

**MERRIAM CITY COUNCIL AGENDA**  
**CITY HALL**  
**9001 WEST 62<sup>ND</sup> STREET**  
**September 27, 2021**  
**7:00 P.M.**

<p>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.</p>
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**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 September 13, 2021.
2. Consider bid award for repairs to Municipal Pipe Tool Co. for repairs to deteriorated storm water pipes at various locations.
3. Consider approval of a Final Plat located at 9405 W. 47<sup>th</sup> St.

**V. MAYOR'S REPORT**

1. Lifesaving award – Officer Nick Moeller

**VI. PLANNING COMMISSION**

1. Consider approval of amendments to the Planning Commission By-laws.

**VII. COUNCIL ITEMS**

1. Consider approval of an ordinance amending section 2-23 of the Merriam Code of Ordinances.
2. Monthly Finance Report.
3. Consider approval of an ordinance amending Chapter 26 of the Merriam Code of Ordinances related to stormwater best management practices (BMP).
4. Community Development Update.

**VIII. STAFF ITEMS**

**IV. EXECUTIVE SESSION**

**V. ADJOURNMENT**

Respectfully submitted,

*Juliana Pinnick*

City Clerk

**MERRIAM CITY COUNCIL MINUTES  
CITY HALL  
9001 WEST 62<sup>ND</sup> STREET  
September 13, 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 via telephone

Staff present: Chris Engel, City Administrator; Spencer Low, 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; 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.

Nancy Hupp, 13700 W. 90<sup>th</sup> Pl., commented she wanted to give the council an update on the Flags 4 Freedom committee. The committee has been very busy with events utilizing their flags. There were 150 flags displayed at the Heart of America Patriot Foundation Golf Tournament today. The Foundation acknowledged the Flags 4 Freedom Committee and the City of Merriam during their ceremonies. The flags will also be displayed and the American Royal event this weekend; and they were on display at the former Sprint campus for the Olathe

Running Club event. When these groups use the flags, there are signs acknowledging the Flags 4 Freedom committee and the City of Merriam. All groups are asked to prominently display the signs.

Ms. Hupp thanked the city for the support of the Flags 4 Freedom committee over the past ten years. Recently a call for volunteers resulted in three city volunteers from the city's Finance Department assembling 55 new flags. Two councilmembers, Pape and Hands also showed up to help. The final display of the year will be on the I-35 hillside behind Merriam Town Center to commemorate Veterans Day. She acknowledged the support of the city's Public Works Department for their help in storing the flags, having the flags pulled from storage and ready for groups to pick up. She thanked the Parks and Recreation Department for their support of the Flags 4 Freedom committee.

Nancy Hammond, 5845 Perry Ln., commented that the Patriot Foundation was very pleased with the flag display provided by the Flags 4 Freedom Committee and it was great to see Merriam's name displayed.

She expressed concern regarding the area around Merriam Park Elementary. Recently a child was hit by a car in that area; thankfully it was not a serious incident. She suggested installing a pedestrian light in that area, she has witnessed many people running the stop sign by the school and feels the pedestrian light might improve safety in that area.

#### **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.

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

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

1. Proclamation – Hispanic Heritage Month

Mayor Sissom read the proclamation acknowledging Hispanic Heritage Month.

Mayor Sissom commented that the Car Show this past Saturday was a great event. There were many staff members and other volunteers working the show. The event was largely attended with 274 amazing cars on display.

## VI. COUNCIL ITEMS

1. Consider approval of a resolution amending Section 7.02 - Holidays of the Employee Handbook.

City Clerk Juli Pinnick provided the background for this item.

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.

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE A RESOLUTION AMENDING SECTION 7.02 OF THE EMPLOYEE HANDBOOK. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

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

City Clerk Juli Pinnick provided the background for this item.

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. 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.

3. Consider approval of an ordinance amending Chapter 26 of the Merriam Code of Ordinances related to stormwater best management practices (BMP). (first reading)

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

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.

Merriam is the last city in the metropolitan area to adopt a BMP ordinance. Adopting the manual will assist when developers come in with projects; those developers will have to show how they will be addressing the stormwater. The City Engineer would be the one to review the BMP plan. Mr. Dyer reviewed the exceptions to the BMP. Redevelopment and infill projects could be an exception to the BMP, but would be decided on a case-by-case basis. Any waiver or exceptions to the BMP would be reviewed and recommended or rejected by the city engineer. Mr. Dyer indicated that these regulations do not apply to existing developments, however, major changes to an existing developments would be subject to the regulations. An example of a major change would include the reduction of impervious surfaces such as changing a grassy area to a parking lot. This type of change would increase stormwater runoff.

Turkey Creek is being monitored for water quality and the largest concern of the water quality is nitrates in the water. Nitrates come from fertilizer and animal feces.

There was a question regarding the Merriam Drainage District and their responsibility of the water quality in Turkey Creek. Mr. Dyer indicated that the city is the permit holder for the discharge of stormwater, so it is our responsibility.

4. Consider approval of the use of contingency funds for Police Department HVAC repairs.

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

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 7<sup>th</sup> 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

**COUNCILMEMBER PAPE MOVED THAT THE COUNCIL APPROVE THE USE OF CONTINGENCY FUNDS FOR POLICE DEPARTMENT HVAC REPAIRS. COUNCILMEMBER KALDAHL SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

5. CIP Update.

Public Works Director Jim MacDonald provided the following CIP Updates: The 2021 mill and overlay project is nearly complete with sodding to take place in the next two weeks.



The sidewalk maintenance and repairs along 60<sup>th</sup> St., 61<sup>st</sup> St., 60<sup>th</sup> Terr. And Knox are complete. Hydro seeding will occur next week.

Carmax and E. Frontage Rd. project is substantially complete, all curbs, sidewalks, asphalt, pavement markings and landscaping have been completed. The upgraded traffic signal pole has been installed and the five section head is scheduled to be installed this week. The installation will occur in the evening. Sodding will take place in the next couple of weeks.

BHC has completed the existing condition evaluation of the West Vernon Place Preliminary Engineering study (PES) PES. Staff is expecting to receive the completed study next week.

## **VII. STAFF ITEMS**

City Administrator Chris Engel echoed Mayor Sissom's comments regarding the Car Show held on Saturday. He thanked Anna Slocum and her staff, Public Works crew and Volunteer Coordinator Juli Pinnick for all their hard work putting on the show. He received many positive comments from many people at the show.

## **VIII. EXECUTIVE SESSION**

## **IX. ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL, COUNCILMEMBER PAPE MOVED TO ADJOURN AT 7:50 PM. COUNCILMEMBER DIEBOLD SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

Respectfully submitted,

*Juliana Pinnick*

City Clerk



## AGENDA ITEM INFORMATION FORM

**AGENDA ITEM:** Consider bid award to Municipal Pipe Tool Co for the repairs to deteriorated corrugated metal pipe (CMP) at various locations throughout the City.

**SUBMITTED BY:** Jim MacDonald, Public Works Director

**MEETING DATE:** September 27, 2021

### PROJECT BACKGROUND/DESCRIPTION:

On September 21st staff opened bids for storm water repairs at various locations throughout the City. The scope of this project is to line and/or replace 487 feet of deteriorated 18" CMP, 1068 feet of deteriorated 24" CMP and 254 feet of deteriorated 30" CMP. The City was open to alternative means, methods or materials to restore the condition of the existing pipe.

As read bids were as follows:

<b>Municipal Pipe Tool</b>	<b>\$262,125.00</b>
Hydro Clean	\$376,419.94
Engineers Estimate	\$456,690.00

Municipal Pipe Tool Co. will use a process called Cured-in-Place-Pipe (CIPP). The process of CIPP involves inserting and running a felt lining into a preexisting pipe that is the subject of repair. Resin within the liner is then exposed to a curing element to make it attach to the inner walls of the pipe. Once fully cured, the lining now acts as a new pipeline. This process has been used in the past with great success, life expectancy is 50 years.

BHC Engineering has reviewed all bids for method and means, and recommends the contract be awarded to Municipal Pipe Tool Co., 10% contingency will be added to cover any unforeseen circumstances.

### CITY COUNCIL GOALS AND OBJECTIVES

3.2 Sustain capital improvement efforts.

### FINANCIAL IMPACT

<b>Amount of Contract:</b>	\$262,125 + 10 % contingency = \$288,337.50
<b>Amount Budgeted (available):</b>	\$350,000 (\$341,800)
<b>Funding Source/Account #:</b>	Capital Improvement Fund/Drainage repairs 301-0000-512-45.10, Project No. GM1103

### SUPPORTING DOCUMENTS

Map, Engineers letter, Bid tab

### ACTION NEEDED/STAFF RECOMMENDATION

Council award storm drainage repairs to Municipal Pipe Tool Co, at various locations in the amount not to exceed \$288,337.50



September 22, 2021

Mr. Jim MacDonald  
Public Works Director  
City of Merriam  
6901 Knox Street  
Merriam, Kansas 66203

**RE: MISCELLANEOUS STORM PIPE LINING IMPROVEMENTS**

Dear Jim:

Attached is the bid tabulation of the two bids received on Tuesday, September 21, 2021. There were no inaccuracies in the bids submitted for referenced project. Municipal Pipe Tool Co., LLC is the low bidder. Their Base Bid of \$93,440.00 and their Alternative Bid of \$168,685.00 were individually and accumulatively lowest bid.

Municipal Pipe Tool Co., LLC has completed numerous projects throughout Kansas, Iowa, Nebraska, Minnesota, and South Dakota. Their approach to the project will be the cured in-place pipe or trenchless pipe lining.

I have talked with Ms. Sharon Waschkat regarding their availability to resin as others had mentioned some concern. They have approximately 6 months of installation resin available which will have no impact to the schedule.

We have no objections to Municipal Pipe Tool Co., LLC performing the work based on the bid proposal submitted.

Regards,

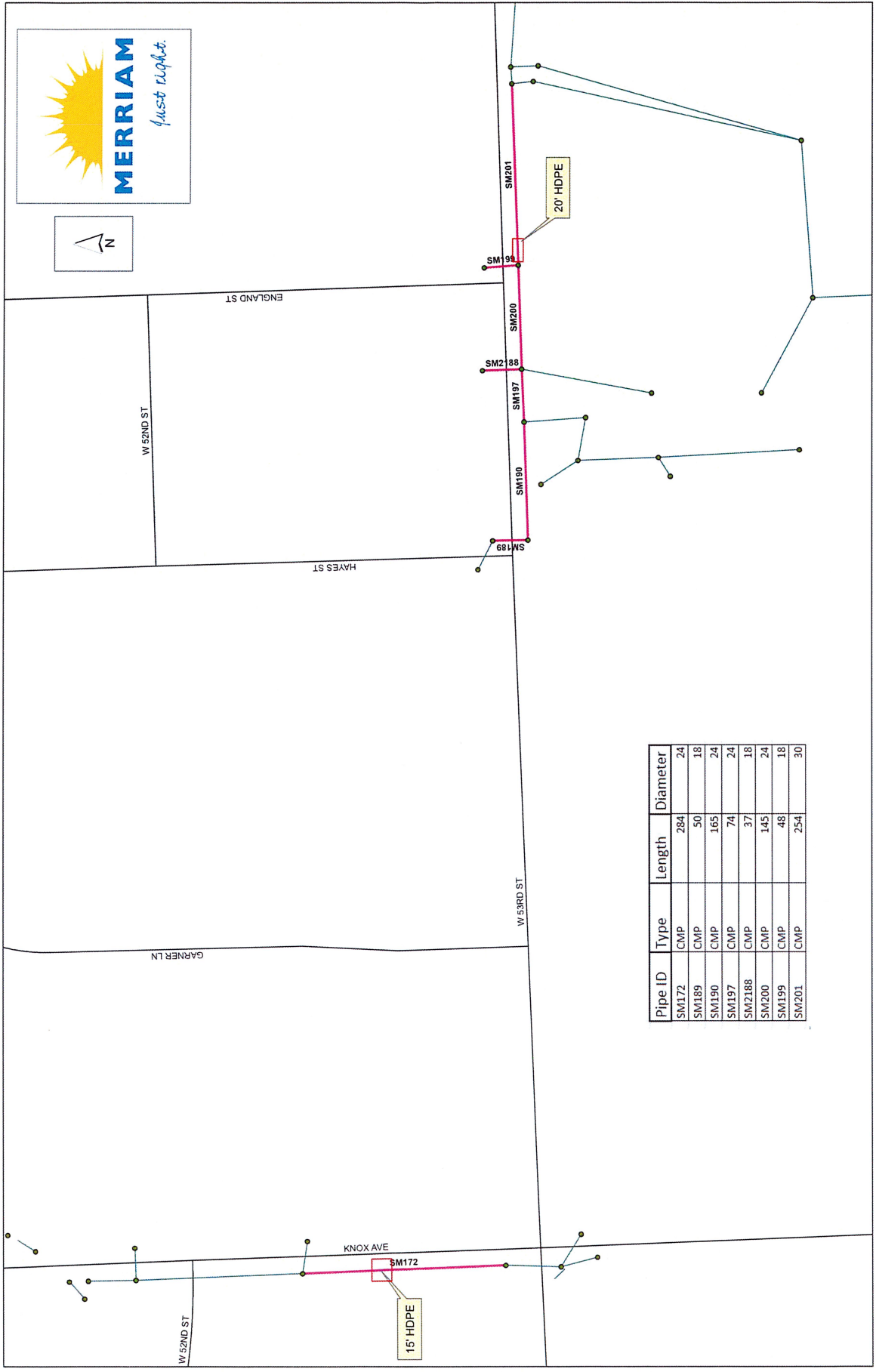
A handwritten signature in black ink, appearing to read 'David Nolte', is written over a horizontal line.

David Nolte, PE  
Project Manager

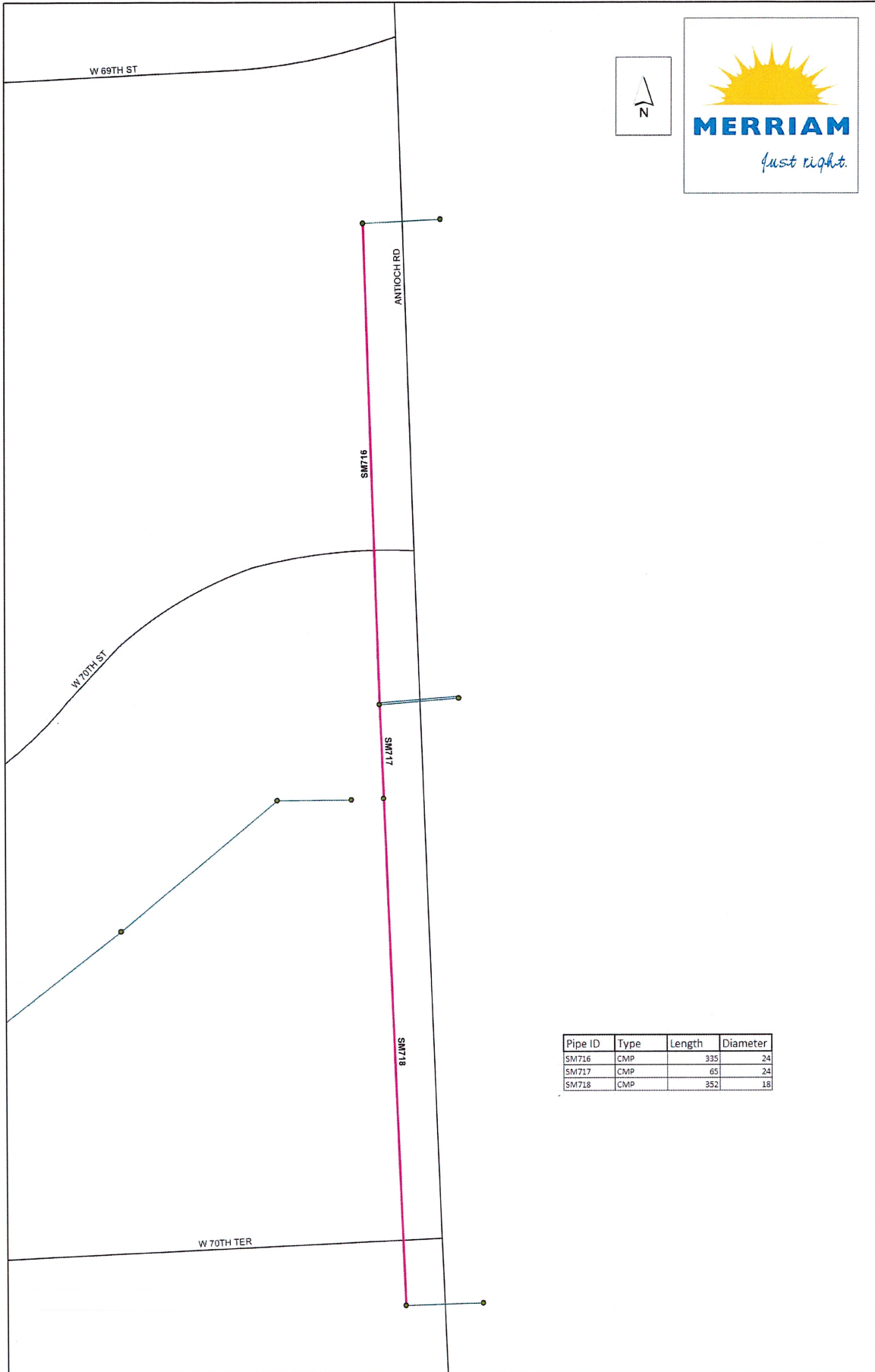
Attachment

**BID TABULATION****PROJECT: Misc Storm Pipe Lining Improvements****September 21, 2021****OWNER: Merriam, KS**

				Engineers Estimate		Municipal Pipe Tool		Hydro-Klean	
ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
	<b>BASE BID</b>								
1	Antioch Rd. Pipe Lining and/or Replacement of 18" pipe	352	LF	\$220.00	\$77,440.00	\$95.00	\$33,440.00	\$138.92	\$48,899.84
2	Antioch Rd. Pipe Lining and/or Replacement of 24" pipe	400	LF	\$250.00	\$100,000.00	\$150.00	\$60,000.00	\$225.92	\$90,368.00
				<b>TOTAL BASE BID</b>	\$177,440.00		\$93,440.00		\$139,267.84
	<b>ALTERNATE BID</b>								
1	Knox Ave. Pipe Lining and/or Replacement of 24" pipe	284	LF	\$250.00	\$71,000.00	\$150.00	\$42,600.00	\$223.94	\$63,598.96
2	53rd Street Pipe Lining and/or Replacement of 18" pipe	135	LF	\$220.00	\$29,700.00	\$103.00	\$13,905.00	\$136.94	\$18,486.90
3	53rd Street Pipe Lining and/or Replacement of 24" pipe	384	LF	\$250.00	\$96,000.00	\$140.00	\$53,760.00	\$223.94	\$85,992.96
4	53rd Street Pipe Lining and/or Replacement of 30" pipe	254	LF	\$325.00	\$82,550.00	\$230.00	\$58,420.00	\$271.94	\$69,072.76
				<b>TOTAL ALTERNATE BID</b>	\$279,250.00		\$168,685.00		\$237,151.58
				<b>TOTAL BID</b>	\$456,690.00		\$262,125.00		\$376,419.42



Pipe ID	Type	Length	Diameter
SM172	CMP	284	24
SM189	CMP	50	18
SM190	CMP	165	24
SM197	CMP	74	24
SM2188	CMP	37	18
SM200	CMP	145	24
SM199	CMP	48	18
SM201	CMP	254	30





## AGENDA ITEM INFORMATION FORM

**AGENDA ITEM:** Consider accepting the dedication of easements and right-of-way shown on the Sloan McKinley 2<sup>nd</sup> Plat. (PA21-000002)

**SUBMITTED BY:** Merriam Planning Commission  
Bryan P. Dyer, Community Development Director

**MEETING DATE:** September 27, 2021

### PROJECT BACKGROUND/DESCRIPTION:

The applicant, 1310 Viking LLC, represented by BHC Engineering is requesting the acceptance of easements and right-of-way dedicated by the Sloan McKinley 2<sup>nd</sup> Plat. The Sloan McKinley 2<sup>nd</sup> plat creates a new Lot and Tract. The subject property at 9405 W. 47<sup>th</sup> Street is platted and the subject property to the west is unplatted.

If approved, the final plat will combine the existing Lot 1 from the Sloan McKinley Final Plat with an unplatted portion to the south to create Lot 1 and Tract 1 from the existing unplatted property to the west.

The proposed lot and tract meet the minimum bulk and dimension requirements for a R-1 (Single Family Residential) District. Access to both Lot 1 and Tract 1 will be via existing access points on W. 47<sup>th</sup> Street.

Tract 1 is not currently served with the public utilities necessary for development. Because of this Tract 1 is undevelopable and is being shown as a "Tract" instead of a "Lot".

At their September 1, 2021 meeting, the Planning Commission unanimously approved the plat and forwarded it to the City Council for the acceptance of easements.

### CITY COUNCIL GOALS AND OBJECTIVES

### FINANCIAL IMPACT

**Amount of Request/Contract:** \_\_\_\_\_

**Amount Budgeted:** \_\_\_\_\_

**Funding Source/Account #:** \_\_\_\_\_

### SUPPORTING DOCUMENTS

Planning Commission staff report

Draft minutes of the September 1, 2021 Planning Commission meeting

Sloan McKinley 2<sup>nd</sup> Plat

### ACTION NEEDED/STAFF RECOMMENDATION

City Council accept the dedication of easements and right-of-way shown on the Sloan McKinley 2<sup>nd</sup> Plat. (PA21 -000002).

**Community Development Staff Report**  
**Planning Commission – September 1, 2021**  
**PA21-000002 Sloan McKinley 2nd Plat**

<b><u>Application:</u></b>	PA21-000002 Sloan McKinley 2nd Plat
<b><u>Request:</u></b>	Approval of a final plat for a Lot and Tract
<b><u>Property Address:</u></b>	9405 W. 47 <sup>th</sup> Street
<b><u>Applicant:</u></b>	Joseph McLaughlin, BHC, Owner's Representative Tim Champagne, 1310 Viking LLC, Owner

<b>Current Zoning and Land Use</b>	R-1 (Single-Family Residential) District, currently developed with a single family residence and several out buildings
<b>Surrounding Zoning and Land Use</b>	<p>PUD-R (Planned Unit Development – Residential) District to the east; developed with single family residences</p> <p>Unified Government of Wyandotte County to the north; developed with single family residences</p> <p>R-1 (Single Family Residential) District to the west; developed with single family residences</p> <p>R-1 (Single Family Residential) and PUD-R (Planned Unit Development – Residential) District to the south; developed with single family residences</p>
<b>Legal Description</b>	<p>Lot 1: All of Lot 1, SLOAN MCKINLEY, a subdivision of land recorded in Book 201007, Page 000494, and a part of the Northeast Quarter, Section 1, Township 12 South, Range 24 East, all in the City of Merriam, Johnson County, Kansas</p> <p>Tract 1: A tract of land lying and situated in part of the Northeast Quarter of Section 1, Township 12 South, Range 24 East, in the City of Merriam, Johnson County, Kansas</p>



<b>Property Area</b>	2.8492 ± Acres 124,109 ± sq. ft.
<b>Proposed Lots</b>	Lot 1: 0.6941 acres (30,236 ± sq. ft.) Tract 1: 1.7961 acres (78,236 ± sq. ft.) ROW: 0.3590 acres (15,637 ± sq. ft.)

## Vicinity Map

### PA21-000002 Sloan McKinley 2<sup>nd</sup> Plat



Vicinity Map



Aerial View

**Staff Comments:**

The applicant, 1310 Viking LLC, represented by BHC Engineering is requesting the approval of the Sloan McKinley 2nd Plat to create a new Lot and Tract. The subject property at 9405 W. 47<sup>th</sup> Street is platted and the subject property to the west is unplatted.

If approved, the final plat will combine the existing Lot 1 from the Sloan McKinley Final Plat with an unplatted portion to the south to create a new Lot 1 and to create Tract 1 from the existing unplatted property to the west.

The proposed lot and tract meet the minimum bulk and dimension requirements for a R-1 (Single Family Residential) District. Access to both Lot 1 and Tract 1 will be via existing access points on W. 47<sup>th</sup> Street.

Tract 1 is not currently served with the public utilities necessary for development. Because of this Tract 1 is undevelopable and is being shown as a “Tract” instead of a “Lot”.

**Small Subdivision Plat (Section 62-13)**

Section 62-13 of Merriam Code states that when “the subdivision or resubdivision of one, two, three or four lots and abuts an improved public street, the Planning Commission may waive the requirements for submission of a preliminary plat.” A small subdivision plat only requires the Planning Commission approval. The proposed plat meets the requirements set forth in Section 62-13.

The plat does rededicate right-of-way for W. 47<sup>th</sup> Street which will need to be accepted by City Council.

**Comments from Public Utilities**

As part of the review process, staff provided copies of the proposed plat to the public utilities, city departments, and the Merriam Drainage District.

The applicant has addressed all comments.

**Stormwater Study**

The City Engineer did not request a stormwater study.

**Access**

Access to Lot 1 will be via existing access points on W. 47<sup>th</sup> Street. Access to Tract 1 will be via existing access points on W. 47<sup>th</sup> Street.

**Easements/Dedication of Rights of Way**

This plat rededicates 30 feet of right-of-way for the south side of W. 47<sup>th</sup> Street. This is consistent with previous right-of-way dedication along W. 47<sup>th</sup> Street.

A 10-foot utility easement has been added along the lot line between Lot 1 and Tract 1. It is carried along the west side of the lot line to the south line of Tract 1.

A 5-foot utility easement has been added along the south lot line of Tract 1.

### **Lot Size and Bulk Requirements**

The subject properties are currently zoned R-1 (Single Family Residential) District.

The proposed Lot 1 meets R-1 District lot size requirements. The existing structures do not sustainably violate the district's bulk setback requirements. Future significant improvements to Lot 1 will need to meet Merriam Code bulk requirements.

The proposed Tract 1 meets the lot size requirements. The existing structures meet the bulk setback requirements.

### **Public Utilities**

The existing residence on Lot 1 is served with utilities that are adequate for its current level of development. However, should Lot 1 significantly redevelop, that redevelopment may require connection to sanitary sewer, if the connection does not already exist.

Tract 1 is not served with public utilities required for development. City of Merriam building code does not permit new development to utilize on-site sanitary sewer facilities (septic tank). At a minimum, the development of Tract 1 will require replatting into buildable lot(s) and connecting to public utilities, including sanitary sewer.

### **Staff Recommendation:**

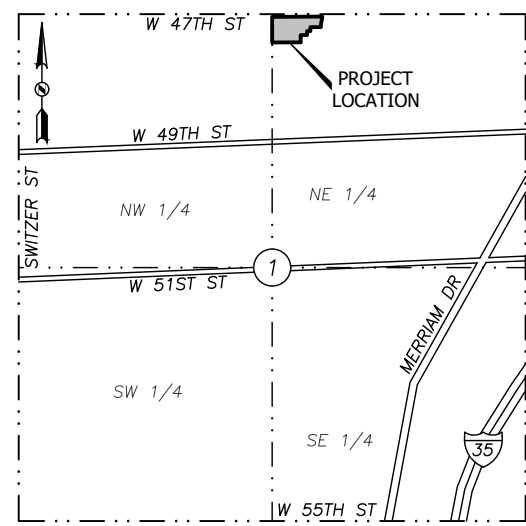
Staff recommends approval of PA21-000002.

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Bryan P. Dyer, AICP  
Community Development Director  
September 1, 2021

Final Plat of:

SLOAN MCKINLEY 2ND PLAT  
A SUBDIVISION IN THE CITY OF MERRIAM, JOHNSON COUNTY, KANSAS,  
BEING ALL OF LOT 1, SLOAN MCKINLEY, AND A PART OF THE NORTHEAST QUARTER, SECTION 1, TOWNSHIP 12 SOUTH, RANGE 24 EAST



SECTION MAP  
SECTION 1-T12S-R24E  
(NOT TO SCALE)

SURVEYOR'S DESCRIPTION

A Tract of land being all of Lot 1, SLOAN MCKINLEY, a subdivision of land recorded in Book 201007, Page 000494, and a part of the Northeast Quarter of Section 1, Township 12 South, Range 24 East, all in the City of Merriam, Johnson County, Kansas, said Tract as surveyed by Joseph H. McLaughlin, PS 1625, with BHC, CLS 175, being more particularly described by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the North line of the Northeast Quarter of Section 1, Township 12 South, Range 24 East, having a bearing of North 87° 44' 02" East, as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Northwest corner of the Northeast Quarter of Section 1, Township 12 South, Range 24 East, monumented by a 3-inch aluminum disk in a monument box;  
Thence North 87° 44' 02" East, 521.15 feet, on the North line of said Northeast Quarter, to the Northeast corner of said Lot 1, SLOAN MCKINLEY;  
Thence South 02° 15' 34" East, 40.00 feet, on the East line of said Lot 1;  
Thence South 08° 52' 20" West, 64.80 feet, on said East line, to the beginning of a tangent curve, concave to the East, having a radius of 225.00 feet;  
Thence Southeasterly on said curve, an arc length of 33.47 feet, said curve having a chord bearing of South 04° 36' 37" West, and a chord distance of 33.44 feet, to the Southeast corner of said Lot 1;  
Thence South 87° 39' 08" West, 106.41 feet, on the South line of said Lot 1;  
Thence South 02° 10' 30" East, 40.94 feet, on said South line;  
Thence South 02° 13' 40" East, 41.57 feet, on the West line of Lot 2, said SLOAN MCKINLEY, to the Southwest corner of said Lot 2;  
Thence South 87° 43' 28" West, 67.00 feet, on the Westerly prolongation of the South line of said Lot 2, to the intersection of the West line of said Northeast Quarter;  
Thence North 01° 57' 29" West, 294.08 feet, on said West line, to the POINT OF BEGINNING, said Tract containing 124,111 square feet, or 2.8492 acres.

PLAT DEDICATION

The undersigned owner or representative for the owner of the above described Tract of land has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as SLOAN MCKINLEY 2ND PLAT.

PUBLIC EASEMENT DEDICATIONS

GENERAL UTILITY EASEMENT:

An easement is hereby granted to the City of Merriam, Johnson County, Kansas, to enter upon, locate, construct and maintain, or to authorize the location, construction, maintenance and use of electrical conduits, poles, wires, ducts, cables, water lines, gas lines, communication cables, and facilities appurtenant thereto, upon, over, and under those areas outlined and designated on the accompanying plat as "Utility Easement Dedicated by this Plat".

PUBLIC STREET/RIGHT-OF-WAY DEDICATION

That portion reserved for public use for street and/or road Right-of-Way and designated hereon as "RIGHT-OF-WAY DEDICATED BY THIS PLAT", the extent and direction of which is shown on the accompanying plat, is hereby dedicated for public use.

CONSENT TO LEVY

The undersigned proprietor of the above described land hereby consents and agrees that the governing body of any special assessment district shall have the power to release such land proposed to be dedicated for streets and roads, or parts thereof, for public use as hereby dedicated as private open space from the lien and effect of any special assessments; and that the amount of the unpaid special assessments on such land dedicated, shall become and remain a lien on the remainder of this land fronting or abutting on such dedicated road, street, or private open space.

EXECUTION

IN TESTIMONY WHEREOF: Teresa Breyer, a married person, caused this instrument to be executed this \_\_\_\_ day of \_\_\_\_, 2021.

Teresa Breyer

ACKNOWLEDGMENT

STATE OF  
COUNTY OF

On this \_\_\_\_ day of \_\_\_\_, 2021, before me, a Notary Public, personally appeared Teresa Breyer, to me personally known to be the same person who executed the foregoing instrument of writing, and duly acknowledged the execution of same.

IN WITNESS THEREOF: I have hereunto set my hand and affixed my Notarial Seal on the date last above written.

Notary Public

EXECUTION

IN TESTIMONY WHEREOF: 1310 Viking LLC, caused this instrument to be executed this \_\_\_\_ day of \_\_\_\_, 2021.

1310 Viking, LLC.

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ACKNOWLEDGMENT

STATE OF  
COUNTY OF

On this \_\_\_\_ day of \_\_\_\_, 2021, before me, a Notary Public, personally appeared \_\_\_\_\_ of 1310 Viking, LLC., to me personally known to be the same person who executed the foregoing instrument of writing, and that this instrument was signed on behalf of said company by authority of its \_\_\_\_\_, and said persons acknowledged said instrument to be a free act and deed of said company.

IN WITNESS THEREOF: I have hereunto set my hand and affixed my Notarial Seal on the date last above written.

Notary Public

APPROVALS

APPROVED by the Planning Commission of the City of Merriam, Johnson County, Kansas, this \_\_\_\_ day of \_\_\_\_, 2021.

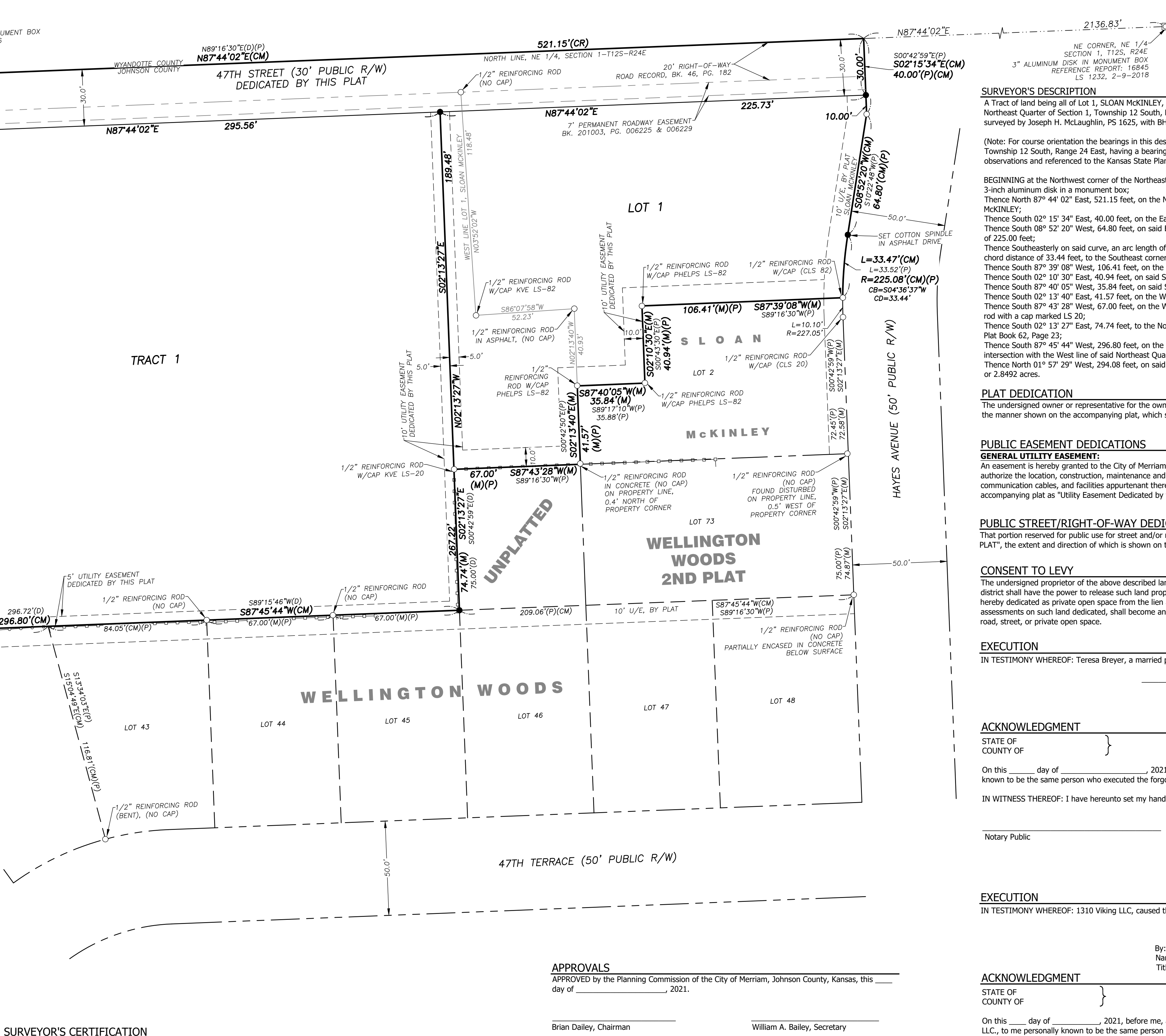
Brian Dailey, Chairman

William A. Bailey, Secretary

APPROVED by the Governing body of the City of Merriam, Johnson County, Kansas, this \_\_\_\_ day of \_\_\_\_, 2021.

Ken Sissom, Mayor

Attest: \_\_\_\_\_  
Juliana Pinnick, City Clerk



GENERAL NOTES

- Basis of Bearings: North 87° 44' 02" East along the North line, of the Northeast Quarter, of Section 1, Township 12 South, Range 24 East, as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone (NAD83).
- This survey is based on field work completed on or before the date shown in the title block or the following plats:  
-The plat of "SLOAN MCKINLEY", recorded July 01, 2010, in Book 201007, Page 000494.  
-The plat of "WELLINGTON WOODS", recorded May 19, 1986, as Document Number 1605055, in Book 62, Page 23.  
-The plat of "WELLINGTON WOODS 2ND PLAT" recorded December 8, 1986 as Document Number 1661697, in Book 64, Page 27.
- Lot 1- 30,236 square feet or 0.6941 acres  
Lot 2- 78,236 square feet or 1.7961 acres  
Right-of-Way- 15,637 square feet or 0.3590 acres  
Total = 124,109 square feet or 2.8492 acres
- The subject property lies within Flood Zone "X" (Areas determined to be outside the 0.2% annual chance floodplain.), as shown on the JOHNSON COUNTY, KANSAS AND INCORPORATED AREAS Flood Insurance Rate Map (F.I.R.M.),  
Map Number: 20091C0007G  
Panel No: 7 of 61  
Map Revised Date: August 3, 2009

CLOSURE SUMMARY

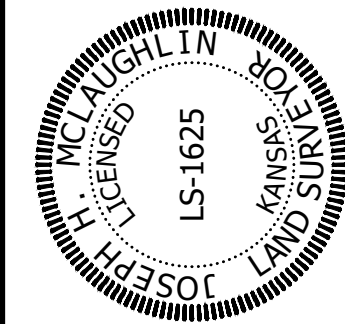
Precision: 1 part in 145,193.366  
Error Distances: 0.011'  
Error Direction: South 26° 04' 38" East  
Perimeter: 1616.82

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY that on the "Field Date" shown in the title block of this document, this survey was completed by me or under my direct supervision and was executed in accordance with the "KANSAS MINIMUM STANDARDS" for boundary surveys pursuant to K.S.A. 74-7037.

(See Title Block for date, seal and signature)

BHC, KS CLS-175  
Joseph H. McLaughlin, LS-1625



Client:  
1310 VIKING, LLC  
12704 W. 65TH STREET  
SHAWNEE, KS 66216

Project:  
SLOAN MCKINLEY 2ND PLAT  
ALL OF LOT 1, SLOAN MCKINLEY; A SUBDIVISION OF LAND  
AND A PART OF THE NE 1/4, SEC. 1-T12S-R24E  
IN THE CITY OF MERRIAM  
JOHNSON COUNTY, KANSAS

Project No: 031170  
Field Crew: TH  
Field Date: 2021/05/27  
Drawn By: JDS/GJW  
Issue Date: 2021/06/08

Sheet: 1 OF 1



**REGULAR PLANNING COMMISSION MEETING  
CITY OF MERRIAM, KANSAS  
9001 W. 62<sup>nd</sup> St.  
COUNCIL CHAMBERS  
MINUTES**

**September 1, 2021  
7:00 P.M.**

**This was a virtual meeting via Zoom**

The Regular Planning Commission meeting for the City of Merriam, Kansas was called to order at 7:00 p.m. by Community Development Director Bryan Dyer on Wednesday, September 1, 2021.

**I. ROLL CALL**

The following Planning Commissioners were present via Zoom meeting:

Reuben Cozmyer  
Brian Dailey, Chair  
Judy Devere  
Mitchell Fowler  
Shawn McConnell  
Leah Ann McCormick, Vice Chair  
Cole Stephens

Members Absent: Bill Bailey, Secretary  
Russ Harmon

Also Present via Zoom meeting: Bryan Dyer, Community Development Director, Andrea Fair, City Planner and Nancy Yoakum, Recording Secretary.

**II. CONSIDER SUSPENDING PLANNING COMMISSION BYLAWS**

Community Development Director Bryan Dyer stated that since the Planning Commission was meeting via Zoom the commissioners should consider suspending the Planning Commission Bylaws. Mr. Dyer asked if there were any questions and entertained a motion.

**REUBEN COZMYER MOVED THAT DUE TO COVID-19 AND THE CDC's RECOMMENDATION TO WEAR MASK AND SOCIAL DISTANCE THE PLANNING COMMISSION SUSPEND THE BYLAWS FOR THE SEPTEMBER 1, 2021 MEETING. MITCHELL FOWLER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.**

**III. APPROVAL OF MINUTES OF AUGUST 4, 2021**

Community Development Director Bryan Dyer stated that the Planning Commission members had received a copy of the August 4, 2021 meeting minutes and asked if there were any corrections or additions.

Commissioner Shawn McConnell stated he arrived at the Zoom Planning Commission meeting at 7:10 p.m., but hadn't gained access into the Zoom meeting until 7:23p.m. and asked that the time of arrival be updated.

Hearing no additional comments, Mr. Dyer entertained a motion.

**SHAWN MCCONNELL MOVED THAT THE MINUTES OF THE PLANNING COMMISSION MEETING OF AUGUST 4, 2021 BE APPROVED WITH THE TIME CORRECTION STATED. JUDY DEVEREY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.**

#### IV. ITEMS OF BUSINESS

**1. PA21-000002 Final Plat for Sloan McKinley 2<sup>nd</sup> plat located at 9405 W. 47<sup>th</sup> St. in an R-1 (Single Family Residential) District.**

Community Development Director Bryan Dyer stated that the applicant, Tim Champagne represented by BHC is requesting approval of a final plat for property located at 9405 W. 47<sup>th</sup> St.

Mr. Dyer reviewed the surrounded zoning and land uses.

Mr. Dyer stated that the final plat will combine the existing Lot 1 with an unplatted portion to the south to create a new Lot 1 and to create Tract 1 from the existing unplatted property to the west.

Mr. Dyer stated that the applicant will re-dedicate a right-of-way along 47<sup>th</sup> St. creating a 30ft. right-of-way which is consistent with other plats in the area. Mr. Dyer stated there will be an easement along the two property lines, 5ft. on each side of the two parcels, creating a 10-foot easement.

Mr. Dyer stated that Tract 1 is not serviced by any utilities and would need plans for the placement of public utilities, so it is unable to be developed at this time.

Mr. Dyer inquired if the commissioners had any questions or comments, and stated that the property owner and owner's representative were also present.

Chairperson Brian Dailey inquired that there were different property owner names listed on Tract and Lot and inquired if they would both be signing the plat.

Mr. Dyer stated that was correct, and the applicant is listed as 1310 Viking.

Mr. Dyer inquired if Engineer Joe McLaughlin from BHC had any comments.

Mr. McLaughlin stated that Mr. Dyer did a good job covering the information presented and had no comments.

Mr. Dyer inquired if there were any questions or comments, hearing none he entertained a motion.

**JUDY DEVEREY MOVED THAT THE PLANNING COMMISSION APPROVE APPLICATION PA21-000002, SLOAN AND MCKINLEY 2<sup>nd</sup> PLAT FOR PROPERTY LOCATED AT 9405 W. 47<sup>TH</sup> ST. AND FORWARD TO THE CITY COUNCIL FOR THE ACCEPTANCE OF RIGHT OF WAY AND EASEMENTS. MITCHELL FOWLER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED**

**2. Consider finding the City of Merriam 2022-2026 Capital Improvement Program to be in conformance with the Merriam, Kansas Comprehensive Plan.**

Community Development Director Bryan Dyer stated that each year the City of Merriam adopts a five (5) year Capital Improvements Plan to guide the city in decisions related to city improvements. Included in the packet is the 2022-2026 Capital Improvements Plan, which has been adopted by City Council. Mr. Dyer stated as required by state statutes and city ordinances the Planning Commission is required to review the plan and find if it complies or does not comply with the city's adopted comprehensive plan.

Mr. Dyer stated that the commissioners had the option of reviewing and approving each item individually, or as whole.

Mr. Dyer reviewed some of the highlights of the Capital Improvement Program at West Vernon Place, West Frontage Road, Merriam Drive and Johnson Drive. Mr. Dyer stated the city will continue with the sidewalk in-fill program along with stormwater facility improvements.

Mr. Dyer stated that staff recommends finding the Capital Improvement Program in conformance with the city's adoptive comprehensive plan.

Mr. Dyer inquired if there were any questions or recommendations.

Commissioner Shawn McConnell stated he has heard comment from residents about the area around 61<sup>st</sup> Street to Antioch Rd. going east to the city boundary, and the deterioration of 61<sup>st</sup> St. since it has not been upgraded since 1992 or 1994. Mr. McConnell stated residents have observed an increase in speeding drivers and collisions and is concerned due to the increase of pedestrians walking in the neighborhood and would like to see some type of mitigation such as speed bumps since there is a school in the area.

Commissioner Mitchell Fowler stated that he was also concerned with vehicles speeding in the South Park neighborhood at 49<sup>th</sup> & 50<sup>th</sup> Terrace to Switzer Rd. to the west and Antioch Dr. to the east. Mr. Fowler stated that even though there are speeding alert signs on 50<sup>th</sup> Terrace which he appreciates, he is still concerned do to the influx of younger families with young children in the neighborhood.

Mr. Dyer stated both Mr. McConnell's and Mr. Fowler's comments would be included in the minutes which are forwarded to the City Council.

Mr. Dyer inquired if there were any additional questions. Hearing none, he entertained a motion.

**SHAWN MCCONNELL MOVED THAT THE PLANNING COMMISSION FIND THAT THE CITY OF MERRIAM 2022-2026 CAPITAL IMPROVEMENT PROGRAM IS IN CONFORMANCE WITH THE MERRIAM COMPREHENSIVE PLAN 2040. MITCHELL FOWLER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.**

**3. Consider revisions to the Planning Commission By-Laws**

Community Development Director Bryan Dyer reviewed the summary of changes to the Planning Commission By-laws. Mr. Dyer stated that the By-Laws had been given to the City Attorney,



Ryan Denk for review and comment. Mr. Dyer stated that City Council needs to approve the final adoption.

Mr. Dyer stated that if the Planning Commission changes to a paperless packet and electronic devices such as an I-Pad or Chrome notebook, the change will be gradual.

Commissioner Shawn McConnell inquired if there is any requirement on using a specific device based on security for the city.

Mr. Dyer stated that the devices will not have access to the city servers, but can verify with the city's IT Manager.

Commissioner Shawn McConnell inquired how long item #6 has been present in the Bylaws.

Mr. Dyer stated longer than the 13 years he has been employed at the city.

Commissioner Reuben Cozmyer inquired about phone remoting into the meeting and what the Council Chamber's is equipped with electronically.

Mr. Dyer stated that as an example, if a commissioner was on vacation, but was needed in order to meet quorum, the Council Chambers at this time is equipped to connect via audio, but not video at this time.

Commissioner Judy Devereey inquired if advanced notice was given, would a time limit be helpful for virtual meetings.

Mr. Dyer stated that it would be up to the recommendation of the Chairperson. Mr. Dyer stated if the meeting was a public hearing, the city will do its utmost to notify the public through the city website, a published notice in the legal record, and notifying the applicant. Mr. Dyer stated that public hearings optimally would be best held in person, but the commission needs to have the flexibility for a virtual meeting due to situations such as inclement weather and unforeseen events such as Covid-19.

Chairperson Brian Dailey inquired if item #13 could include an electronic connection such as Skype or Zoom.

Mr. Dyer stated at the present time the Council Chambers is not set up with that ability, but it could be a possibility in the future.

Chairperson Brian Dailey inquired if the language could include a change to item #13 to include a virtual connection so that the Bylaws wouldn't have to be revisited in the future.

After a discussion amongst the commissioners, they suggested making a change to item number 13, that allows for a phone call "or" virtual connection.

Mr. Dyer inquired if there were any additional questions or comments. Hearing none, he entertained a motion.

**MITCHELL FOWLER MOVED THAT THE PLANNING COMMISSION APPROVE THE CHANGES TO THE BY-LAWS WITH THE ADDITION OR ADDING "OR VIRTUAL CONNECTION" TO ITEM 13. LEAH ANN MCCORMICK SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.**

**BUSINESS FROM THE FLOOR**

- **Bob's Discount Furniture's grand opening is scheduled for Thursday, September 2<sup>nd</sup> in the morning.**
- **Inifiniti/Nissan dealership is doing a building addition and will be changing the signs on the dealership to represent both brands.**
- **Hyundai submitted a remodeling permit which is currently under review.**
- **Merriam Planning Sustainable Places is moving forward with focus on the northern portion of Merriam Drive and downtown Merriam. A bike/pedestrian plan is being reviewed.**

Mr. Dyer inquired if there were any questions from the Planning Commissioners.

Commissioner Shawn McConnell inquired if there was any activity on the K-Mart building.

Mr. Dyer stated that the project has been put on "pause" by the developer.

**V. UNFINISHED BUSINESS**

None

**VI. OLD BUSINESS**

None

**VII. ADJOURNMENT**

With no further business for discussion, Community Development Director Bryan Dyer asked for a motion for adjournment.

**LEAH ANN MCCORMICK MOVED FOR ADJOURNMENT.** The meeting was adjourned  
7:54 p.m.

Respectfully Submitted,

Nancy B. Yoakum  
Recording Secretary

Approved:



## AGENDA ITEM INFORMATION FORM

**AGENDA ITEM:** Review and confirm the amended By-Laws of the Merriam Planning Commission

**SUBMITTED BY:** Merriam Planning Commission  
Bryan P. Dyer, Community Development Director

**MEETING DATE:** September 27, 2021

### PROJECT BACKGROUND/DESCRIPTION:

At their September 1, 2021 regular meeting, the Planning Commission unanimously approved amending their By-Laws. Attached are the “marked up” and “clean” versions of the amended By-Laws. The amended By-Laws are a result of a combination of Planning Commission and staff recommendations.

The following is a summary of the changes:

- The language updates are changing “Chairman” to “Chairperson” and “he” or “his/her” to “they” or “their”
- Changes to better reflect the city and Planning Commission’s practices
- Revisions to allow the option of having “paperless” packets per the Planning Commission’s August 4<sup>th</sup> discussion
- Revisions to allow the option of holding “virtual” meetings per the Planning Commission’s August 4<sup>th</sup> discussion
- Removing language that is unclear and counter to state statutes and city ordinance
- Revisions to allow the option of a Planning Commissioner to attend an in person Planning Commission meeting via telephone or virtual per the Planning Commission’s August 4<sup>th</sup> discussion

Per the By-Laws of the Merriam Planning Commission, the Planning Commission By-Laws must be submitted to the City Council for their review and confirmation.

The City Attorney has reviewed the proposed amendments.

### CITY COUNCIL GOALS AND OBJECTIVES

Objective 2.1 – Improve the utilization of technology to increase efficiency

### FINANCIAL IMPACT

**Amount of Request/Contract:** \_\_\_\_\_

**Amount Budgeted:** \_\_\_\_\_

**Funding Source/Account #:** \_\_\_\_\_

### SUPPORTING DOCUMENTS

Planning Commission staff memo

Draft minutes of the September 1, 2021 Planning Commission meeting

By-Laws of the Merriam Planning Commission – “marked up” and “clean” versions

### ACTION NEEDED/STAFF RECOMMENDATION

City Council review and confirm the amended By-Laws of the Merriam Planning Commission.

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## MEMORANDUM

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**DATE:** September 1, 2021  
**TO:** City of Merriam Planning Commission  
**FROM:** Bryan Dyer, Community Development Director  
**RE:** Amending Planning Commission By-Laws

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At the August 4, 2021 meeting, the Planning Commission discussed a number of items related to amending the Planning Commission By-Laws. Attached is staff's draft of the by-laws based on those comments. Staff has provided a "marked up" and "clean" draft. Some of staff's recommendations do not come from the August 4<sup>th</sup> meeting, but are recommended updates or the removal of language that is counter to state statutes and city ordinance.

The following is a summary of the changes.

- The language updates are changing "Chairman" to "Chairperson" and "he" or "his/her" to "they" or "their"
- Changes to better reflect the city and Planning Commission's practices
- Revisions to allow the option of having "paperless" Planning Commission packets per the August 4<sup>th</sup> discussion
- Revisions to allow the option of holding "virtual" meetings per the August 4<sup>th</sup> discussion
- Removing language that is unclear and counter to state statutes and city ordinance
- Revisions to allow the option of a Planning Commissioner to attend an in person Planning Commission meeting via telephone per the August 4<sup>th</sup> discussion

**BY-LAWS  
OF THE MERRIAM PLANNING COMMISSION**

**1. OFFICERS**

A. Officers of the Merriam Planning Commission shall be ~~Chairman~~Chairperson, Vice-~~Chairman~~Chairperson, and Secretary, which officers shall be elected by the Commission at the first regular meeting in the ~~month of January~~calendar year and shall serve for one year. Election shall be by majority vote of the quorum in attendance. Said officers may be re-elected or replaced by such annual election.

**Commented [BD1]:** Updating language

**Commented [BD2]:** Better reflects PC practice

The Commission shall have a Recording Secretary, provided by the City of Merriam, who shall not be an appointed member of the Planning Commission.

**2. FUNCTION AND DUTIES OF OFFICERS**

A. **Chairman**~~Chairperson~~: The ~~Chairman~~Chairperson shall be the presiding officer at all meetings of the Planning Commission. ~~He~~They may call special meetings at ~~his~~their discretion, and may relinquish the chair to the Vice-~~Chairman~~Chairperson or other specific member at ~~his~~their discretion. The ~~Chairman~~Chairperson may not make or second motions, but may vote on any and all motions to come before the Planning Commission.

**Commented [BD3]:** Updating language

B. **Vice-Chairman**~~Chairperson~~: The Vice-~~Chairman~~Chairperson shall serve in the absence of the ~~Chairman~~Chairperson, and while so serving shall have all the authority held by the ~~Chairman~~Chairperson. In the absence of both the ~~Chairman~~Chairperson and Vice-~~Chairman~~Chairperson, the senior member in tenure shall serve and while so serving shall have all the authority held by the ~~Chairman~~Chairperson.

C. **Secretary**: Legal notices regarding the activities of the Planning Commission shall be published over the name of the Secretary.

D. **Recording Secretary**: The Recording Secretary shall attend all public meetings of the Planning Commission and shall keep an accurate record of the spirit and intent of statements made by witnesses at the hearing. All motions shall be recorded and an accurate record made of all voting procedures by members of the Planning Commission. The minutes of each regular and special meeting shall be ~~printed and copies~~ distributed to members of the Planning Commission and other appropriate persons at an early date. The ~~original of the minutes shall be placed in a binder comprising an accumulating record, such binder permanently retained to be a~~ as part of the official records of the City of Merriam.

**Commented [BD4]:** Allows for electronic packets

**Commented [BD5]:** Reflects the city's practice

### 3. MEETINGS

~~As needed, M~~meetings of the Planning Commission shall be held on the first Wednesday of each month, starting at 7:00 P.M. Special meetings may be held at the call of the ~~Chairman~~Chairperson, or in ~~his/her/their~~ absence, the Vice-~~Chairman~~Chairperson. All meetings shall be open to the public.

**Commented [BD6]:** Reflects PC practice

~~Meetings can be in-person or virtual. In-person means a meeting where participants are physically in the same general area or space. Virtual means a meeting where participants are not physically in the same general area or space, but meet via an electronic medium that allows participants to be present visually and audibly. In-person meetings shall be the practice of the Planning Commission. However, the Chairperson can call for a virtual meeting for reasons including, but are not limited to: inclement weather, a limited meeting agenda consisting of non-public hearing items, or conditions outside of the Commission's control.~~

**Commented [BD7]:** Allows the option of holding meetings virtually

### 4. QUORUM

A majority of the appointed members, including the ~~Chairman~~Chairperson, shall constitute a quorum for the transaction of business and the conducting of hearings.

### 5. APPLICATIONS

Applications for public hearings before the Planning Commission shall be submitted in accordance with current published statutes.

### 6. AGENDA

The agenda shall be prepared and ~~mailed-made available~~ to each member of the Planning Commission, and other appropriate persons one week prior to the date of the meeting. Items shall normally be placed on the agenda in the order in which they are received in the office of the City Clerk, but such placing may vary with due consideration of items likely to attract large attendance at meetings. The ~~Chairman~~Chairperson, for reasons stated to all in attendance, may vary the order of the agenda. ~~An agenda item consisting of a proposed amendment to the zoning ordinance, zoning map, subdivision ordinance, or other ordinance, may be removed from the agenda by a motion to recommend approval or denial, or by forwarding said item to the governing body for their consideration without a recommendation either for approval or denial by the Planning Commission. Other items not pertaining to ordinance passage may be removed by majority vote of those present and the reasons therefore stated in the record. Any item relating to a change in previously approved plans of a Planned Unit Development must appear on the agenda in order to be heard.~~

**Commented [BD8]:** Allows for paperless packets

**Commented [BD9]:** This language is unclear and likely violates state statutes and city ordinance which requires a Public Hearing on zoning ordinances and does not give the PC the option of forwarding a not forwarding a recommendation.

**Commented [BD10]:** Reflects PC practice and city ordinance

### 7. MEETING PROCEDURE

The ~~Chairman~~Chairperson shall call each agenda item and describe briefly, or ask a member of the staff to describe briefly the proposition before the Commission. The ~~proponentapplicant~~ or ~~his/her~~their agent will then be asked to present ~~his/her~~their case. The name and address of the ~~proponentapplicant~~ and ~~his/her~~their agent shall be entered in the record, as well as a summary of ~~his/her~~their presentation. At the conclusion of the ~~proponentapplicant's~~ presentation the members of the commission shall have the opportunity to question the ~~proponentapplicant~~. Any other supporting testimony will then be called for. Opposition may then be heard, with the members of the commission having the opportunity to question any speaker. The ~~proponentapplicant~~ will then be given an opportunity for a short summary.

Commented [BD11]: Updating language

All statements shall be directed to the commission and cross conversation among those in attendance is prohibited. Questions between opposing parties shall be directed first to the ~~chairman~~Chairperson, who may then ask the proper person to answer, such answer being directed to the commission. At such time that the commission feels that testimony has been sufficiently heard, a motion may be passed by a simple majority to terminate testimony, after which the public in attendance may address the commission only with the permission of the ~~chairman~~Chairperson, and only to answer a question by a member of the commission. All persons who wish to speak shall first give their names and addresses for the record.

## 8. MOTIONS

Following closing of testimony, a motion may be made to recommend approval or denial of the proposition to the governing body, or to continue the proposition to a later date. A brief statement of the reason for the motion should precede the making of the motion. Any stipulations relative to plans, development procedure, etc. should be listed following the motion to approve. Upon receiving the second, the motion may be discussed and, upon the call for the question or at the discretion of the ~~chairman~~Chairperson, brought to a vote. Vote shall be by voice, by raising of hands, or by roll call at the discretion of the ~~chairman~~Chairperson. Any member may call for a roll call vote on any issue. Any motion may be tabled or amended in keeping with Roberts Rules.

If the commission feels that delaying an action would be in the best interests of the parties involved, the hearing may be continued to a certain date. Such motion for continuance shall include a reason for the action, and shall require a majority vote of those present. The commission may continue a proposition for a period not to exceed two months from the date of first hearing, and one of three actions shall be taken within that period: (a) the proposal may be approved; (b) the proposal may be denied; (c) the applicant may be permitted to withdraw the proposal. In the latter case, the proposal may come before the commission again only by reapplication, publication, etc., as required by ordinance for all such applications.

## 9. CONTINUANCE BY APPLICANT

A. An applicant may continue ~~his/her~~ their own proposal to a date certain for a period not to exceed two months, but for not less than one month, by notifying the secretary not less than eight days prior to the date of the hearing, whereupon it will not be placed on the agenda. Where notification by mail of adjacent property owners has taken place as required by law, the applicant shall further notify the same property owners by certified mail of the continuance and the new date of the hearing. This notification of continuance shall be mailed not less than five days prior to the date of the new hearing date.

B. Any proposal not withdrawn prior to preparation of the agenda (eight days prior to the hearing) may be continued at the applicant's request only by affirmative vote of three-fourths of the members present at the meeting. In consideration of such a motion to allow continuance, the commission may question the audience as to the number who have been inconvenienced or incurred expense on the presumption that the item would be heard, and the commission may refuse to continue the proposal and may proceed with the hearing and take appropriate action thereon. In any case of continuance, it shall be to a date certain, only one continuance shall be permitted, unless good cause be shown, and the applicant shall notify by certified mail all parties initially notified of the original hearing date, such notification to be mailed not less than five days prior to the date of the new hearing. In addition, the commission may direct a change in the posting on the property and a republishing of the new hearing date in the appropriate newspaper.

#### **10. APPLICANT NOT IN ATTENDANCE**

In case an applicant or his agent is not in attendance when ~~his/her~~ their item is called, that item shall be set over to the end of the agenda. At the time the item is called again, if the applicant is still not represented, the commission may continue the case under procedure of Section 9-B, or any approve or deny the proposition as it sees fit.

#### **11. CONFLICT OF INTEREST**

When a member of the commission feels ~~he/she~~ their may be in conflict of interest on a particular case before the commission, ~~he/she~~ their may so state for the record and vacate ~~his/her~~ their chair. A member so vacating ~~his/her~~ their chair shall leave the room and should not participate in the hearing or discussion, and shall not vote on the issue. If the vacation of a chair due to conflict of interest will eliminate a quorum, then the commission shall continue the hearing to the next regular meeting.

#### **12. NON-ATTENDANCE BY MEMBERS**

Unless good cause be shown, any member who is absent for any three of four consecutive regular meetings of the Planning Commission shall be deemed unable to fulfill the obligations of the office and shall thereby forfeit ~~his/her~~ their membership on the commission by recommendation of the Mayor to the Council.

#### **13. RESERVED ATTENDANCE VIA PHONE LINK-UP**



Phone link-ups will be allowed to establish a Planning Commissioner's attendance at an in person meeting to reach a quorum to conduct a meeting. Phone link-up will be considered when special circumstances exist. Phone link-up must have prior approval from the Chairperson.

**Commented [BD12]:** Added at the request of the PC

#### **14. SUSPENSION OF RULES**

Any of these by-laws may be suspended for stated reasons by affirmative vote of three-fourths of those members present at a regular or special meeting with a quorum present.

**15. AMENDMENT OF RULES**

These by-laws may be amended or repealed for stated reasons by affirmative vote of three-fourths of those members present at a regular or special meeting with a quorum present which shall be submitted to the Council for review and confirmation.

APPROVED the 11<sup>th</sup> day of March, 1974.

AMENDED the 7<sup>th</sup> day of February, 1996.

AMENDED the 24<sup>th</sup> day of January, 2005.

AMENDED the 28<sup>th</sup> day of February, 2005.

AMENDED the 22<sup>nd</sup> day of August, 2011.

AMENDED the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
~~Chairman~~Chairperson

\_\_\_\_\_  
Secretary

**BY-LAWS  
OF THE MERRIAM PLANNING COMMISSION**

**1. OFFICERS**

A. Officers of the Merriam Planning Commission shall be Chairperson, Vice-Chairperson, and Secretary, which officers shall be elected by the Commission at the first regular meeting in the calendar year and shall serve for one year. Election shall be by majority vote of the quorum in attendance. Said officers may be re-elected or replaced by such annual election.

The Commission shall have a Recording Secretary, provided by the City of Merriam, who shall not be an appointed member of the Planning Commission.

**2. FUNCTION AND DUTIES OF OFFICERS**

A. **Chairperson:** The Chairperson shall be the presiding officer at all meetings of the Planning Commission. They may call special meetings at their discretion, and may relinquish the chair to the Vice-Chairperson or other specific member at their discretion. The Chairperson may not make or second motions, but may vote on any and all motions to come before the Planning Commission.

B. **Vice-Chairperson:** The Vice-Chairperson shall serve in the absence of the Chairperson, and while so serving shall have all the authority held by the Chairperson. In the absence of both the Chairperson and Vice-Chairperson, the senior member in tenure shall serve and while so serving shall have all the authority held by the Chairperson.

C. **Secretary:** Legal notices regarding the activities of the Planning Commission shall be published over the name of the Secretary.

D. **Recording Secretary:** The Recording Secretary shall attend all public meetings of the Planning Commission and shall keep an accurate record of the spirit and intent of statements made by witnesses at the hearing. All motions shall be recorded and an accurate record made of all voting procedures by members of the Planning Commission. The minutes of each regular and special meeting shall be distributed to members of the Planning Commission and other appropriate persons at an early date. The minutes shall be permanently retained as part of the official records of the City of Merriam.

### **3. MEETINGS**

As needed, meetings of the Planning Commission shall be held on the first Wednesday of each month, starting at 7:00 P.M. Special meetings may be held at the call of the Chairperson, or in their absence, the Vice-Chairperson. All meetings shall be open to the public.

Meetings can be in-person or virtual. In-person means a meeting where participants are physically in the same general area or space. Virtual means a meeting where participants are not physically in the same general area or space, but meet via an electronic medium that allows participants to be present visually and audibly. In-person meetings shall be the practice of the Planning Commission. However, the Chairperson can call for a virtual meeting for reasons including, but are not limited to: inclement weather, a limited meeting agenda consisting of non-public hearing items, or conditions outside of the Commission's control.

### **4. QUORUM**

A majority of the appointed members, including the Chairperson, shall constitute a quorum for the transaction of business and the conducting of hearings.

### **5. APPLICATIONS**

Applications for public hearings before the Planning Commission shall be submitted in accordance with current published statutes.

### **6. AGENDA**

The agenda shall be prepared and made available to each member of the Planning Commission, and other appropriate persons one week prior to the date of the meeting. Items shall normally be placed on the agenda in the order in which they are received in the office of the City Clerk, but such placing may vary with due consideration of items likely to attract large attendance at meetings. The Chairperson, for reasons stated to all in attendance, may vary the order of the agenda.

### **7. MEETING PROCEDURE**

The Chairperson shall call each agenda item and describe briefly, or ask a member of the staff to describe briefly the proposition before the Commission. The applicant or their agent will then be asked to present their case. The name and address of the applicant and their agent shall be entered in the record, as well as a summary of their presentation. At the conclusion of the applicant's presentation the members of the commission shall have the opportunity to question the applicant. Any other supporting testimony will then be called for. Opposition may then be heard, with the members of the commission having the opportunity to question any speaker. The applicant will then be given an opportunity for a short summary.

All statements shall be directed to the commission and cross conversation among those in attendance is prohibited. Questions between opposing parties shall be directed first to the Chairperson, who may then ask the proper person to answer, such answer being directed to the commission. At such time that the commission feels that testimony has been sufficiently heard, a motion may be passed by a simple majority to terminate testimony, after which the public in attendance may address the commission only with the permission of the Chairperson, and only to answer a question by a member of the commission. All persons who wish to speak shall first give their names and addresses for the record.

## **8. MOTIONS**

Following closing of testimony, a motion may be made to recommend approval or denial of the proposition to the governing body, or to continue the proposition to a later date. A brief statement of the reason for the motion should precede the making of the motion. Any stipulations relative to plans, development procedure, etc. should be listed following the motion to approve. Upon receiving the second, the motion may be discussed and, upon the call for the question or at the discretion of the Chairperson, brought to a vote. Vote shall be by voice, by raising of hands, or by roll call at the discretion of the Chairperson. Any member may call for a roll call vote on any issue. Any motion may be tabled or amended in keeping with Roberts Rules.

If the commission feels that delaying an action would be in the best interests of the parties involved, the hearing may be continued to a certain date. Such motion for continuance shall include a reason for the action, and shall require a majority vote of those present. The commission may continue a proposition for a period not to exceed two months from the date of first hearing, and one of three actions shall be taken within that period: (a) the proposal may be approved; (b) the proposal may be denied; (c) the applicant may be permitted to withdraw the proposal. In the latter case, the proposal may come before the commission again only by reapplication, publication, etc., as required by ordinance for all such applications.

## **9. CONTINUANCE BY APPLICANT**

A. An applicant may continue their own proposal to a date certain for a period not to exceed two months, but for not less than one month, by notifying the secretary not less than eight days prior to the date of the hearing, whereupon it will not be placed on the agenda. Where notification by mail of adjacent property owners has taken place as required by law, the applicant shall further notify the same property owners by certified mail of the continuance and the new date of the hearing. This notification of continuance shall be mailed not less than five days prior to the date of the new hearing date.

B. Any proposal not withdrawn prior to preparation of the agenda (eight days prior to the hearing) may be continued at the applicant's request only by affirmative vote of three-fourths of the members present at the meeting. In consideration of such a motion to allow continuance, the commission may question the audience as to the number who have been inconvenienced or incurred expense on the presumption that the item would be heard, and

the commission may refuse to continue the proposal and may proceed with the hearing and take appropriate action thereon. In any case of continuance, it shall be to a date certain, only one continuance shall be permitted, unless good cause be shown, and the applicant shall notify by certified mail all parties initially notified of the original hearing date, such notification to be mailed not less than five days prior to the date of the new hearing. In addition, the commission may direct a change in the posting on the property and a republishing of the new hearing date in the appropriate newspaper.

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APPROVED the 11<sup>th</sup> day of March, 1974.

AMENDED the 7<sup>th</sup> day of February, 1996.

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AMENDED the 28<sup>th</sup> day of February, 2005.

AMENDED the 22<sup>nd</sup> day of August, 2011.

AMENDED the 27<sup>th</sup> day of September, 2021.

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Chairperson

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Secretary



## AGENDA ITEM INFORMATION FORM

**AGENDA ITEM:** Consider approval of an ordinance amending Section 2-23 of the Merriam Code of Ordinances

**SUBMITTED BY:** Juli Pinnick, City Clerk

**MEETING DATE:** September 27, 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.



### **Sec. 2-23. - Regular meetings.**

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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 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.

(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

CITY OF MERRIAM, KANSAS

# MONTHLY FINANCIAL REPORT

Finance Department



**City of Merriam, KS**  
**Monthly Financial Report - Executive Summary**  
**August 2021**

**Revenues**

	Current Month Actual	YTD Actual	YTD Budget	Over/(Under) YTD Budget
Various Funds:				
1% City Sales Tax	\$ 756,872	\$ 4,367,847	\$ 3,658,802	\$ 709,045
1/4% City Sales Tax-Storm/Street	194,842	1,125,918	914,701	211,217
1/4% City Sales Tax-Rec. Facilities	194,842	1,125,918	914,701	211,217
City Use Tax	111,259	576,589	383,529	193,060
County Sales Taxes - All	197,612	1,131,549	1,008,152	123,397
Real Property Taxes - Gen Fund	\$ -	\$ 4,744,878	\$ 4,634,960	\$ 109,918
Transient Guest Tax	-	164,669	214,625	(49,956)
Franchise Fees	147,345	884,584	876,306	8,278
Court Fines	83,506	691,866	600,000	91,866

**Expenditures**

<i>General Fund - only:</i>	Current Mo. Actual	Monthly Budget	Over/(Under) Budget	Year to Date Actual	Year to Date Budget	Over/(Under) YTD Budget
Salaries and Benefits	\$ 689,204	\$ 803,650	\$ (114,446)	\$ 5,829,107	\$ 6,429,203	\$ (600,096)
Contractual Services:						
OP Fire Services	604,401	237,558	366,843	1,133,066	1,900,463	(767,397)
Utilities	54,681	53,758	923	400,426	430,062	(29,636)
Legal	3,414	5,500	(2,087)	17,849	44,000	(26,151)
Property Maint	51,343	77,798	(26,456)	457,569	622,387	(164,818)
Specific Contractual*	23,500	37,554	(14,054)	194,417	300,431	(106,014)
Other Contractual	253,787	90,549	163,238	547,189	724,391	(177,202)
Commodities:						
Gasoline/Diesel Fuel	6,834	12,954	(6,120)	57,012	103,633	(46,621)
Other Commodities	59,992	54,544	5,448	319,312	436,353	(117,041)

\*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:

- June 2021 1% and ¼% City sales tax collections are 00.038% (-\$396) lower than the prior year.
  - Auto sales are 3.56% more than prior year actual.
  - Merriam Town Center/Johnson Drive sales are 12.99% lower than prior year actual
  - Other categories are 3.17% more than prior year actual.
- Year-to-date 2021 1% and ¼% City sales tax collections are 29.81% (+\$1,652,771) more than prior year.
  - Auto sales are 39.83% more than prior year actual.
  - Merriam Town Center/Johnson Drive sales are 19.62% more than prior year actual
  - Other categories are 18.51% more than prior year actual.

**City of Merriam, KS**  
**Monthly Financial Report - Executive Summary**  
**August 2021**

**Equipment Purchases >\$5,000**

<b>Month</b>	<b>Description</b>	<b>Amount</b>
January	Police – trailer	\$7,595
February	Police – thirty-five tasers	\$20,753
March	None	\$0
April	Parks – park swing structure	\$31,650
May	Parks – We Go swing at Chatlain Park	\$46,091
	Admin – new payroll software launch fees	\$14,250
June	Public Works – excavator	\$31,231
July	Police – 2021 Dodge Durango SUV	\$31,715
August	Police – equipment for 2021 Dodge Durango SUV	\$13,528
	Public Works – traffic signal cabinet – Antioch/555 <sup>th</sup> St.	\$6,182

**Cash and Investment Balances**

FHLB = Federal Home Loan Bank	\$	3,085,000	7%
FHLMC = Federal Home Loan Mortgage Corp.		5,250,000	14%
FNMA = Federal National Mortgage Assn.		1,500,000	4%
FFCB = Federal Farm Credit Bank		17,750,000	48%
US Treasury Bills		3,640,000	10%
Municipal Bonds		2,625,000	8%
TD Ameritrade MMA		337,302	2%
Total Investments		34,187,302	93%
US Bank Cash Account		2,899,128	7%
Total Cash plus Investments	\$	37,086,430	100%

**City of Merriam, KS**  
**Monthly Financial Report - Executive Summary**  
**August 2021**

**FAQ's**

*Question:* What is the City Sales Tax rate effective January 1, 2021?

*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:* **\$1,685,000** is the current balance for the Series 2012 and **\$15,390,000** 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:* **27.558 mills** (2020 levy supporting 2021 budgets)

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

*Answer:* **\$226 million** per Johnson County Clerk as of June 15, 2021

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

*Answer:* **\$101 million** or 45% for Residential (including apartments);

**\$118 million** or 52% for Commercial;

**\$7 million** or 3% for Other (including vacant land, personal property, utilities)

*Question:* How many households are in the City?

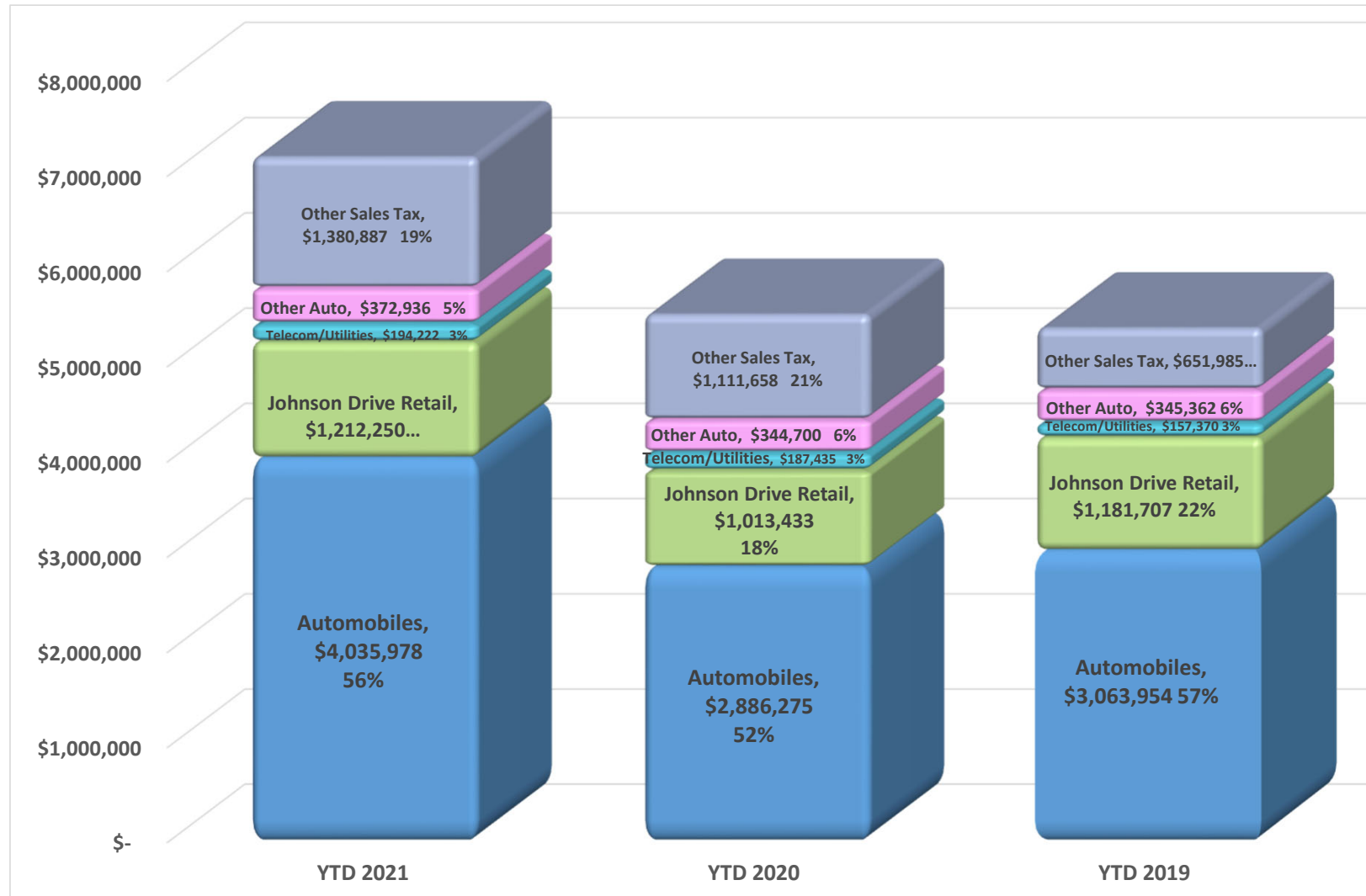
*Answer:* **5,224 households** (homes and apartments) per the 2010 U.S. Census Bureau

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

*Answer:* **4.49** is the City's pull factor per the Kansas Department of Revenue (December 2020 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 2021 vs 2020 vs 2019





**CITY SALES & USE TAXES \***  
**(Regular 1.50% effective Jan. 1, 2018, 1.25% prior years)**

**Through: August 2021**

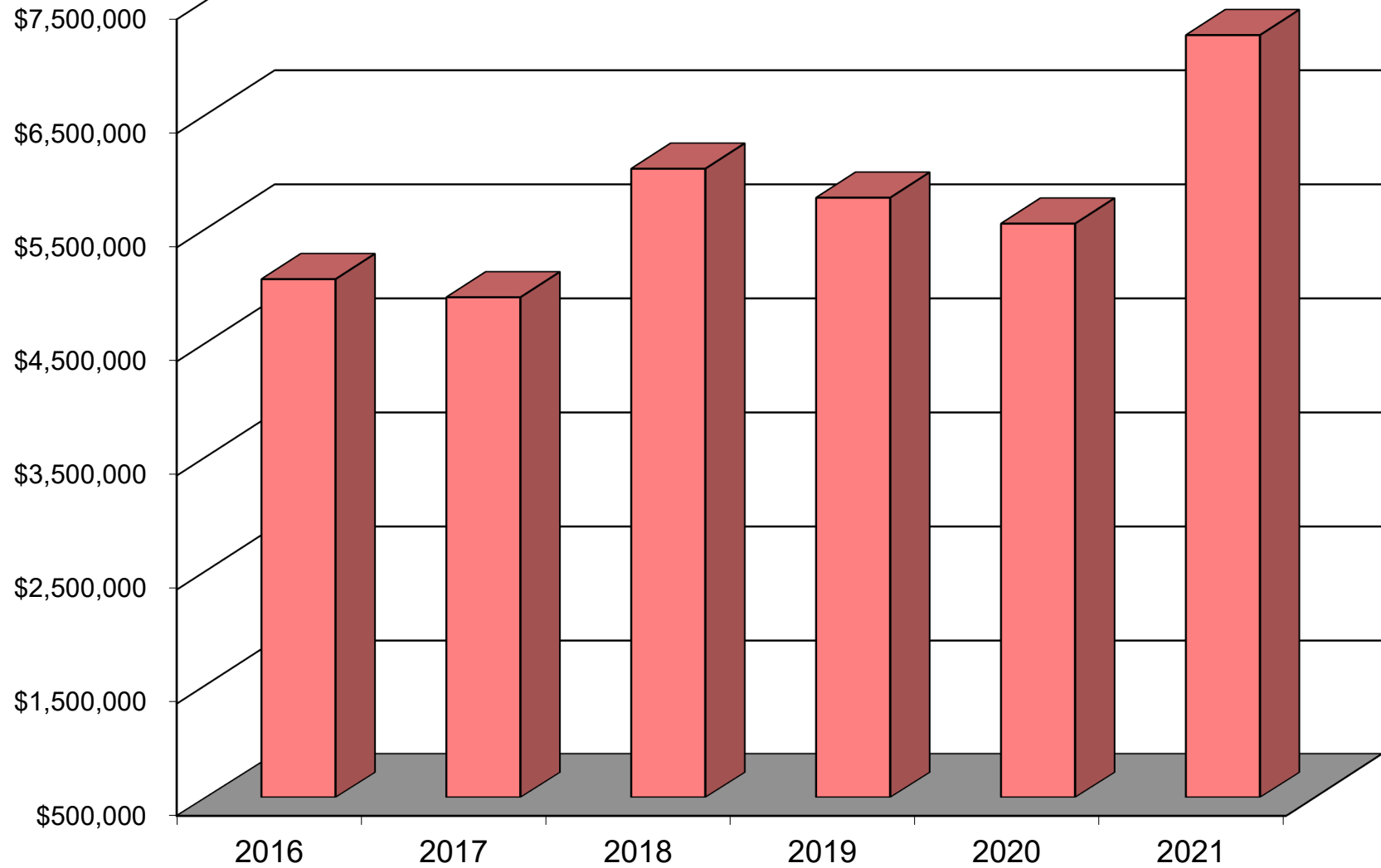
Month Collected/Received	2016	2017	2018	2019	2020	2021	Comparison 2020 and 2021	Average 2016-2020
Jan/Mar	831,320	786,301	849,645	852,037	929,937	1,087,169	157,232	849,848.23
Feb/Apr	773,150	738,462	984,697	815,595	994,443	969,981	(24,462)	861,269.54
Mar/May	858,854	868,780	997,674	1,014,294	803,256	1,293,467	490,212	908,571.46
Apr/Jun	796,692	750,690	1,079,168	979,825	654,772	1,332,840	678,068	852,229.23
May/Jul	931,163	858,245	1,025,175	1,127,238	914,993	1,255,000	340,007	971,362.79
Jun/Aug	865,511	895,143	1,088,415	981,803	1,246,100	1,257,815	11,715	1,015,394.31
Jul/Sep	927,803	911,673	1,028,566	1,156,685	1,066,462			1,018,237.78
Aug/Oct	923,896	909,599	1,093,553	1,156,528	1,143,388			1,045,392.50
Sep/Nov	863,243	829,752	898,941	1,092,707	1,013,232			939,575.13
Oct/Dec	819,791	887,153	978,915	1,030,482	1,095,142			962,296.84
Nov/Jan	844,545	815,416	947,857	1,041,482	1,027,139			935,287.94
Dec/Feb	943,732	868,102	966,502	1,043,210	1,146,167			993,542.34
<b>Total</b>	<b>10,379,700</b>	<b>10,119,316</b>	<b>11,939,108</b>	<b>12,291,885</b>	<b>12,035,031</b>	<b>7,196,272</b>	<b>1,652,771</b>	<b>11,353,008</b>
<b>YTD</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>		
August 2021	5,056,690	4,897,621	6,024,774	5,770,792	5,543,501	7,196,272		

Average Collections Between 2016-2020	\$ 11,353,008
Budgeted 2021	11,743,464
Estimate Based on Current Collection Rate	14,392,543
Over/(Under) at Current Collection Rate	\$ 2,649,079

\* 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.

# **1.50% City Sales & Use Tax Year to Date Comparison 2016-2021**

**(1.50% effective Jan. 1, 2018, 1.25% prior years)**



**JOHNSON COUNTY SALES/USE TAX AND PUBLIC SAFETY TAXES \***  
**(Total City Share is 1.25%)**

**Through: August 2021**

Month Collected/Received	2016	2017	2018	2019	2020	2021	Comparison 2020 and 2021	Average 2016-2020
Jan/Mar	130,730	132,558	164,426	147,949	152,833	181,820	28,986	145,699
Feb/Apr	129,905	136,333	149,591	148,168	156,265	159,569	3,304	144,052
Mar/May	145,445	148,999	178,476	167,514	150,945	194,529	43,584	158,276
Apr/Jun	141,130	157,071	171,127	165,807	153,599	197,500	43,901	157,747
May/Jul	136,074	168,652	179,056	182,514	164,589	200,519	35,930	166,177
Jun/Aug	150,786	181,983	185,132	176,338	192,327	197,612	5,285	177,313
Jul/Sep	150,089	172,667	166,088	181,055	168,081			167,596
Aug/Oct	148,762	176,915	175,932	178,013	187,229			173,370
Sep/Nov	152,714	180,671	164,596	178,770	177,905			170,931
Oct/Dec	140,607	165,159	163,132	176,796	182,813			165,701
Nov/Jan	142,131	171,494	183,409	177,798	180,092			170,985
Dec/Feb	172,005	196,607	189,838	194,792	179,184			186,485
<b>Total</b>	<b>1,740,379</b>	<b>1,989,108</b>	<b>2,070,804</b>	<b>2,075,514</b>	<b>2,045,862</b>	<b>1,131,549</b>	<b>160,991</b>	<b>1,984,333</b>
<b>YTD</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>		
August 2021	834,071	925,595	1,027,808	988,290	970,558	1,131,549		

Average Collections Between 2016-2020	\$ 1,984,333
Budgeted 2021	2,016,304
Estimate Based on Current Collection Rate	2,263,099
Over/(Under) at Current Collection Rate	\$ 246,795

\* The County special "courthouse" 0.25% tax, effective April 1, 2017, will expire March 31, 2027. All other County taxes have no sunset date.

**August 2021  
REVENUE SUMMARY BY FUND**

<b>Fund Number</b>	<b>Revenues</b>	<b>Budget/Est.</b>	<b>YTD Actual</b>	<b>Monthly Collections</b>	<b>Balance</b>	<b>YTD % Budget/Est.</b>
<b>001</b>	General Fund	\$ 19,577,129	\$ 13,116,129	\$ 1,414,593	\$ 6,461,000	67.00%
<b>201</b>	Special Highway Fund	253,420	170,421	34	82,999	67.25%
<b>202</b>	Special Alcohol Fund	27,283	10,538	(0)	16,745	38.62%
<b>203</b>	Special Park & Rec	27,283	10,560	2	16,723	38.71%
<b>204</b>	Transient Guest Tax	502,750	200,310	3,691	302,440	39.84%
<b>221</b>	Risk Management Reserve	19,985	5,870	79	14,115	29.37%
<b>222</b>	Equipment Reserve Fund	640,000	420,466	50,009	219,534	65.70%
<b>301</b>	Capital Improvement Fund		4,643,266	753,692		
<b>303</b>	I-35 District CIP Fund		5,726	29		
<b>401</b>	Bond and Interest Fund	3,229,038	1,912,057	794,901	1,316,981	59.21%
<b>403</b>	TIFB-I35 District		4,334,987	-		
<b>702</b>	Special Law Enforcement-State/Local		-	-		
<b>703</b>	Property Forfeiture Fund		10,425	-		
<b>704</b>	Grant Fund		1,403	1,403		
<b>TOTAL</b>		<b>\$ 24,276,888</b>	<b>\$ 24,842,157</b>	<b>\$ 3,018,431</b>	<b>\$ 8,430,538</b>	

<b>Average Rate of Sales Tax Collections Should Be:</b>	<b>50.00%</b>
<b>Average Rate of Other Collections Should Be:</b>	<b>66.67%</b>

## August 2021 EXPENDITURE SUMMARY BY FUND

Fund Number	Expenditures	Budget/Est. *	YTD Actual	Monthly Expenditures	Encumbrances	Balance	YTD % Budget/Est.
001	General Fund	\$ 19,390,930	\$ 12,772,330	\$ 2,248,977	\$ 629,402	\$ 5,989,197	69.11%
201	Special Highway Fund	330,000	4,629	636	2,603	322,767	2.19%
202	Special Alcohol Fund	27,000	20,000	-	-	7,000	74.07%
203	Special Park & Rec	60,000	59,766	263	-	234	99.61%
204	Transient Guest Tax	537,913	283,699	34,414	12,963	241,252	55.15%
221	Risk Management Reserve	30,000	(37,746)	-	31,715	36,031	-20.10%
222	Equipment Reserve Fund	691,093	148,770	74	26,695	515,628	25.39%
301	Capital Improvement Fund		2,498,867	1,252,049	742,879		
303	I-35 District CIP Fund		102,483	27,271	190,657		
401	Bond and Interest Fund	3,220,475	400,238	-	-	2,820,238	12.43%
403	TIFB-I35 District		1,292,064	-	-		
702	Special Law Enforcement-State/Local		14,055	6,923	-		
703	Property Forfeiture Fund		-	-	-		
704	Grant Fund		1,403	-	-		
<b>TOTAL</b>		<b>\$ 24,287,411</b>	<b>\$ 17,560,557</b>	<b>\$ 3,570,606</b>	<b>\$ 1,636,915</b>	<b>\$ 9,932,347</b>	

<b>Average Expenditure Rate Should Be:</b>	<b>66.67%</b>
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\* Excludes budgeted reserves and contingencies

**August 2021**  
**EXPENDITURE SUMMARY BY DEPARTMENT**  
**GENERAL FUND - YEAR-TO-DATE**

<u>Department</u>	<u>2021</u>			<u>2020</u>	<u>Actual 2021 Over/(Under) Actual 2020</u>
	<u>Annual Budget/Est.</u>	<u>Year-to-date Actual</u>	<u>% of Budget Used</u>	<u>Year-to-date Actual</u>	
City Council	\$ 100,691	\$ 46,079	45.76%	\$ 56,279	\$ (10,200)
Administration	1,286,151	827,408	64.33%	835,763	(8,355)
Municipal Court	386,354	225,705	58.42%	207,741	17,963
Info Services	556,966	340,680	61.17%	357,378	(16,698)
General Overhead					
General	496,955	241,961	48.69%	177,155	64,806
Utilities	608,200	398,953	65.60%	147,127	251,826
Property Maintenance	549,784	257,589	46.85%	153,611	103,977
Risk Management	230,000	207,562	90.24%	177,960	29,602
Legal	71,900	19,849	27.61%	34,145	(14,296)
Employee Benefits	61,640	18,439	29.91%	16,663	1,776
Fleet Maintenance	296,985	115,294	38.82%	n/a	n/a
Interfund Transfers	2,701,544	3,709,780	137.32%	3,298,876	410,904
Contingency Usage *	25,000	-	0.00%	-	-
Police	4,156,162	2,611,745	62.84%	2,640,293	(28,548)
Fire	2,910,889	1,157,514	39.76%	1,181,855	(24,341)
Public Works	2,289,336	1,234,369	53.92%	1,245,948	(11,579)
Culture & Rec - Parks	52,003	12,147	23.36%	61,023	(48,876)
Culture & Rec - Comm Ctr	1,775,571	875,451	49.31%	597,380	278,071
Community Dev	800,550	471,807	58.94%	504,906	(33,099)
Total General Fund	<u>\$ 19,356,681</u>	<u>\$ 12,772,330</u>	<u>65.98%</u>	<u>\$ 11,694,103</u>	<u>\$ 962,933</u>

Average Expenditure Rate Should Be:	<b>66.67%</b>
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\* Excludes budgeted reserves and contingencies

A large, stylized letter 'Z' composed of geometric shapes. The top and bottom bars of the 'Z' are light yellow. The middle bar is blue and contains the text 'INVESTMENT REPORT'. The bottom bar of the 'Z' is composed of a series of small triangles in shades of yellow and orange.

# INVESTMENT REPORT

**Investment Listing by Maturity Date  
8/31/2021**

<b>Fund</b>	<b>Type</b>	<b>Location</b>	<b>Purchase Date</b>	<b>Par Amount</b>	<b>Maturity Date</b>	<b>Yield</b>	<b>Monthly Subtotal</b>
301/901	Treasury MMA	TD Ameritrade	09/01/16	\$ 337,302	N/A	0.010%	\$ 337,302
901	MUNICIPAL BOND	TD Ameritrade	02/23/21	200,000	09/01/21	0.220%	
901	MUNICIPAL BOND	TD Ameritrade	03/25/21	175,000	09/01/21	0.185%	
301	AGENCY-FNMA	Country Club	07/29/19	500,000	09/08/21	1.862%	\$ 875,000
301	AGENCY-FNMA	TD Ameritrade	10/28/20	1,000,000	10/07/21	0.122%	
301	MUNICIPAL BOND	TD Ameritrade	11/05/20	250,000	10/15/21	0.221%	\$ 1,250,000
303	AGENCY-FHLB	TD Ameritrade	02/18/20	340,000	12/10/21	1.400%	
301	AGENCY-FHLB	TD Ameritrade	02/18/20	245,000	12/10/21	1.400%	
301	AGENCY-FHLB	TD Ameritrade	12/16/20	1,000,000	12/16/21	0.092%	
301	TBILL	Country Club	03/31/21	290,000	12/30/21	0.039%	
222	TBILL	Country Club	12/23/20	300,000	12/31/21	0.095%	\$ 2,175,000
301	AGENCY-FFCB	TD Ameritrade	04/30/21	500,000	01/12/22	0.055%	
301	AGENCY-FHLMC	TD Ameritrade	07/28/21	2,000,000	01/13/22	0.046%	\$ 2,500,000
222/301	TBILL	Country Club	08/12/21	650,000	02/10/22	0.047%	
301	TBILL	Country Club	08/17/21	500,000	02/10/22	0.047%	\$ 1,150,000
222/301	TBILL	Country Club	04/21/21	1,150,000	03/24/22	0.054%	\$ 1,150,000
301	AGENCY-FFCB	TD Ameritrade	04/14/21	250,000	04/13/22	0.120%	
301	TBILL	TD Ameritrade	04/30/21	750,000	04/15/22	0.050%	
901	AGENCY-FFCB	TD Ameritrade	02/03/21	1,000,000	04/27/22	0.100%	\$ 2,000,000
301	AGENCY-FFCB	TD Ameritrade	07/28/21	2,000,000	05/16/22	0.066%	\$ 2,000,000
301	AGENCY-FHLB	TD Ameritrade	06/11/21	750,000	06/10/22	0.070%	\$ 750,000
901	AGENCY-FFCB	TD Ameritrade	08/19/21	2,000,000	08/19/22	0.074%	\$ 2,000,000
901	MUNICIPAL BOND	TD Ameritrade	02/23/21	290,000	09/01/22	0.220%	
901	MUNICIPAL BOND	TD Ameritrade	02/25/21	530,000	09/01/22	0.230%	
901	MUNICIPAL BOND	TD Ameritrade	03/04/21	500,000	09/01/22	0.370%	
901	MUNICIPAL BOND	TD Ameritrade	03/31/21	185,000	09/01/22	0.270%	
901	MUNICIPAL BOND	TD Ameritrade	03/31/21	260,000	09/01/22	0.245%	
901	AGENCY-FFCB	TD Ameritrade	06/16/21	1,000,000	09/16/22	0.082%	
301	AGENCY-FFCB	TD Ameritrade	12/22/20	1,000,000	09/22/22	0.120%	\$ 3,765,000
301	AGENCY-FHLMC	TD Ameritrade	08/13/21	2,500,000	11/23/22	0.078%	\$ 2,500,000
301	MUNICIPAL BOND	TD Ameritrade	05/07/20	235,000	12/01/22	1.050%	\$ 235,000
901	AGENCY-FFCB	TD Ameritrade	01/13/21	500,000	01/13/23	0.160%	
301	AGENCY-FFCB	TD Ameritrade	07/23/21	1,000,000	01/23/23	0.155%	
221	AGENCY-FFCB	Country Club	01/30/20	350,000	01/23/23	1.441%	
301	AGENCY-FFCB	Country Club	01/30/20	150,000	01/23/23	1.441%	\$ 2,000,000
901	AGENCY-FFCB	TD Ameritrade	02/10/21	2,000,000	02/10/23	0.135%	\$ 2,000,000
301/303	AGENCY-FFCB	TD Ameritrade	03/03/21	1,000,000	03/01/23	0.158%	
901	AGENCY-FFCB	TD Ameritrade	03/10/21	500,000	03/10/23	0.160%	
301	AGENCY-FFCB	TD Ameritrade	06/23/21	1,000,000	03/23/23	0.180%	\$ 2,500,000
301	AGENCY-FHLMC	TD Ameritrade	06/30/21	750,000	04/20/23	0.197%	\$ 750,000
301	AGENCY-FFCB	TD Ameritrade	08/17/21	2,000,000	05/17/23	0.187%	\$ 2,000,000
901	AGENCY-FFCB	TD Ameritrade	08/26/21	1,500,000	06/26/23	0.207%	\$ 1,500,000
301	AGENCY-FHLB	TD Ameritrade	08/18/21	750,000	08/18/23	0.250%	\$ 750,000
Weighted Yield						0.195%	<u>\$ 34,187,302</u>





## 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). (Second reading)

**SUBMITTED BY:** Bryan P. Dyer, Community Development Director

**MEETING DATE:** September 27, 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

City Council approve the attached ordinance amending Chapter 26 - Environment of the Code of Ordinances of the City of Merriam by adopting stormwater best management practices (BMP) and authorize the Mayor to sign the effectuating ordinance.

**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 1<sup>st</sup> 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 27<sup>th</sup> day of September, 2021.

APPROVED BY THE Mayor this 27<sup>th</sup> day of September, 2021.

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Ken Sissom, Mayor

(SEAL)

ATTEST:

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Juliana Pinnick, City Clerk

APPROVED AS TO FORM

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Ryan Denk, City Attorney

## **CITY COUNCIL SUGGESTED MOTIONS FOR YOUR CONSIDERATION**

### **CONSENT AGENDA**

1. Move that the council approve Consent Agenda Items 1-3.

### **MAYOR'S REPORT**

1. No motion.

### **PLANNING COMMISSION**

1. Move that the council confirm the amendments to the Planning Commission By-laws.

### **COUNCIL ITEMS**

1. Move that the council approve an ordinance amending section 2-23 of the Merriam Code of Ordinances.
2. No motion.
3. Move that the council approve an ordinance amending Chapter 26 of the Merriam Code of Ordinances.
4. No motion.

### **STAFF ITEMS**

### **EXECUTIVE SESSION**