

**MERRIAM CITY COUNCIL MINUTES
CITY HALL
9001 WEST 62ND STREET
JANUARY 13, 2020
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
Al Frisby
Chris Evans Hands
Nancy Hupp
Brian Knaff
David Neal
Bob Pape
Jason Silvers

Staff present: Chris Engel, City Administrator; Ryan Denk, City Attorney; Meredith Hauck, Assistant City Administrator; Bryan Dehner, Fire Chief; Jim MacDonald, Public Works Director; Jenna Gant, Communication and Public Engagement Manager; Darren McLaughlin, Police Chief; Anna Slocum, Parks and Recreation Director; Donna Oliver, Finance Director; Stephanie Thompson, Human Resource Manager; Bryan Dyer, Community Development Director 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.***

IV. COUNCIL ITEMS

1. Consider approval of the minutes of the City Council meeting held December 9, 2019.

COUNCILMEMBER HUPP MOVED THAT THE COUNCIL APPROVE THE MINUTES OF THE DECEMBER 9, 2019 CITY COUNCIL MEETING. COUNCILMEMBER FRISBY SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

2. Installation of new Governing Body members.

The City Clerk administered the oath of office to re-elected councilmembers Jason Silvers and Bob Pape and newly elected councilmembers Bruce Kaldahl and Whitney Yadrich. After being sworn in the councilmembers took their places at the dais.

V. 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 acceptance and final payment to Gunter Construction for 67th St. improvements project.
2. Consider approval of 2020 CARS agreement for improvements on Johnson Drive from Kessler Ln. to Mackey St.

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

Mayor Sissom informed the council that at the next City Council meeting, the council will be electing its Council President and Vice-president.

VI. MAYOR'S REPORT

1. 2020 Legislative Agenda discussion.

City Administrator Chris Engel provided the background for this item.

Each year City Council adopts a legislative agenda that establishes its legislative priorities for the upcoming session. The agenda is the result of discussions with the League of Kansas Municipalities, Northeast Johnson County Chamber, Johnson County, neighboring managers, department heads and the city's legislative lobbyist, Stuart Little. Each item has a note that indicates the items status and what organizations are supporting that item in their 2020 platforms.

The 2020 Draft Agenda incorporates the following new items:

Asset Forfeiture – seized assets are an additional crime deterrent and seized items should stay at the local level.

There was some discussion regarding the city's process for Asset Forfeiture

Medical Marijuana – if considered, the city supports its taxation, the regulation of cultivation and processing, and the city's ability to retain some local control. Also,

cities should have the ability to opt-in to allowing dispensaries in their city. Kansas should only allow the cultivation and processing of medical marijuana and THC in licensed facilities and should not permit residential grow operations.

Home Rule Authority – in the absence of state interference, local officials can make better decisions that directly benefit residents.

Mental Health – the city supports additional resources being allocated to mental health.

The remaining items are holdovers from 2019; some are exactly the same, others contain updated wording but no substantial changes.

This draft was reviewed by Stuart Little and he agrees it contains the appropriate items to address.

Mr. Engel stated that the following carryover items are from the 2019 Legislative Agenda but are still relevant:

- Sales Tax on Automobile sales
- KPERS & KP&F Funding
- Comprehensive Transportation Plan
- Statutory Pass-Through Funding
- Statewide Expansion of Medicaid
- K-12 Education Financing
- Tax Policy
- Sales Tax Reduction on Food
- Tax Lid Repeal

Prevention of Alternate Property Valuation – There was some discussion regarding this item. It appears that there is stronger and more clear language used by Johnson County related to this issue. The Council agreed to amend the city's language to reflect what Johnson County uses for this item.

Collection of Internet Sales Tax -There was some discussion on this item. The council agreed to add language to cover distribution to local governments.

Local Control of Right of Way - There was some discussion on this item. It was suggested to add some additional language regarding fees and permitting, as the local control to set those fees has been reduced.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE THE 2020 LEGISLATIVE AGENDA WITH CHANGES AS DISCUSSED. COUNCILMEMBER NEAL SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

VII. COUNCIL ITEMS

A. Finance and Administration

1. Consider approval of carpet replacement for City Hall.

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

On December 19th, staff requested bids to replace approximately 1825 sq. yards of carpet in City Hall and Fire Department. This includes the removal and disposal of all existing carpet and the installation of Shaw Commercial grade carpet tiles with matching cove base. The existing carpet was installed in 2004 during the remodel of City Hall. In the 2019 Equipment reserve fund the city budgeted \$35,000.00 for carpet replacement and \$50,000.00 for City Hall roof repairs. The carpet replacement was under budgeted and it was determined that the roof replacement could wait another few years. The city has \$85,000.00 of unused funds from 2019 that can be utilized for this purchase.

All proposals have been checked for accuracy with Pro Source of Kansas City West being the best and low bidder. Staff recommends the contract be awarded to Pro Source of Kansas City West. It is recommended to add 5% contingency to the accepted quote.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL AWARD THE CARPET REPLACEMENT CONTRACT WITH PROSOURCE OF KANSAS CITY WEST IN THE AMOUNT OF \$78,657.85. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

2. Consider approval of an interlocal agreement with Overland Park for the 2020 Facility Use Agreement for the Merriam Dolphin Swim and Dive Team.

Parks and Recreation Director Anna Slocum provided the background for this item.

Although it is the goal of staff to have the new pools fully operational by Memorial Day 2020, construction is dependent upon unpredictable and uncontrollable factors. In an effort to ensure a contingency plan, staff approached the City of Overland Park to create an interlocal agreement that will allow the team to utilize Young's Pool located at 77th St and Antioch if needed.

The agreement allows for the team to access five 25-yard lanes for swim practice, with access to two diving boards immediately following swim practice. Access to starting blocks in the 50-meter pool will be scheduled with coaching staff as needed. In addition to pool access, athletes will have access and use of restrooms, deck space for dry-land exercises, and a small closet for storage. Athletes will have access to the facility 15 minutes prior to the start of practice and will need to vacate the pool area upon completion of practice to allow the facility time to prepare for daily operation.

The agreement begins June 1 and is written to cover the entire 6-week season in the event it is required. Both parties have the ability to cancel the agreement in writing with a 30-day notice. Overland Park has requested \$2,000 rental fee for use of facility.

COUNCILMEMBER DIEBOLD MOVED THAT THE COUNCIL APPROVE AN INTERLOCAL AGREEMENT WITH OVERLAND PARK FOR THE 2020 FACILITY USE AGREEMENT FOR YOUNG'S POOL FOR MERRIAM DOLPHINS SWIM AND DIVE TEAM. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

3. Consider approval of Letter of Understanding between the Cities of Merriam, Mission, Fairway, Leawood, Prairie Village, and Roeland Park for use of agency city pools during swim and dive meets.

Parks and Recreation Director Anna Slocum provided the background for this item.

In 2009, a Letter of Understanding between the same cities that participate in Super Pass introduced an agreement providing an option for resident and non-resident members of each city outdoor pool access to a participating pool during normal business hours on days when their home pool is closed to the public to host a home swim or dive meet. Members of the host pool would gain admission, at no additional cost, to a non-hosting pool by producing their city-issued membership card.

Changes to the agreement for 2020 include:

1. Removal of JCPRD from agreement as operator of Roeland Park aquatic facility.
2. Verbiage stating that visitors to Merriam Community Center will receive an indelible stamp indicating access to outdoor aquatic facilities only.

3. Verbiage stating that it will be the responsibility of the hosting agency to notify patrons that passes will not be accepted at Merriam if the outdoor pool is closed.

The Parks and Recreation Advisory Board approved this agreement at their November 26th meeting.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE A LETTER OF UNDERSTANDING FOR USE OF AGENCY POOLS DURING SWIM AND DIVE MEETS. COUNCILMEMBER DIEBOLD SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

4. Consider approval of an ordinance amending section 47-135 (Community Center) of the Merriam Code of Ordinances (first reading).

Parks and Recreation Director Anna Slocum provided the background for this item.

Chapter 47; Article IV; Section 47–135 – Section 47-137 City Swimming Pool and Chapter 47; Article V; Section 47-138 – 47-160 Community Center is in need of updating to reflect changes occurring with existing facilities. Staff is recommending the following changes to the Municipal Code.

1. Article IV renamed Community Center.
2. Section 47-135 Availability of facilities change swimming pool to community center and allow the Parks and Recreation Advisory Board the authority to review the specific rules governing the operation of the center annually.
3. Sec. 47 – 136 Waiver of use –
 - (a) Policy- strike municipal pool and change to community center; strike employees from municipal code as the benefit is addressed in the Employee Handbook Chapter 6, Miscellaneous Fringe Benefit Section 6.02.
 - (b) Application for annual membership – strike annual pool and change to annual community center; strike information related to employees and families; strike information related to identification cards as those a required operational practice.
 - (c) Termination of privileges – strike information related to employment and better define city-appointed advisory boards or commissions and elected and appointed positions.

4. Sect 47 – 137 Violations – strike pool manager and change to parks and recreation director; strike swimming pool and change to community center.
5. Article V. Section 47 – 158 – Sec 47 -160 strike community center and title as Reserved for future use.

There was some discussion regarding the waiving of fees for board members. It was clarified that the committees and boards that would receive this benefit would only include established boards and committees as outlined in City Code. Ad Hoc committees would not be eligible for this benefit.

Councilmember Neal asked how other cities handle the waiving of fees for board members.

Ms. Slocum responded that Merriam is quite unique on this issue and this benefit is used as a thank you to those board members who serve. However, many other cities do not even offer a discount for membership fees for employees, board members and elected officials.

Councilmember Neal commented that he is a little hesitant to continue the waiving of fees for the new community center, as the fees have not yet been set. He wants to make the fees affordable for everyone and asked how many memberships this might include.

Ms. Slocum commented that approximately 15-20 potential members would benefit from this policy. However, in the past the participation has been low, but we will now have a brand new facility which could impact that participation.

Councilmember Hands commented that she feels it would be ok to leave the language as presented, but as the fee discussion comes into play and we are able to see the impact of this benefit, it may need to change.

The Park Board has discussed this item and unanimously supported retaining the benefit.

5. Community Center Update

Assistant City Administrator Meredith Hauck provided the monthly community center update.

6. Monthly Finance Report.

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

B. Community Development/Public Works/CIP

1. CIP Update.

Public Works Director Jim MacDonald provided the following CIP updates:

2019 Sidewalk In-Fill - This project is substantially completed, and the contractor will place seed or sod as soon as weather allows. After the placement of sod, this project is projected to be approximately \$20,000 over the award amount of \$289,393.30 however, the city is still under the sidewalk infill project budget overall.

2020 CARS Johnson Drive (BNSF to East City Limits) - Affinis continues to work on design plans. City Staff and Affinis Engineers met with BNSF representatives on Friday December 20, 2019 to discuss phasing and coordination of improvements to their tracks. This project is scheduled to be advertised for bids early February, 2020, with construction anticipated to begin May 2020.

Mastin Storm Drain and Street Improvements (Johnson Drive to Shawnee Mission Parkway) - Staff will be adding the Mill and Overlay of Mastin Rd. from Johnson Drive to Shawnee Mission Parkway, and some storm drain repairs to this project. This project is scheduled to be advertised for bids early February 2020, with construction anticipated to begin June 2020.

2019 CARS 67th Street Improvements - The project is completed, and final payment will be issued after Council approval.

2020 Sidewalk In-Fill/2020 Sidewalk Maintenance - These areas include Perry Ave. from 55th St. to 57th St., 57th St. from Perry Ave. to Perry Ln., and 56th Ter. west of Knox. Staff will be putting together plans to repair existing sidewalks around these general areas. This project is scheduled to be advertised for bids mid-February, 2020, with construction anticipated to begin September 2020.

VII. STAFF ITEMS

City Administrator Chris Engel commented that residents should have received a 4-page information pamphlet regarding the sales tax election as well as the actual mail-in ballot, if they are a registered voter. The Notice of Election has been published twice, per state statute and the final public meeting was held last week on the sales tax renewal.

Monday, February 3 is the date for the Work Session to discuss the new community center fees.

VIII. NEW BUSINESS

IX. EXECUTIVE SESSION

X. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL, COUNCILMEMBER HANDS MOVED TO ADJOURN AT 8:25 PM. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

Approved: January 27, 2020

Respectfully submitted,
Juliana Pinnick
Juliana Pinnick
City Clerk