STAFF RECOMMENDATION

Approve an ordinance amending section 2-23 of the Merriam Code of Ordinances.(first reading)

Sec. 2-23. - Regular meetings.

The city council shall hold regular meetings on the second and fourth Monday of each month at 7:00 p.m.; provided, however, that when the day fixed for any regular meeting shall fall upon a day designated by law as a legal or national as an official City holiday, or when otherwise deemed necessary or appropriate by the city council, such meeting may be canceled or rescheduled following the passage of a resolution so indicating. Furthermore, a regular meeting of the city council may be canceled or rescheduled whenever the mayor deems it appropriate due to special circumstances including, but not limited to, a lack of agenda items or inclement weather, or upon the written request of three councilmembers with approval of the mayor. Notice of such cancellation shall be conspicuously posted at city hall at the scheduled time of the canceled meeting and, if feasible, notice of the cancellation should be given to those individuals who have requested notice of city council meetings pursuant to the Kansas Open Meetings Act. In no event shall there be less than one regular meeting of the city council per month.

(Code 1967, § 2-21; Ord. No. 1146, § 1, 11-16-1992; Ord. No. 1439, § 1, 2-24-2003; Ord. No. 1443, § 1, 5-12-2003; Ord. No. 1631, § 1, 12-28-2009; Ord. No. 1647, 7-12-2010)

State Law reference— Similar provisions, K.S.A. 14-111 .

ORDINANCE NO._____

AN ORDINANCE AMENDING SECTION 2-23 OF THE CODE OF ORDINANCES OF THE CITY OF MERRIAM, KANSAS

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

Section 1. That section 2-23 of the Code of Ordinances, City of Merriam, Kansas, is hereby amended to read as follows:

Sec. 2-23. Regular meetings.

The city council shall hold regular meetings on the second and fourth Monday of each month at 7:00 p.m.; provided, however, that when the day fixed for any regular meeting shall fall upon a day designated as an official City holiday, or when otherwise deemed necessary or appropriate by the city council, such meeting may be canceled or rescheduled following the passage of a resolution so indicating. Furthermore, a regular meeting of the city council may be canceled or rescheduled whenever the mayor deems it appropriate due to special circumstances including, but not limited to, a lack of agenda items or inclement weather, or upon the written request of three councilmembers with approval of the mayor. Notice of such cancelation shall be conspicuously posted at city hall at the scheduled time of the canceled meeting and, if feasible, notice of the cancelation should be given to those individuals who have requested notice of city council meetings pursuant to the Kansas Open Meetings Act. In no event shall there be less than one regular meeting of the city council per month.

Section 2. Severability. If any part or parts of this Ordinance shall be held to be invalid, such invalidity shall not affect the validity of the remaining parts of this Ordinance. The Governing Body hereby declares that it would have passed the remaining parts of this Ordinance if it would have known that such part or parts thereof would be declared invalid.

Section 3. Repeal. That section 2-23 of the Code of Ordinances, City of Merriam, Kansas, as it existed before the above amendment is hereby repealed.

Section 4. Existing Sections. Those sections of Chapter 2 of the Code of Ordinances, City of Merriam, Kansas not heretofore repealed shall remain in full force and effect.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the official City newspaper, all as provided by law.

PASSED by the Governing Body this _____ day of _____, 2021.

APPROVED AND SIGNED by the Mayor this _____ day of _____, 2021.

Ken Sissom, Mayor

ATTEST:

Juliana Pinnick, City Clerk

APPROVED AS TO FORM:

Ryan B. Denk, City Attorney



MERRIAM

AGENDA ITEM INFORMATION FORM

AGENDA ITEM: Consider approval of an ordinance amending Chapter 26 - Environment of the Code of Ordinances of the City of Merriam by adopting stormwater best management practices (BMP). (First reading)

SUBMITTED BY: Bryan P. Dyer, Community Development Director

MEETING DATE: September 13, 2021

PROJECT BACKGROUND/DESCRIPTION:

In 2019, the Kansas Department of Health and Environment (KDHE) issued the City its new National Pollutant Discharge Elimination System (NPDES) Water Pollution and Control Permit and increased the regulation and reporting standards for local entities. The first part of this year, the City submitted a Stormwater Master Plan (SMP) that meets the new criteria. NPDES requires local government to regulate and improve the quality of stormwater entering streams, rivers, lakes, etc.

The SMP states that the city will adopt stormwater best management practices (BMP). In order to meet this requirement, the City needs to adopt the Kansas City Metropolitan Chapter of American Public Works (APWA) and Mid-American Regional Council's (MARC) Manual of Best Management Practices for Stormwater Quality (BMP Manual) and Standard Specifications and Design Criteria, Division V, Section 5100 – Erosion and Sediment Control (APWA 5100) as adopted by the Kansas City Metropolitan Chapter of APWA. These documents have been adopted by most of the Johnson County communities. Merriam is the remaining metro Johnson County community that has not adopted BMP standards.

The adoption of these two documents will change Merriam's development process. The City already requires construction activities to meet APWA 5100 standards. The biggest change to the development process will be meeting the BMP Manual standards. Currently, staff works with new development to provide some level of BMPs. With the adoption of this ordinance, new development (that is not exempt) will be required to submit a report quantifying how it will meet the BMP Manual's stormwater quality standards. Each year, owners of BMPs will have to supply the City with a certification by a professional engineer that the BMPs are fully functional and in good repair.

If approved, the ordinance will go into effect on January 1, 2022.

CITY COUNCIL GOALS AND OBJECTIVES

- 1.3 Encourage participation in sustainability initiatives including economic, environmental, and social sustainability

FINANCIAL IMPACT

Amount of Request/Contract: _____

Amount Budgeted: _____

Funding Source/Account #: _____

SUPPORTING DOCUMENTS

Draft ordinance

ACTION NEEDED/STAFF RECOMMENDATION

This is a first reading. No action required.

ORDINANCE NO. _____

AN ORDINANCE RELATING TO IMPROVING THE QUALITY OF STORMWATER RUNOFF INTO THE CITY'S STORMWATER CONVEYANCE SYSTEM (MS4) AND MEETING NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REQUIREMENTS WITHIN THE CITY OF MERRIAM, KANSAS, AMENDING CHAPTER 26 - ENVIRONMENT OF THE CODE OF ORDINANCES OF THE CITY OF MERRIAM, KANSAS.

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

SECTION 1. Sec. 26-201 the existing definition is hereby replaced with the following:

Best Management Practice (BMP) means a practice used to prevent or control the discharge of pollutants and minimize runoff to the surface waters of the U.S. BMPs may include structural or non-structural solutions, a schedule of activities, prohibition of practices, maintenance procedures, or other management practices.

SECTION 2. Sec. 26-201 the following definition is hereby added to the section:

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials with the following possible exceptions:

- (1) Additions to, improvements, and repairs of existing single-family and duplex dwellings.
- (2) Construction of any buildings, structures, or appurtenant service roads, drives, and walks on a site having previously provided stormwater control as part of a larger unit of development.
- (3) Remodeling, repair, replacement, and improvements to any existing structure or facility and appurtenances that does not cause an increased area of impervious surface on the site in excess of ten percent of that previously existing.
- (4) Improvement on any site having a gross land area of one acre or less, regardless of land use.
- (5) Construction of any one new single-family or duplex dwelling unit, irrespective of the site area on which the same may be situated.

Based upon the proposed scope, location, and/or type of activity, the community development director can determine that said activity is not exempted from the definition of development.

SECTION 3. Chapter 26 - Environment of the Code of Ordinances of the City of Merriam, Kansas, is hereby amended to add the following:

Sec. 26-207. Manual of Best Management Practices for Stormwater Quality.

(a) The standards for the management and regulation of stormwater water quality for development are established by the Manual of Best Management Practices for Stormwater Quality including all appendices, amendments, and updates, herein referred to as the “BMP Manual”, as published by the Kansas City Chapter of the American Public Works Association and the Mid-America Regional Council.

(b) The community development director may waive or modify any of the BMP Manual standards to encourage the implementation of alternative or innovative practices that implement the intent of the modified standards and provide equivalent public benefits without significant adverse impacts on surrounding developments. Such modifications may be granted for issues including, but not limited to:

- (1) Development that is redevelopment or infill.
- (2) Approval of alternative materials, devices, techniques, details or specifications for individual treatment facilities that would be expected to provide similar or better performance.
- (3) Evaluations of credits, ratings or level of service calculations to account for unique or special technical considerations.
- (4) Corrections, clarifications or modifications to requirements which the community development director has found to give inadequate or undesirable performance.

Sec. 26-208. Maintenance of BMPs and associated facilities installed after January 1, 2022.

On or before January 1st of each year, owners of completed permanent BMPs and associated facilities shall furnish to the community development director a certification by a professional engineer licensed in Kansas that the BMPs and all associated facilities are fully functional and in good repair.

Sec. 26-209. Erosion and Sediment Control.

The standards for regulation of erosion and sediment controls for construction activities are established by the Standard Specifications and Design Criteria, Division V, Section 5100 – Erosion and Sediment Control including as adopted by the Kansas City Metropolitan Chapter of the American Public Works Association herein referred to as the “APWA 5100”.

SECTION 4. Existing Sections. Those sections of Chapter 26 of the Code of Ordinances of the City of Merriam, Kansas not heretofore repealed or not amended hereby shall remain in full force and effect.

SECTION 5. 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 6. Take Effect. This ordinance shall be in full force and effect from and after its passage, approval, and publication in the official city newspaper, but not prior to January 1, 2022, all as provided by law.

PASSED BY THE City Council the _____ day of _____, 2021.

APPROVED BY THE Mayor this _____ day of _____, 2021.

Ken Sissom, Mayor

(SEAL)

ATTEST:

Juliana Pinnick, City Clerk

APPROVED AS TO FORM

Ryan Denk, City Attorney



AGENDA ITEM INFORMATION FORM

AGENDA ITEM: Approve allocation of contingency funds to repair the HVAC at Merriam Police Department.

SUBMITTED BY: Jim MacDonald, Public Works Director

MEETING DATE: September 13, 2021

PROJECT BACKGROUND/DESCRIPTION:

On July 20, 2021 there was a major failure to the HVAC for the upstairs portion of the Police Department. The HVAC contractor determined that the compressor along with the Variable Frequency Drive (VFD) were no longer working. While searching for parts, arrangements were made to provide portable cooling units to provide partial cooling in two areas upstairs at the Police Department. The majority of the Police Department office staff moved their operations to City Hall with some being relocated in the lower section of the PD.

Due to nationwide supply chain issues the lead time was estimated to be three-four weeks to receive a ship date of the new compressor and VFD. On September 7th the repairs to the HVAC were finally completed and the portable cooling units were returned.

The estimated cost to replace the compressor and VFD is around \$23,000 and the rental of the portable cooling units is estimated to be nearly \$7,000

CITY COUNCIL GOALS AND OBJECTIVES

Provide Exceptional Service and Delivery

FINANCIAL IMPACT

Amount of Contract: Estimated \$30,000

Amount Budgeted:

Funding Source/Account #: Contingency funds to Repair & Maintenance/Service HVAC Police Dept. 001-1520-419.43-13

SUPPORTING DOCUMENTS

ACTION NEEDED/STAFF RECOMMENDATION

Approve the allocation of contingency funds to repair the HVAC at Merriam Police Department.



INTEROFFICE MEMORANDUM

MERRIAM



TO: MAYOR AND CITY COUNCIL
FROM: JIM MACDONALD, PUBLIC WORKS DIRECTOR
SUBJECT: SEPTEMBER UPDATE
DATE: September 13, 2021

HIGHLIGHTS

2021 Street Improvements program

East Frontage Road- 67th to 75th St CARS project, 2021 Mill and Overlay Program, 2021 Sidewalk Maintenance/Repair Program. J.M. Fahey Contractor

- The 2021 mill and overlay program is substantially complete, sod is scheduled to take place in the next few weeks.
- The sidewalk maintenance and repairs along 61st street, 60th terr, Knox and 60th street have been completed. Hydro seeding is scheduled to take place in the next few weeks.
- Carmax and East Frontage Road is substantially complete, all curbs, sidewalks, asphalt surface, pavement markings, landscaping and tree planting have been completed. The upgraded traffic signal pole has been installed and waiting on parts to complete the left turn signal head upgrade. Sod restoration are scheduled to take place in the next few weeks.

West Vernon Place Preliminary Engineering Study (PES)

- BHC has completed the existing condition evaluation of the PES. We expect to receive the completed study next week.

Capital Improvement Active Project List

Last Updated 9/9/2021

PROJECT NAME	FUNDING SOURCES	BUDGETED CONSTRUCTION COST	ACTUAL CONSTRUCTION COST	STATUS	DESIGN CONSULTANT	PUBLIC MEETING #1	PUBLIC MEETING #2	PUBLIC MEETING #3	ENGINEER'S ESTIMATE	BID OPENING	AWARD AT COUNCIL	CONTRACTOR	CONTRACT AMOUNT	NOTICE TO PROCEED	PROJECTED SUBSTANTIAL COMPLETION DATE
2020															
East Frontage Road Improvements 67th to 75th	CARS/Sp. Sales Tax Street/Stormwater	\$1,549,000		Under Construction	Affinis	4/1/21			\$1,343,617.50	2/17/21	3/9/21	J.M Fahey	\$1,046,464.35	5/3/21	
Sidewalk Maintenance/Repair Program	CIP Maintenance Program	\$150,000		Under Construction	Affinis	4/1/21			\$177,700.00	2/17/21	3/9/21	J.M Fahey	\$206,234.00	5/3/21	
West Vernon Place PES	CIP Maintenance Program	\$50,000		Awarded	BHC Engineering					3/9/21	BHC Engineering		\$49,682	3/12/21	



CIP

Capital Improvement Program

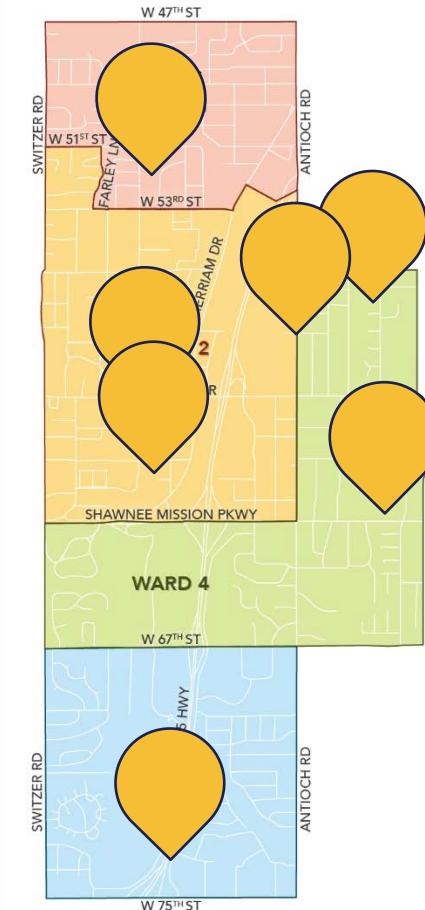


2021 Street Improvements Program

TIMELINE 2021

UPDATES

- ▶ East Frontage Road – 67th to 75th St. CARS project; 2021 Mill and Overlay Program; 2021 Sidewalk Maintenance/Repair Program.
 - ▶ The 2021 Mill and Overlay Program is substantially complete.
 - ▶ Sod scheduled to be completed this month.
 - ▶ Sidewalk maintenance and repairs along 60th St., 60th Terrace, Knox, and 61st St. are complete.
 - ▶ Seeding scheduled to be completed this month.

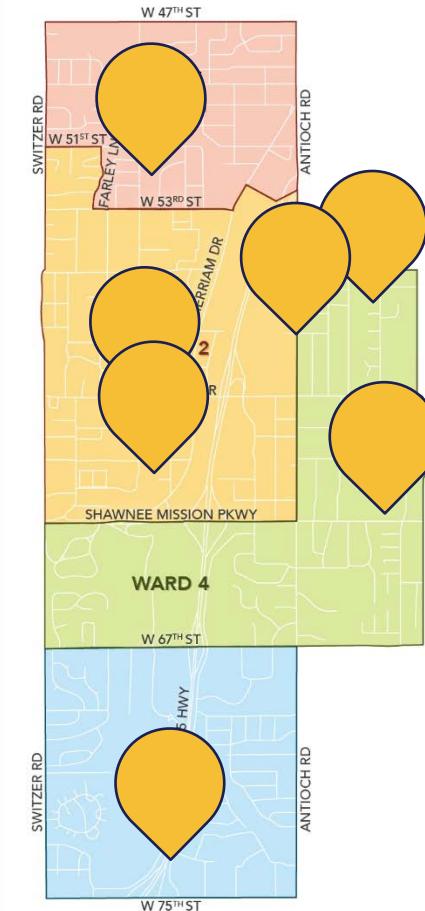


2021 Street Improvements Program

TIMELINE 2021

UPDATES

- ▶ Carmax Drive and East Frontage Road are mainly complete with all curbs, sidewalks, pavement, pavement markings, tree plantings, and landscaping finished.
- ▶ Traffic signal pole is installed, and we're waiting on parts to complete the turn signal head upgrade.
- ▶ Sod restoration scheduled to take place this month.

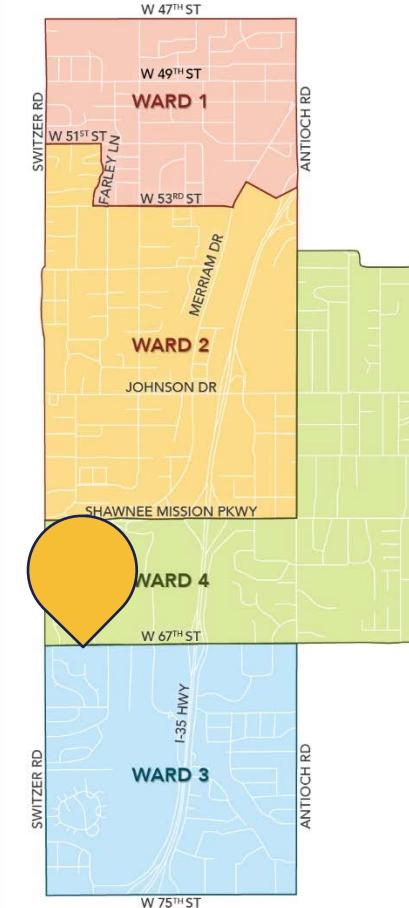


West Vernon Place PES

TIMELINE 2021

UPDATES

- ▶ BHC Engineering completed the PES existing condition evaluation.
- ▶ Currently working on the potential improvements portion.



Questions?

Staff Contact:

Jim MacDonald

913-322-5571

jmacdonald@merriam.org



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.**

COUNCIL ITEMS

- 1. Move that the council approve a resolution amending section 7.02 of the Employee Handbook.**
- 2. No motion. (first reading)**
- 3. No motion. (first reading)**
- 4. Move that the council approve the use of contingency funds for HVAC repairs for the Police Department.**
- 5. No motion.**

STAFF ITEMS

EXECUTIVE SESSION