

**MERRIAM CITY COUNCIL MINUTES
CITY HALL
9001 WEST 62ND STREET
April 26, 2021
7:00 P.M.**

This was a virtual meeting held via Zoom.

I. CALL TO ORDER - PLEDGE OF ALLEGIANCE

Mayor Sissom called the meeting to order at 7:00 pm. Council and staff said the Pledge of Allegiance.

II. ROLL CALL

Scott Diebold
Chris Evans Hands
Bruce Kaldahl
Brian Knaff
David Neal
Bob Pape
Jason Silvers
Whitney Yadrich

Staff present via Zoom meeting: Chris Engel, City Administrator; Ryan Denk, City Attorney; Jennifer Jones-Lacy, Assistant City Administrator; Jim MacDonald, Public Works Director; Jenna Gant, Communication and Public Engagement Manager; Darren McLaughlin, Police Chief; Stephanie Thompson, Human Resource Manager; Bryan Dyer, Community Development Director; Donna Oliver, Finance Director; Anna Slocum, Parks and Recreation Director; and Juli Pinnick, City Clerk.

III. PUBLIC ITEMS

In response to COVID-19 and remote City Council meetings, the public comment process that normally occurs during the City Council meeting has temporarily changed. Members of the public are still encouraged to share comments about matters that may or may not appear on the agenda by the following process below:

Submit public comment to the City Clerk at jpinnick@merriam.org by 6 p.m. on the date of the meeting; comments are limited to 500 words; must include "Public Comment" in the subject line; commenters must include their name and their address. Late submissions, submissions without "Public Comment" in the subject line; and comments without name and address will not be read into the public record. 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 April 12, 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

VI. PLANNING COMMISSION

1. Consider approval of rezoning from I-1 and C-2 to PUD-G and the associated preliminary development plan for the property located at 5519 and 5501 Merriam Dr. (DS Bus Lines)

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

The applicant, Kincaid Group, is requesting approval of a preliminary development plan and re-zoning for the DS Bus Lines parking lot expansion. Currently, the subject property is developed with a school bus transportation facility that includes offices and maintenance buildings related to the transportation facility's operations. The purpose of this proposal is to facilitate a parking lot expansion and improve campus operations.

The applicant is requesting that the subject property be rezoned from I-1 (Light Industrial) District and C-2 (Retail Business) District to Planned Unit Development - General (PUD-G) District. Rezoning to Planned Unit General (PUD-G) District will allow for consistent zoning, while maintaining flexibility in regard to setbacks and design standards.

Per county records, the southern portion of the subject property was developed in 1960 and has been used as a school bus storage and operation facility for decades. In 1996 and 1997 the bus facility submitted site development plans for the original office building construction (SD-3-96 and SD-1-97). These plans were subsequently approved by the Planning Commission. In 2019, a site development plan for an approximately 3,200 square foot office building addition to the existing 4,300 square foot building

was submitted (SDP19-000001 and SDP19-000002) and approved by the Planning Commission. The office building expansion is complete. There are two existing buildings on the subject property – 7,500 square foot office building and a 1,200 square foot maintenance building. The remainder of the property west of Turkey Creek is paved parking for employee use and bus parking is east of Turkey Creek with a bridge connecting the two paved areas.

The northern portion of the property has been known as the Wiliker Tow lot for decades and was used for storage of inoperable vehicles. The use of the property preceded city zoning regulations and was considered a legal non-conforming use. The property was sold in 2008. The new property owner continued the tow lot and inoperable vehicle storage use maintaining the property's non-conforming status. In 2018, Kincaid Group purchased the property on a contract for deed and began a significant cleanup of the property. DS Bus Lines is using the property for employee and bus parking.

Additionally, Kincaid Group received city approval to utilize the eastern leg of the W. 55th Street and Merriam Drive intersection as a private driveway entrance into the new parking/storage area. Kincaid Group has submitted plans that have been conditionally approved by the city. This preliminary development plan shows the proposed intersection and private driveway improvements.

The proposed parking lot expansion will decrease the subject property's overall impervious surface by 18,000 square feet and provide additional employee and bus parking. The site will be accessed from existing curb cuts from Merriam Drive and the new private driveway from W. 55th Street and Merriam Drive.

Rezoning to a PUD-G District allows for the creation of a preliminary development plan for the subject properties. Approval of the preliminary development plan will allow the site to deviate from the C-2 District's required building and parking lot setbacks. In exchange for allowing the deviations, the city gains a higher level of review of the site's current and future uses, layout, aesthetics, and landscaping.

The preliminary development plan includes the existing 7,500 square foot office building, 1,200 square foot maintenance facility, and parking lot. There are no proposed additions or exterior modifications to the existing buildings. This request is only for the new parking lot and the associated fencing and land

On April 7, 2021, the Planning Commission held a public hearing and based on information supplied by the applicant, as well as the criteria outlined in the Merriam Code and Kansas law as outlined in the Planning Commission Staff Report, unanimously recommended approval of the rezoning and associated preliminary development plan, with conditions. A copy of the

Planning Commission Staff Report and associated minutes were included with the Agenda Packet.

Councilmember Silvers had questions regarding the water flow from the project into Turkey Creek.

Mr. Dyer showed the development plan with the new layout compared to the one currently on the site. The new paved area will be smaller than the current area. The additional landscaping will help absorb the majority of the water flow, additionally, the shrubs and grass landscaping that will be added will actually filter the water coming off the site compared to the current situation which has sheet flow run off with many impurities.

Councilmember Yadrich asked about the trail connection in this area moving north.

Mr. Dyer confirmed that Kincaid Group will manage the trail detour during construction; they have contacted city staff to work through that process.

COUNCILMEMBER PAPE MOVED THAT THE GOVERNING BODY CONCUR WITH THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVE, WITH CONDITIONS, THE REZONING OF 5519 AND 5501 MERRIAM DRIVE FROM C-2 AND I-1 TO PUD-G WITH RESTRICTED USE TO VEHICLE STORAGE FOR OPERABLE BUSES AND ASSOCIATED OFFICE, SERVICE AND SUPPORT FACILITIES AND APPROVE THE ASSOCIATED PRELIMINARY DEVELOPMENT PLAN AND AUTHORIZE THE MAYOR TO SIGN THE EFFECTUATING ORDINANCE. COUNCILMEMBER YADRICH SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

2. Consider the acceptance of dedicated easements and right-of-way shown on the Merriam Kincaid 2nd Plat.

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

The applicant, Kincaid Group, is requesting approval of a final plat, Merriam Kincaid 2nd Plat, for 5501 and 5519 Merriam Drive. The rezoning request to PUD-G (Planned Unit Development – General) District and preliminary development plan for the proposed final plat was just approved. The purpose of the proposal is to facilitate a parking lot expansion and improve campus operations.

The applicant has submitted a development plan for the subject properties shown on this plat. The proposed lot meets the minimum bulk and dimension requirements for a PUD-G District.

Currently, the subject property is developed with a school bus transportation facility that includes offices and maintenance buildings related to the transportation facility's operations.

At their April 7, 2021 meeting, the Planning Commission unanimously approved the plat and forwarded it to the City Council for the acceptance of easements with conditions.

COUNCILMEMBER PAPE MOVED THAT THE COUNCIL ACCEPT THE DEDICATION OF EASEMENTS AND RIGHT-OF-WAY SHOWN ON THE MERRIAM KINCAID 2ND PLAT. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

VII. COUNCIL ITEMS

1. Presentation on Permanent and Temporary Weather Shelter and Food Pantry.

Community Development Director Bryan Dyer presented an explanation of Permanent and Temporary weather shelters as they relate to the City's Zoning Code. He also presented information on food pantries as they relate to the Zoning Code. Section 74-3 of the Merriam Code of Ordinances provides definitions for Group home and Group residence.

Group homes are regulated and licensed by the state and the city has limited authority over these facilities. They are allowed in a residential zoned area, are limited to no more than ten persons, including eight or fewer with a disability. Group homes also include state-licensed adult care residences and facilities.

Group residence is allowed in residential zoned areas, requires a Special Use Permit, must meet the development standards for parking and parking lot screening, require a Public Hearing before the Planning Commission, require City Council approval/denial, and are allowed for an initial two-year term with subsequent five-year renewals. Permanent homeless shelters would fall under the definition of Group residence.

Temporary weather shelters are reviewed on a case-by-case basis and are something that would need quick consideration. The shelter would require inspections from the Merriam Building Official and Overland Park Fire Department prior to occupancy and would no longer be used as a shelter once the emergency is over.

Food pantries fall into two use types; one being a primary use and the other an ancillary use. An ancillary use would not be the primary use of a facility; an example would be a church that also had a food pantry. Primary uses would be reflective of a grocery store and/or a warehouse. As a primary use, the pantry would be required to meet zoning and building code requirements and could only be located in a commercially zoned area.

Councilmember Hands asked if the emergency shelter regulation would pertain to a natural disaster situation where people would need to be housed while their homes were being repaired or rebuilt.

Mr. Dyer explained that a natural disaster situation would fall under the emergency shelter provisions.

2. Community Development Update.

Community Development Director Bryan Dyer provided the following development updates:

Building Projects - Seaboard Corp. is doing an extensive exterior remodel as well as an interior remodel of their facility.

AdventHealth has a couple of interior remodels going on with their medical office buildings on their campus.

The new tenant in Merriam Town Center, Bob's Discount Furniture continue working on their project, there is no opening date set.

Grants - The Residential Exterior and Sustainability Grant Programs are going well with many applicants receiving their reimbursements for completed projects.

The Downtown Merriam Exterior Improvements Grant Program has not received any applications, yet. Staff will continue to push out the information and attempt to connect with some businesses to see if they are interested in participating in the program.

Preliminary Census data has been released and Kansas has experienced the second slowest population growth since census data has been collected, however, there will be no changes in the number of representatives. Some states have lost representatives due to population declines. Hopefully more detailed census block information will be available in the coming weeks. This will provide more detailed information about Merriam's population.

3. Monthly Finance Report.

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

4. Consider approval of a Professional Services Agreement (PSA) with Affinis for design engineering services for West Frontage Rd. from Turkey Creek Dr. to 75th St.

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

In April 2021 staff conducted a Request for Qualifications (RFQ) process for 2021-2026 capital projects engineering. There were six projects and engineering firms could submit their interest and qualifications for one or more projects. Eleven firms responded to the RFQ.

An engineering selection team comprised of Jim MacDonald, Todd Veeman, and Randy Fine rated each statement of interest on the following criteria: 1.) Project Understanding; 2.) Project Approach; 3.) Relevant Experience; 4.) Staff and Availability; and 5.) Communication/Public Relations. The highest rated firm was selected by the committee and a project scope meeting was held.

In an effort to maintain continuity while still maintaining a climate of competition, Staff's intention is to follow a similar RFQ process every five years.

Affinis Corporation was selected for the West Frontage Road Project engineering. The scope of this construction project includes the installation of new curb and gutter, sidewalk along the west side of the roadway, drainage improvements, 2-inch Mill/Overlay, bridge deck repairs, slope and embankment protection, new pedestrian bridge over Turkey Creek, RR crossing upgrades, replacement of substandard curb/gutters and sidewalk/ADA ramps as required.

The project scope has changed significantly since first budgeted, needed repairs to the bridge deck and footings were discovered after the biennial bridge inspection. Upgrades to the RR crossing and signals along with a pedestrian bridge over Turkey Creek were not part of the original scope of work. This requires more engineering therefore the increased cost. Staff is requesting to use additional TIF funds to cover the overage.

COUNCILMEMBER PAPE MOVED THAT THE COUNCIL APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH AFFINIS FOR ENGINEERING SERVICES FOR WEST FRONTAGE RD. FROM TURKEY CREEK DRIVE TO 75TH ST FOR AN AMOUNT NOT TO EXCEED

\$259,665.00. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

VIII. STAFF ITEMS

IX. EXECUTIVE SESSION

X. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL, COUNCILMEMBER HANDS MOVED TO ADJOURN AT 7:45 PM. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

APPROVED: May 10, 2021

Respectfully submitted,

Juliana Pinnick

City Clerk