

**MERRIAM CITY COUNCIL AGENDA
CITY HALL
9001 WEST 62ND STREET
September 14, 2020
7:00 P.M.**

**This is a virtual meeting.
The public may participate by joining the meeting at:**

<https://us02web.zoom.us/j/89812726192?pwd=bjJjakV0djI0K2svZFZRCjNYd2JYUT09>

1-929-205-6099

Webinar ID: 898 1272 6192

Passcode: 612345

<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>

- I. CALL TO ORDER - PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. PUBLIC ITEMS**

In response to COVID-19, public comment that normally occurs during the City Council meeting has been temporarily suspended. Members of the public are still encouraged to share comments about matters that may or may not appear on the agenda. Public Comments are limited to five (5) minutes or a maximum of 850 words for written submissions.

Please note: Public Comments will only be taken *via email* to the City Clerk at jpinnick@merriam.org prior to 6:00pm on the date of the meeting. *In accordance with the Governing Body Rules of Procedure, the City reserves the right to refuse Public Comments that are personal, impertinent or slanderous.*

- IV. CONSENT AGENDA**

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

1. Consider approval of the minutes of the City Council meeting held August 24, 2020.

V. MAYOR'S REPORT

1. Confirm the appointment of Evan Quinley to the Parks and Recreation Advisory Board for the term expiring December 31, 2020.

VII. COUNCIL ITEMS

A. Finance and Administration

1. Community Center Update.

B. Community Development/Public Works/CIP

1. CIP Update.

VIII. STAFF ITEMS

IX. NEW BUSINESS

X. EXECUTIVE SESSION

XI. ADJOURNMENT

Respectfully submitted,

Meredith Hauck

Meredith Hauck
Assistant City Administrator

**MERRIAM CITY COUNCIL MINUTES
MERRIAM CITY HALL
9001 W 62ND STREET
Monday, August 24, 2020
7:00 P.M.**

This was a virtual meeting via Zoom.

I. CALL TO ORDER

Mayor Ken Sissom called the meeting to order at 7:00 P.M.

II. ROLL CALL

The following Councilmembers were present via Zoom meeting:

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; Meredith Hauck, Assistant City Administrator; Jim MacDonald, Public Works Director; Jenna Gant, Communication and Public Engagement Manager; Bryan Dyer, Community Development Director; Donna Oliver, Finance Director; and Juli Pinnick, City Clerk.

III. PUBLIC ITEMS

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Al Frisby, biologist and former Merriam Ward 2 council member, commented, first, I would like to thank both Dave and Anna for attempting to answer my questions related to page 16 of the Merriam Highlights and Recreation Fall magazine sent to Merriam residents.

Under the highlighted MASKS item the magazine printed "You are required to wear masks inside the facility unless you are on a piece of fitness equipment, working out, or in your assigned spot during a fitness class". I'm assuming that sentence is referring to adults working out in a class situation or on equipment.

At the very bottom of page 16 under the RENTAL SPACE item the magazine printed "Birthday party packages and rental space won't be offered at this time". I am assuming that birthday parties refer to children wearing masks. Since children apparently do not presumably succumb to this virus pandemic as frequently as adults, I don't understand the reasoning.

What I interpret from page 16 is that asymptomatic adults who produce aerosols containing COVID-19 up to 16' away (based on new scientific research without masks) are allowed to exercise without masks using at least 6' guidelines under PHYSICAL DISTANCING item page 16 by our present City Council and Mayor, but children with masks are not allowed to have birthday parties while they don't suffer to the same degree as adults during this pandemic. Seems to me that logic has been reversed, allowing masks to be taken off during exercise by adults, but not allowing birthday parties with children wearing masks.

Please take action now to prevent a horrific pandemic scenario from occurring in Merriam as Kansas has around a 10 to 11% infection rate at this time, which does not take into account asymptomatic cases that could be 10 times our known cases in the population. Most authoritative health personnel want to see less than a 5% infection rate before changing how we should modify our mitigation strategy.

Thank you for your time as you attempt to guide our residents and non-residents, who did not receive a copy of page 16, to allow them all to enjoy our wonderful new community center before a vaccine is offered to the general public.

Mary Krejci, 5648 Knox, commented, we are writing this evening to express our frustration with speeding on Knox between Johnson Drive and 55th Street. Some of us have lived in our neighborhood for decades, and others a handful of months; however, we all agree that it is time for the city to implement a reasonable solution to calm traffic on this stretch of road.

When speed and traffic studies were conducted in 2019 and 2020; we hoped the city would finally validate our concerns and install a four-way stop sign at the 57th and Knox intersection. However, the interpretation and analysis of these studies claimed that while people are speeding, there weren't enough people speeding to take action; and that the intersection did not meet the standards for a four-way stop

sign set by the Manual on Uniform Traffic Control Devices for Streets and Highways.

We do not question the accuracy of data collected in these reports, but we do believe that they do not account for situational context. For example, the instinct to slow down when a large sign is flashing your speed, the hilly topography of Knox that creates blind spots that we've learned to navigate to avoid accidents, and the sentiment of residents who deal with this problem every day, year after year.

Perhaps the most frustrating response from the city is, to paraphrase, that it is "common for citizens to think that cars are going much faster than they actually are." We weren't born yesterday, and we don't accept gaslighting as an appropriate response to our safety concerns.

We are a level-headed bunch. We understand government processes. We know that the city follows traffic recommendations and standards. We know that Knox will always be busy, because it is designed to push traffic to major thoroughfares, like Johnson Drive.

We also know that regardless of a street's purpose and design, the traffic laws still apply. In fact, Merriam Police Department officers are frequent visitors to 57th and Knox; it's one of their favorite speed traps.

Our goal is not to intensify negativity or point fingers. We believe the application of sensible, effective traffic control devices will reduce speeding on Knox, and improve safety in our neighborhood for drivers and residents. We are coming to you as a self-organized group of citizens with hope that you will take us seriously, and work with us to solve the problem before a preventable tragedy occurs.

Thank you for your time.

Daniel and Lesli Keister, 5646 Knox
Megan Szczygiel and Alex Craig, 5706 Knox
Curtis Jay and Melissa Woo, 5750 Knox
Stoney Bogan, 5732 Connell Drive
Jake Yadrich, 9620 W 57th Place
Roberta Carol Lay, 5647 Knox
Mary and Jason Krejci, 5648 Knox
Chris Piggot and Emily Sadowsky, 9610 W 57th Place
Garick Lair and Breck Dakin, 9619 W 57th Place

Sam Matier, 8515 W. 57th St. commented, population of cat colonies continue to grow in many communities including areas of Merriam such as my neighborhood.

It is a difficult problem to solve and I would like to offer a solution that would require little city expense and staff time.

Problem Identification:

Contrary to what some people say, abandoned/feral/wild colonies of cats do present a public health hazard to residential communities. To give specific examples I will use the 5800 block of Mackey where the cat colony population appears to be growing due to four households providing food and shelter to the abandoned/feral/wild cats. A couple of years ago, my neighbor was hospitalized because of an injury from one of the cats that roam the neighborhood. This kind gentleman in his 90's had a near death experience because of a diseased cat and his misjudgment of whether a cat was friendly. I have also heard that animal control removed 14 cats from the 5800 block of Mackey a few years ago. The problem is back again.

In the same block as the Mackey colony of cats is home for rent and a 5 bedroom home for sale. It seems to me that the future renter and home buyer have a right to know that people are feeding cats increasing the neighborhood cat population especially if they are bringing children into the neighborhood.

Some of the diseases that can be transmitted from cats to people are; rabies, campylobacteriosis, cat-scratch disease (40% of all cats get this at some time), giardia, hookworms (humans can get this walking barefoot in infected poop. Methicillin-resistant Staphylococcus aureus (MRSA- may be resistant to known antibiotics), pasteurellosis (can effect human nervous system), and the list goes on and on. So I cannot accept the assertion by some that abandoned/feral cats do not present a health hazard to humans. Abandoned/stray/feral cats are a health hazard to humans if the cats do not receive medical care.

Many people feed abandoned/feral cats to keep them from starving and act responsibly by trapping, neutering, and getting medical attention before returning them to their old environment. It cost them money and effort, but they do what is right. The irresponsible people spend a little money on food and think they have helped. Those people have not helped the abandoned/feral cats or their neighbors and the community. The population of cats increases creating more starvation and a health hazard for the public.

Solution:

I get much pleasure from rescuing and owning a dog, but I recognize that I bring the possibility of a health hazard to the community which I alleviate by purchasing a Merriam dog license and getting medical treatment which cost me around \$200 per year. I am happy to follow that Merriam requirement and other city ordinances because it is the law and I have a moral responsibility to protect my neighbors.

In the same way, those people spend a few bucks to feed abandoned/feral cats and do not take part in trap-neuter-release are acting irresponsibly to the cats and to the community in which they live. Local government mandates that I act responsibly in having a dog in this community. Local government should mandate that people who choose to feed abandoned cats also have an obligation to the community.

I recommend that local ordinances be passed that requires anyone who chooses to feed abandoned/feral cats be required to purchase an annual license in the range of \$100 to \$300 per year. If I can spend \$200 for one dog, those feeding cats can spend \$300 for multiple cats. The amount would be waived in the following year if the resident presents evidence that they have participated in trap-neuter return to help reduce the cat population. The city could also use the license fee subsidize those good Merriam residents that trap cats and pay to have them neutered. Here is a link to Alley Cat Allies discussion on such a law. It even has a model for local governments to follow to create the ordinance. <https://www.alleycat.org/our-work/cats-and-the-law>

IV. CONSENT AGENDA

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

1. Consider approval of the minutes of the City Council meeting held August 10, 2020.
2. Consider approval of a Professional Services Agreement (PSA) with Affinis Corp. for design services for East Frontage Road (67th to 75th) Improvements.

COUNCILMEMBER PAPE MOVED THAT THE COUNCIL APPROVE CONSENT AGENDA ITEMS 1-2. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

V. MAYOR'S REPORT

VI. PUBLIC HEARING- Public Hearing for 2021 budget

Members of the public are able to make public comments regarding the 2021 Budget. **Public Comments will only be taken *via email* to the City Clerk at jpinnick@merriam.org prior to 6:00pm on the date of the meeting. Please include "2021 BUDGET" in the subject line.**

Finance Director Donna Oliver presented an overall review of the proposed 2021 budget. For the 2021 budget, the mill levy is set at 27.558 which is a no increase

mill levy. Ms. Oliver displayed a comparison of Merriam's mill levy with other cities in Johnson County. Compared to the 19 cities in Johnson County, Merriam's levy is the 8th lowest mill rate. For the Merriam portion on an average property tax bill, based on a home valued at \$200,000, a resident will pay approximately \$633.83 annually for Merriam city taxes. This amount equates to \$1.74 per day for all city services, including police and fire protection, snow removal, animal control services, parks and beautification.

For the 2021 Budget, total sales tax revenues are expected to be \$13,759,768. This amount represents 52% of the city's total revenue. Property tax revenues are predicted to be \$4,813,027, which represents 18% of the city's total revenue. Property tax revenue includes both residential and commercial properties.

The expenditures in the 2021 budget include \$10,187,477 for personal services. This is the largest portion of the expenditures, but a city provides mostly services to the public in the form of police and fire protection, snow removal, mowing, parks and recreation. Capital improvements will total \$5,769,928 for the 2021 budget. The total budget for 2021, which includes all funds is \$51,033,506.

The final steps of the budget process include consideration for the budget resolution tonight, signing of the state budget form tomorrow by councilmembers, then submission to the Johnson County Clerk. In October, the city will receive its final mill rate from Johnson County.

Councilmember Neal asked about the mill rate and comparing the 2020 to the 2021 budget - while the mill rate is the same, property tax revenues for 2021 increased \$258,000. It may be that property values have increased and there may be some new properties that have been constructed on the tax rolls which is causing the increase, but it is still an increase in property taxes. He asked Ms. Oliver what portion of that increased revenue is from new construction and what portion is from an increase in valuations.

Ms. Oliver responded that approximately 25% of the increased revenue is from new construction and the remainder is from increased valuations.

Mr. Neal feels due to the current public health crisis, and some people struggling with job loss and other issues related to the pandemic that it would be a worthwhile gesture to reduce the mill rate a small amount to zero out the increase in property tax revenue, minus the 25% of new valuations.

Mayor Sissom commented that this item was discussed at a prior meeting which, Mr. Neal was not in attendance, so there has been some discussion about reducing the mill levy. Mayor Sissom cautioned that reducing the mill rate will have an effect for several years to come. Once the rate is reduced, if there is a need to increase it, council would have to vote to raise property taxes. Mayor Sissom indicated that he is not in favor of raising property taxes, which might be a very real scenario next year if the mill is reduced for 2021 and the economy does not bounce back quickly.

Mayor Sissom further commented that people may be under the assumption that everyone's appraisal and taxes went up. For him, his appraisal and taxes did not increase last year so that may not be an equitable solution for all. He reminded the council that many people and businesses may be struggling as a result of the pandemic, but the city is also anticipating revenues down by 30%. These were all items previously discussed.

Councilmember Neal commented that while it may not be that everyone would get a reduction on their taxes but it would provide some reduction for residents and businesses and would be a goodwill gesture.

Councilmember Yadrich commented that other taxing entities such as Johnson County and Merriam Drainage District have made changes to their mill levies for 2021. The County reduced theirs and the Drainage District raised theirs so Merriam's levy remains stagnant. She indicated that she has been affected by the pandemic and her property taxes are going up so she understands the philosophy. However, if the economy does not bounce back and the mill levy is reduced there would be city services that would suffer and then to have to decide which of those services get cut or reduced. She favors a more conservative approach to keep things more manageable and consistent.

Councilmember Pape asked for the breakdown on personal property taxes and what portion is commercial vs. residential.

Ms. Oliver commented that the property taxes are 58% commercial and 42% residential.

Councilmember Hands commented that there was a three-hour work session, this was discussed at a couple of meetings and she feels it does not need to be discussed again. The council came to a consensus to hold steady the mill levy. While it is unfortunate for some people, she feels like the discussion is going in circles and is not a good use of time.

Councilmember Neal apologized for missing the meetings and stated that he will vote in favor of the budget as expenses were reduced appropriately.

Mayor Sissom opened the Public Hearing.

There were no further public comments submitted, Mayor Sissom closed the Public Hearing

1. Consider approval of a resolution adopting the 2021 Budget.

COUNCILMEMBER PAPE MOVED THAT THE COUNCIL APPROVE A RESOLUTION APPROVING THE 2021 BUDGET. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

VII. PLANNING COMMISSION

1. Consider approval of a request for rezoning of 5757 Merriam Drive and 9224 W. 58th St. from C-2 to PUD-G and the associated preliminary development plan.

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

The business and property owners are requesting approval of a rezoning and preliminary development plan for the development of additional surface parking for their existing automobile dealership located at 5757 Merriam Drive and 9224 W. 58th Street. The request is to rezone the subject properties from C-2 (Retail Commercial) District to PUD-G (Planned Unit Development – General) District.

The subject properties are unplatted. The applicants received approval of a final plat (PA20-000001) for the subject properties. The final plat combines the two properties into a single lot.

Approval of the request will facilitate a 2,800 square foot expansion of the existing parking lot. The applicant purchased the subject property in December 2019. Since purchasing the property, the owner has made a number of improvements, including the removal of a non-conforming home that was in disrepair. The property owner is now requesting approval to expand the existing parking lot onto a portion of the area where the home once stood.

For decades, 5757 Merriam Drive was the location of Allied Exterminators. In 2015, the building housed Kansas DUI Resource Center, before it became an automobile dealership in 2017. The adjoining subject property to the east was the location of a single-family home that was constructed in 1930. The home and residential use were considered legal non-conforming until the current property owner recently demolished it.

In addition to the increasing the parking, the applicants propose to make other improvements including installing curb and gutter, landscaping, and fencing. The significant increase in the parking lot requires city review and approval. The building that remains was constructed in 1935 prior to the existence of the City of Merriam. As such, the property has a number of non-conformities that must be addressed before the city can approve additional development. The non-conformities include multiple building and parking lot setbacks. Additionally, the remaining building encroaches on the neighboring property to the north.

In order to address the non-conformities, the unplatted properties, and building encroachment, staff recommended that the applicants purchase a portion of

the neighboring property. Then plat both theirs and their neighbor's properties and request approval of a rezoning to PUD-G District and a preliminary development plan. The applicants have reached a purchasing agreement with the neighboring property owner and are requesting approval of a final plat, rezoning, and development plan.

Rezoning to PUD-G District allows for the creation of a preliminary development plan for the subject properties. Acceptation 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 1,300 square foot office building and parking lot. There are no proposed additions or exterior modifications for the office building. This request is only for the addition of 2,800 square feet of surface parking and the associated fencing and landscaping.

The proposed fencing will be a single pipe fence type that is typically used by many automobile dealerships. The fence details are provided in the preliminary development plan. The fence will be a maximum height of 30 inches. The applicant has placed the fence immediately adjacent to the parking lot. Placing the fencing in that position increases the amount of greenspace and provides the property owner to the east with room to access the west side of their building.

The applicant is requesting that the Planning Commission and City Council grant the Community Development Director the ability to approve the final development plan. With that request, the applicant has incorporated those items normally reviewed as a part of the final development plan into this application.

On August 5, 2020, 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 the following conditions:

1. The Community Development Director can administratively approve the final development plan.
2. The final plat shown in this preliminary development plan must be filed with the county prior to approval of the final development plan.
3. The plat must be filed with the county prior to the issuance of building permits.
4. Issuance of a floodplain development permit is required for proposed improvements.

5. The subject property's PUD-G (Planned Unit District – General) District zoning classification will retain the uses associated with the subject property's existing C-2 (Retail Commercial) District.
6. Provide lighting details to determine that it meets Merriam Code requirements.
7. Change preliminary development plan title block from Lot 2 to Lot 1.
8. Show on the final development plan striping for the vehicle display parking area.
9. Show on the final development plan the removal of the seven (7) yaupon shrubs on the east side of the subject property.

A copy of the Planning Commission Staff Report and associated minutes were included with the agenda materials.

Mayor Sissom asked if the exterminator building was going to remain on the site as their business office and if the property was in the flood zone. He asked about security, lighting and locking up of the lot overnight.

Mr. Dyer responded that the exterminator building will be the office and the property is in the flood zone. Regarding the lighting, they are installing additional lighting on the east side of the parking lot and they will be installing a gate to close off the entry point after hours.

Councilmember Silvers asked about sidewalks along 58th Street and asked if the wall/fence would go up to the street.

Mr. Dyer commented that there is an existing sidewalk along that area, however it does not extend all the way to Kessler. The applicant has no plans to make any changes to the existing sidewalk.

COUNCILMEMBER PAPE MOVED THAT THE GOVERNING BODY CONCUR WITH THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVE, WITH CONDITIONS, THE REZONING OF 5757 MERRIAM DR. AND 9224 W. 58TH ST. AND THE ASSOCIATED PRELIMINARY DEVELOPMENT AND AUTHORIZE THE MAYOR TO SIGN THE EFFECTUATING ORDINANCE. COUNCILMEMBER DIEBOLD SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

VIII. COUNCIL ITEMS

A. Finance and Administration

1. The Merriam Way presentation.

Assistant City Administrator Meredith Hauck presented the background for this item.

In 2018 City Administrator Chris Engel kicked off a campaign to define and illustrate what is The Merriam Way. There was an all-in meeting with city staff to create a foundation that defines the Merriam Way. Many employees expressed interest in working on this project. A committee was selected with representatives from every department to come up with a values system that defines The Merriam Way. After the initial brainstorming meeting the committee came up with over 100 values that could be part of The Merriam Way. Eventually that was reduced to 6 core values that make up The Merriam Way. All employees were surveyed and team meetings were held with all departments to narrow down those 100 values to the six core values. The values and the Merriam Way represent how employees work to perform their jobs on a daily basis.

The six core values are Excellence, Team Work, Service, Accountability, Leadership and Dedication. In spring 2019 the Values Committee held an all-in city meeting to present the values to employees. Department heads did not attend this meeting which allowed for an entire employee-led program without influence from department heads. The employees voted to implement the six values as essential elements to the Merriam Way. Once those core values were agreed to, the committee went further to define those values.

Ms. Hauck displayed the values and the definitions of what those values mean as the Merriam Way. During the committees work of identifying and defining the core values there was an underlying value of zeal. While we expect employees to perform their jobs in accordance with the six core values, we also want the tasks to be performed with excitement, enthusiasm and flair; to “feel the zeal” when completing a task. The work from the Values Committee has really changed the culture of team Merriam.

The city has had a long-standing Safety Committee which is employee-led and works to reduce the city’s workers compensation rates through safety and training programs. The Safety Committee reviews loss reports to examine ways to prevent future claims and accidents by developing additional protocols and rules related to the safety of our employees. It was decided earlier this year to combine the Values Committee with the Safety Committee into the Zeal-Team, evolving now to the Z-Team.

The Z-Team members work daily to improve the employee culture for the City of Merriam. Several times per year the Z-Team will drop of treats to all employees at their various work places. Each department must take a turn delivering the treats which is always a wonderful surprise in your work day. In addition, the values are reinforced every day through our impressions program through the

city's payroll program, Paylocity. When employees see other team Merriam employees going above and beyond and displaying those core values, other employees can give an impression through the system for all team Merriam employees to see. Earning an impression gets the employee a token which they will be able to use to cash in for prizes at the annual chili cook-off at the end of the year.

The Z-Team has helped with recruitment of new employees, and all job postings include a paragraph about the culture and values of team Merriam so folks understand what is expected of them when they join our team. The team is also working on a new on-boarding process to welcome new employees.

2. Consider approval of a Resolution amending the Employee Handbook.

Assistant City Administrator Meredith Hauck provided the background for this item.

A critical component of Team Merriam's implementation of The Merriam Way values system is updating the performance appraisal system. The intent of the new program is to evaluate employees not only on how they perform their core job functions, but also on how they uphold our shared value system. City staff began working to design the new performance appraisal system last fall, and sought input from Department Heads, the Leadership Team (all frontline supervisors and above in the organization), and the Z-Team (the values and safety committee). These groups collaborated to develop a system that incorporated the values, was based on having honest performance conversations, and was straightforward to implement. In addition, the new system streamlines the connection between the employee's annual performance evaluation and their annual salary increase.

As part of the process to implement the new system, a number of policies in the Employee Handbook need to be updated. Red-lined versions of the impacted policies were included in the Agenda Packet.

- Policy 3.04: Employment Classifications – Better define employment classifications, and add retiree classification (previously located in Policy 7.05) and elected official classification
- Policy 5.08: Miscellaneous Compensation Policies – Add red-circle pay information

- Policy 7.05: Sick Pay – Remove retiree definition and reference policy 3.04
- Policy 8.01: Performance Appraisals – Rewritten to reflect new process

Policy 3.04 and Policy 7.05 will go into effect upon approval. Policy 5.08 and 8.01 will go into effect on January 1, 2021.

In January 2019, the City implemented a new payroll software (Paylocity). During this upgrade, we discovered our current Holiday Pay Policy 7.02 is not designed to be automated by rules in a software system, and requires manual manipulation when the observed holiday is different from the actual holiday. This policy update would streamline the holiday policy to allow it to be automatically calculated by the payroll software.

Summary of Current Policy:

1. All full-time and benefit-eligible part-time employees receive eight hours of holiday pay on the City observed holiday
2. All non-exempt (hourly) full-time employees and all benefit-eligible part-time employees who are scheduled to work on the *observed* holiday are paid at their overtime rate for any hours worked
3. All non-exempt (hourly) full-time employees and all benefit-eligible part-time employees who are scheduled to work on the *actual* holiday are paid at their overtime rate for any hours worked
4. If the above-reference employee is scheduled to work on both the observed and the actual holiday, they can only be paid at their overtime rate for one of these days.

Proposed Change to Holiday Pay Policy 7.02:

Remove Point #4 from above – employees would receive overtime pay on both the observed holiday and the actual holiday regardless of if they are scheduled to work both.

In 2021, this change would impact three holidays: 4th of July, Christmas and New Year's.

The resolution includes the proposed changes to policy 3.04, 5.08, 7.02, 7.05, and 8.01.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE A RESOLUTION AMENDING THE EMPLOYEE

HANDBOOK OF MERRIAM, KANSAS. COUNCILMEMBER PAPER SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

3. Monthly Finance Report (July) included in packet.

Finance Director Donna Oliver commented that the sales tax numbers for July were better than anticipated. The Transient Guest revenues were 20% below estimates and will need to be monitored going forward. Staff is prepared to look at expenses from that fund and make any necessary changes, if needed.

B. Community Development/Public Works/CIP

1. Community Development Update.

Community Development Director Bryan Dyer provided the following Community Development updates:

The update to the City's Comprehensive Plan is going well and there is a lot of information available at merriam2040.org as well as an interactive public engagement element. There will be a meeting with the committee coming up in September.

The 2020 Census is in full swing and the city's communication team has been working to get information out to encourage residents to participate in the Census. The City has yard signs available for anyone who would like to place one in their yard. The signs are designed to encourage everyone to support the 2020 Census. Merriam's response rates to the Census are currently at 75%.

Genesis Health Club is nearly complete with their remodel and are back open.

Switzer Senior Villas is looking to get 3-4 buildings open within the next 30 days.

Councilmember Hands asked about an open house for the neighborhood behind the Switzer Senior Villas development. It was originally stated by the developer that they would host an open house for the neighbors and asked if she could receive an update regarding this.

Mr. Dyer indicated that he would reach out to the developer and report back to council.

Reed Chrysler Dodge Jeep Ram is hoping to get the dealership open within the next 30 days.

IX. STAFF ITEMS

City Administrator Chris Engel commented that an email was sent to council last week regarding negotiations with the YMCA to have a cooperative learning/childcare program at the Community Center. They proposed utilizing the rooms at the center for the program. It would be a combined school and childcare program that would be from 7:00 a.m. to 6:00 p.m. daily. YMCA will charge for the service for families utilizing the program. Negotiations have resulted in a proposal to not charge the YMCA for the room use, but to allow 20% of the program to be reserved for Merriam residents. Merriam residents enrolling their kids in the reserved spots in the program would also receive a 50% discount on the YMCA rates.

Mr. Engel commented that this is just a proposal at this time and asked for feedback from the council.

There was some discussion regarding the equity of the proposal for Merriam families. The program would serve approximately 60-65 families and only about 12 of the families would be Merriam residents who would get the 50% discount. If the program had 60% of Merriam families enrolled, 40% of those families would not receive the discount since only the 20% of enrollment slots for Merriam residents would receive the 50% discount. The reserved enrollment would be on a first come first served basis, and based on that model, only a small portion of Merriam residents would truly receive assistance with the 50% discount on the rates.

Other concerns included the co-mingling of the students with other community center patrons and the cleaning and sanitizing of the building. The proposed program rates for full day is \$200 per week with the YMCA receiving all the revenue and the city providing the space at no charge to the YMCA. Additional feedback included concern that the city is not renting out the community center for kids birthday parties because of the COVID19 pandemic but then to open the center to 60-65 school age kids for 11 hours per day and charge the YMCA nothing for rent. It was pointed out that while many feel this could benefit Merriam families, not charging the YMCA for rent when the Meals on Wheels program pays a fee seems unfair. The consensus of the council was that they were willing to renegotiate the proposed terms in an effort to help more Merriam families but the current proposal from the YMCA is not acceptable.

X. NEW BUSINESS

XI. EXECUTIVE SESSION

XII. ADJOURNMENT

THERE BEING NO FURTHER TO COME BEFORE THE COUNCIL, COUNCILMEMBER PAPE MOVED TO ADJOURN AT 8:30 PM. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

Respectfully submitted,
Juliana Pinnick

Juliana Pinnick
City Clerk

DRAFT



Board and Commission Application

City of Merriam

9010 W. 62nd Street Merriam, KS 66202-2815

(913) 322-5500

Date: 9/2/2020

Board/Commission (Check All that Apply)

Planning Commission Board of Zoning Appeals Board of Structure Appeals Parks & Recreation Board Tree Board

Contact Information

Name: Evan Quinley

Home Phone: 913-677-5730

Address: 10105 W. 69th Terr.

Mobile Phone: 913-277-0145

Email: evan.quinley@yahoo.com

Employment Information

Employed Retired Other

Name of Employer: Bates City BBQ Position: _____

Product or Service Rendered by Employer: BBQ Phone: 913-962-7447

Please provide a brief description of work duties/responsibilities: cashier, cleaning, customer interactions

Related Experience

Related Education/Certification/Licenses/Other: Current student at Shawnee Mission North High School

Past Related Work/Experience/Skills: _____

Other

Why do you wish to serve on this board or commission? I would like to be part of the decisions being made by the city of Merriam. I would also like to be part of the conversation about what's going on at the community center.

Please list any previous volunteer experience: Idle Free Zone Project at Nieman Elementary School

Questions or Comments? Contact the City of Merriam at (913) 322-5500



INTEROFFICE MEMORANDUM



TO: MAYOR AND CITY COUNCIL
FROM: JIM MACDONALD, PUBLIC WORKS DIRECTOR
SUBJECT: SEPTEMBER UPDATE
DATE: September 14, 2020

HIGHLIGHTS

2020 Street & Storm Drainage - Johnson Dr. (BNSF to East City Limits) Mastin St. Improvements (Johnson Drive to Shawnee Mission Parkway)

- Mastin Street is substantially complete, weather permitting sod is scheduled to be placed the week of September 14th
- Johnson Dr. all substandard curbs, ADA ramps, and driveway approaches have been replaced.
- All narrow islands have been replaced with stamped concrete, plantings for the island at Slater are scheduled for the first of October.
- Anticipated start date for the mill and overlay portion is September 14th
- Johnson Dr contract completion date is October 15th

55th Street Drainage Improvements

- This project is completed.

Capital Improvement Active Project List

Last Updated 9/10/2020

PROJECT NAME	FUNDING SOURCES	BUDGETED CONSTRUCTION COST	ACTUAL CONSTRUCTION COST	STATUS	DESIGN CONSULTANT	PUBLIC MEETING #1	PUBLIC MEETING #2	PUBLIC MEETING #3	ENGINEER'S ESTIMATE	BID OPENING	AWARD AT COUNCIL	CONTRACTOR	CONTRACT AMOUNT	NOTICE TO PROCEED	PROJECTED SUBSTANT COMPLETION DATE
2020 Street & Storm Drainage Jo. Dr. (BNSF to East City Limits) Mastin St. (Jo. Dr. to SMP)	CARS/Sp. Sales Tax Street/Stormwater General CIP PW Mill & Overlay	\$2,654,728		Construction	Affinis BHC Rhodes	1/22/20	3/11/20		\$2,840,162.50	2/19/20	3/9/20	Kansas Heavy Construction, LLC	\$2,425,180.00	4/13/20	10/15/20
55th Street Drainage Improvements	General CIP	\$100,000		Construction	BHC Rhodes				\$90,000.00	7/21/20	8/10/20	Mayer Specility Services, LLC	\$55,750.00	8/11/20	12/31/20

CITY COUNCIL SUGGESTED MOTIONS FOR YOUR CONSIDERATION

CONSENT AGENDA

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

MAYOR'S REPORT

- 1. Move that the council confirm the appointment of Evan Quinley to the Parks and Recreation Advisory Board for the term expiring December 31, 2020.**

FINANCE AND ADMINISTRATION

- 1. No motion.**

COMMUNITY DEVELOPMENT/PUBLIC WORKS

- 1. No motion.**

STAFF ITEMS

CITY OF MERRIAM PARK AND RECREATION
ADVISORY BOARD MEETING MINUTES
Tuesday, August 25, 2020
6:00PM

Roll Call

The August meeting of the Merriam Parks & Recreation Advisory Board was called to order at 6:00 pm, by Chairperson Christopher Leitch. Board members in attendance included: LaVera Howard, Katie Leary, Billy Croan, Kathy Stull and Stacy Chivetta. Staff members in attendance included: Anna Slocum, Director; and Nicole Ritter, Customer Service Representative. Public members in attendance included Nancy Hupp, representing Merriam Parks, Recreation and Community Center Foundation. Grant Getzlow, notified staff of their absence. Due to gathering restrictions, other staff did not attend.

Public Comments

Nancy Hupp present representing Merriam Parks and Recreation Foundation shared that due to the cancelation of several events, flag donations have suffered in 2020. This will impact funding for staff's annual wish list funded by the Foundation.

Approval of Meeting Minutes

Kathy Stull made a motion to approve the February minutes. LaVera Howard seconded the motion which passed unanimously.

Staff Reports

Director's Report

COMMUNITY CENTER UPDATE

- The Wrist band policy was reevaluated by Cole Surber Aquatic Supervisor. The decision was made to not implement this policy based on feedback from the February meeting. This policy would have been too difficult to enforce due to the nature of day passes versus membership only facilities.
- All events have been cancelled through November due to COVID 19 gathering restrictions.
- July and August visit report is shared in the meeting packet. Overall, membership visits and daily visits were the highest in August. Other area community centers are reporting drastic decline in visits as well. In an effort to be good stewards of tax payer and patron resources, the hours of the Merriam Community Center have been reduced to reflect patron use times. The temporary hours are:
 - Monday 5:00 a.m. – 9:00 p.m.
 - Tuesday - Friday 5:00 a.m. – 7:00 p.m.
 - Saturday 8:00 a.m. – 5:00 p.m.
 - Sunday 11:00 a.m. – 4:00 p.m.These new hours will be reevaluated when the indoor pool opens. In addition to the new hours, there has been a reduction of evening facility and fitness attendants.
- Charter memberships will be available until October 5, 2020. All Charter Memberships will now expire on October 5, 2021
- Landscaping and irrigation issues should be completed in September. Technology is still not working in all rooms. The fitness rooms should be fully functioning by labor day. Training has occurred on how to operate the televisions and overhead music. The remaining furniture is scheduled for delivery on September 11. Artificial turf for the pool and courtyard continues to be outstanding and getting reliable updates is a challenge.
- Plastering for the indoor pool will start soon. The outdoor pool will be used to fill the indoor pool. This process will provide a tremendous saving on the cost of water and resources. Once complete, the outdoor pool will be drained for paint repair. Start-up of the Dessert Aire (HVAC) system is slated to begin

September 8. Once water is balanced and staff trained, lap-swimming and water fitness programs will begin. This will allow staff the opportunity to evaluate COVID plans. Swim lessons and open swim will begin in October.

- Staff has been working to finalize plans with a third insurance based membership program through American Special Health called Active and Fit / Silver and Fit. It is staff's goal to bring this program to City Council for approval in September. In addition, staff is researching a fourth program through Peer Fit. Currently, there are two agreements in place with Tivity for SilverSneakers and Prime Fitness and Optum for Renew Active. These programs work by reimbursing the Community Center a set fee per visit each time a member swipes their membership card for a visit. There is a maximum amount per month per patron that is reimbursed.
- Currently, the center protocol requires a mask to be worn unless in a fitness zone. Once in the zone, the mask can be taken off. Cardio equipment is spaced out to meet CDC recommendations. There are social distancing markers on the floor for all areas. In addition, staff wipe down the equipment along with other high touch areas in the building.
- Removable bollards will be installed in the drop-off circle to help define the area and prevent patrons from driving through the plaza and courtyard.

New Business

Ward 1 Vacancy

- Kyle Cooper has moved out of Merriam and is no longer eligible to serve on Park Board. Staff is currently looking for a new candidate. There were recent applicants being interviewed. If no interest, then a call for applicants will occur.
- Grant Getzlow, youth member, will not be able to attend most of the meetings due to a school conflict. Staff will have additional conversations to determine future availability. Members were encouraged to begin recruiting possible candidates. Youth members must be responsible to attend the monthly meetings. Ideally the candidate will be in High School but a Junior High student could be considered.

Other Business

- Kathy Stull inquired about an update of the art work. Originally staff was planning for an install at the end of August. This date has been extended to the end of September.
 - Due to Covid-19 meeting restrictions many meetings were canceled as the business and events that would have been discussed were also canceled. According to the by-laws, there is a minimum number of meetings per year. With programs canceled and the delay of the Community Center, there was no business. Staff provided timely updates as needed each month. Christopher Leitch stated that most of the work related to the opening of Merriam Community Center had been front-loaded in 2019 to allow staff time to start promotion. The board discussed the productivity of meeting just to meet quota or continue with the monthly schedule in a distanced manner. Billy Croan made a motion to not make up past meetings but continue the remaining schedule. If future meetings are impacted by COVID-19, consider ZOOM meetings, if business is required. Kathy Stull seconded the motion. The motion passed unanimously.

Adjournment

Katie Leary called for a motion to adjourn, Kathy Stull seconded. The meeting adjourned at 7:41 p.m.