

**CITY OF MERIDEN
APPROVED MINUTES
CITY COUNCIL MEETING
NOVEMBER 14, 2018**

MEETING CALLED TO ORDER AT 7:03 PM

THOSE PRESENT

Council Members: Floyd Cozadd BJ Whiteman Jacqueline Cummings Richard White

Dana Boyer, Mayor Carrie Daniels, City Clerk

NOT PRESENT

Lee Hendricks, City Attorney Lee arrived at 8:05 PM

NEW BUSINESS

Mayor Boyer opened meeting for discussion on filling the vacant council position previously held by Ty Buschbom. Ken Parker expressed an interest and was given the opportunity to answer any questions the Council had about him or his interest in filling the Council Seat. Ken stated that he wants to be vested in the Community and explained his experience serving on other public committees within the various communities he has lived. Ken is the local pastor at the United Methodist Church. He grew up in a small town and believes strongly in community involvement. Meriden is his primary residence and a registered voter in the City of Meriden. Andy Surrett was present to encourage the council to support Ken Parker's appointment to fill the vacant Council seat. Andy spoke very highly of Ken Parker and his education.

Mayor Boyer requested council member's approval to accept Ken Parker to fill the vacant council position. BJ Whiteman – Yes, Jackie Cummings – Yes, Floyd Cozadd – No, Richard White – No. Vote 2-2. Mayor Boyer-broke the tie vote-with yes.

Matt Williams discussed the proposed city improvements regarding the crumbling sidewalk and curbing while also addressing issues with parking, American with Disability Act (ADA) compliance and the additional drainage issues involving the intersection of Palmberg and Main Street. Matt obtained sealed bids from Macfee Henderson Solutions, Matt Steele Engineering and Design and Olsson Associates.

Mayor Boyer asked Matt for his thoughts on the project issues. Matt relayed that ADA parking is not realistic given the ADA requirements and drainage issues. Matt asked the council to look at the pictures provided. He explained the ADA's ten foot loading requirement for each side. Handicapped parking will need moved to the back of the building, ramps require a minimum of five feet and railings plus the parking lot in the back will need paved. City Engineer Mark

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Bachamp, City Engineer relayed it is not the City's obligation to provide sidewalks and parking they are only required to provide access to the front door via the right of way. The property owner is ultimately responsible. ADA access complicates the issue of design. Often businesses find the most effective cost solution is to completely demolish and rebuild a facility. Property owners must be a part of the planning process and agreements will need to be addressed. If you do tear up the sidewalks you need to factor in ADA access as it has an impact on future development and use of building. The primary issue is the elevation on the Northeast Corner, there is just nothing to work with. Generally you want the ADA parking stalls to be the shortest distance to the front door.

Motion by Richard White and seconded by Floyd Cozadd, to table further discussion on the sidewalk, curbing, drainage, and ADA issues until further notice. Motion Passed 4-0.

Mr. Erich Glave, Kansas Department of Health and Environment (KDHE) explained the issue regarding the sewer lagoon belonging to the Countryside Square. Mayor Boyer explained that the lagoon by the bank was pumped into the ditch and flowing back into the city ditches. Technically the process is called de-watering and requires testing prior to pumping. Unfortunately, he pumped out more water than he should have and he should have retested after a certain point.

Richard White asked who conducts the test prior to "de-watering". Erich stated that it is the responsibility of the property owner to conduct the test, and it is the word of the owner that testing was completed and meets the standard. KDHE has directed the owner of Countryside Square to comply with inspection and provide an improvement plan with a response required within 15 days of the complaint. Richard asked how many days owner has to rectify the issues identified. Mr. Glave relayed they have 30-60 days. Richard White asked if the owners would be held accountable because the city intends to hold someone accountable. Mr. Glave stated that Hannah Lewis and Helen Holt will be working on any possible penalties and quality assurance. The Mayor can submit an open records request regarding Countryside Square for a specific time period.

Andy Surret suggested that it might be better to annex them into the city limits as they are not far away from the City sewer lines. Mayor Boyer relayed if they were to come into the City it would be a considerable cost involved. Erich said that there are different routes like paying royalties to utilize city services.

Lee Hendricks, City Attorney arrived 8:05 PM.

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The lagoon was built in 1979 for Meriden State Bank, now Denison State Bank and the property has grown considerably since then. KDHE will assess what types of penalties are on the table to prevent this from happening again. Eriche said that the Mayor would need to make an Open Records request from November 1st to November 15th, 2018. They are landlocked so the options are limited. Mayor Boyer thanked Erich for coming. Lee Hendricks relayed to Mayor Boyer that he wanted something formal.

Mark Bachamp explained and expressed his concerns in regards to the proposed new business coming in on the corner of Highway 4 and Palmberg Road on Earl Rice's Property. Mark spoke to the architect for the retail business regarding utilities and he told them the city would need to annex the property and the next thing he knew was Carrie received an email that they were staying with the County. There needs to be discussion between the county and city due to the close proximity.

Lee Hendricks will send a letter to the county planning and zoning to express our concerns regarding the city notification process. Further discussion was held on the possibility of the city annexing the county road coming into town and the cost to the city for acquisition and maintenance of the roads.

Alexis Surret relayed her feelings about the possibility of a Dollar General coming into town and the effect it would have on small mom and pop businesses. Dollar General, Walmart, etc. destroy local businesses. Holton lost 4 businesses when Walmart expanded, Perry and McLouth Grocery Stores have lost 20% of their weekly sales. Progression is good but there are other factors to consider.

Jim McGrath explained the notification process. The council needs to make a recommendation to approve or disapprove based upon the following requirements in order to obligate the county to address those concerns.

Motion was made by Floyd Cozadd, and seconded by BJ Whiteman, to adopt GAAP Wavier Resolution 2018-05. Motion Passed 4-0.

Meriden VFW Post 10815 Occupational License Renewal was discussed.

Motion was made by Richard White, and seconded by BJ Whiteman, to approve the Occupational License for the Meriden VFW. Motion Passed 4-0.

OLD BUSINESS

Lee Hendricks presented Council with Worksite Utility Vehicle (WUV), Gator, and Side-by-Side Ordinance & Application Permit review. City Clerk Carrie Daniels emailed these to everyone last week.

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Council discussed their opinions in detail regarding WUV's and All-Terrain Vehicles. Police Chief Jason Boyer feels if these vehicles aren't tagged, they should not be on the street. Richard White has a side-by-side and he has his sprayer on the back. He has to ride it into town to fill up with gas. Jason asked what anyone would do if leaving the meeting tonight and they were hit by one and their vehicle was damaged. His point was the only recourse they have is to file a civil suit. In his opinion, they shouldn't be on the road to begin with because they are not safe and are designed expressly for the purpose of off road use. The only reason we have the problem is because we have an ordinance that allows them in town to begin with. It is very difficult for police to enforce any ordinance regarding these types of vehicles without just cause.

Motion made by Jackie Cummings, and seconded by BJ Whiteman, to repeal the Ordinance for All-Terrain Vehicles. Motion Passed 4-0.

Motion was made by Richard White, seconded by BJ Whiteman, to table the Feral Cat discussion for December meeting. Motion Passed 4-0.

BUILDING PERMIT ISSUES

City Clerk Carrie Daniels provided a status update report for Paul Crawford, City Inspector on all current projects within the city. The council discussed a few issues with local residence starting projects without obtaining proper permits first.

Matt Steel, local resident and engineer, felt that our permit application conflicts with the International Building Code.

SEWER/TRASH DELINQUENT ACCOUNTS

Discussion on delinquent accounts. The list of delinquent accounts were annotated for additional action and provided to City Clerk Carrie Daniels for further actions.

Motion was made by Richard White, and seconded by BJ Whiteman, to authorize James Wells to call in locates and flag lines for disconnection. Motion Passed 4-0.

Those that have not paid in the last 3 months, made pay agreements, or are in foreclosure will be flagged. Currently the city has 8 on the list so far.

POLICE DEPARTMENT TIME

Police Chief Jason Boyer was unable to attend the meeting but Mayor relayed information for him concerning an incident that occurred at Jefferson West Middle School. They had to open up City Hall after hours to take statements. Meriden Police Department provided additional surveillance on a house related to the incident until the issue was resolved. Other than the incident, everything seems to be going smoothly.

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MAINTENANCE DEPARTMENT TIME

Sand and Salt purchase was good.

ATTORNEY TIME

Nothing further to discuss.

MAYOR TIME

Nothing further to discuss.

MOTION TO APPROVE THE MINUTES

*Motion was made by BJ Whiteman, and seconded by Floyd Cozadd, to approve expenditures.
Motion Passed 4-0.*

MOTION TO APPROVE EXPENDITURES

*Motion was made by BJ Whiteman, and seconded by Jackie Cummings, to go into Executive Session to talk about city security and to include City Clerk, Chief of Police, and Council.
Motion passed 4-0.*

Motion by BJ Whiteman, seconded by Jackie Cummings, to go into Executive Session to talk about city security and to include City Clerk, Chief of Police, and Council. Motion Passed 4-0

Out of Executive Session meeting, no binding action taken.

CONTINUE OR ADJOURN THE MEETING

Motion was made by Jacqueline Cummings, seconded by Richard White, to adjourn the meeting. Motion passed 4-0.

Respectfully submitted by: Jerri Lederer
Jerri Lederer, Assistant City Clerk.



