

MERRIAM CITY COUNCIL MINUTES

April 27, 2020

7:00 P.M.

Virtual meeting via Zoom.

I. CALL TO ORDER

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

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; Anna Slocum, Parks and Recreation Director; Bryan Dyer, Community Development Director; Stephanie Thompson, HR Manager and Juli Pinnick, City Clerk.

III. PUBLIC ITEMS- there were no public comments

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. **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**

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 April 13, 2020.

2. Consider approval of the purchase of security camera system for the new community center.

Item 2 was pulled from the consent agenda by Mayor Sissom.

COUNCILMEMBER PAPE MOVED THAT THE COUNCIL APPROVE CONSENT AGENDA ITEM 1. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS APPROVED. COUNCILMEMBER NEAL ABSTAINED.

Assistant City Administrator Meredith Hauck commented that item 2 was pulled from the consent agenda as the first two cameras listed on the proposal, included the incorrect model number. The council was provided an updated equipment list by email. The first two cameras listed on the scope of work, which are inside cameras, will be the newer model camera. Ms. Hauck read the correct model number for the cameras that would be installed. The different cameras do not change the scope of work or pricing.

Councilmember Yadrich asked about the licensing of the cameras and which licenses would need to be renewed. She also asked about the warranty period of the cameras.

Ms. Hauck commented that the license is purchased on the front end and then a maintenance fee is paid annually after that. The maintenance is a percentage of the licensing fee. This is typical of all the camera systems the city has. It is an on-going maintenance cost that is in the IT budget. The warranty is 5 years on the cameras.

Councilmember Yadrich clarified that the camera system was a budgeted item and the reason for council approval is it is over the threshold of what can be spent without council approval.

Ms. Hauck confirmed that the camera system is within the budgeted amount and requires council approval per the city's expenditure policy.

COUNCILMEMBER PAPE MOVED THAT THE COUNCIL APPROVE CONSENT AGENDA ITEM 2. COUNCILMEMBER YADRICH SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

V. MAYOR'S REPORT

VI. COUNCIL ITEMS

A. Finance and Administration

1. Consider approval of a franchise ordinance with Evergy Metro Inc. (first reading)

City Administrator Chris Engel provided the background for this item.

Currently Evergy Metro, Inc. (formerly KCP&L) is operating in Merriam as an electrical utility. The existing franchise agreement expired in January 2020 but remains active as long as the parties are negotiating. The City Attorney has been working with Evergy since last year and both parties have agreed to a new franchise ordinance.

The agreement with Evergy has the same terms as the KCP&L agreement. The duration is 10 years. The agreement grants Evergy the nonexclusive right to utilize and construct within the public right-of-way to provide electric energy. Evergy cannot provide additional services which require a franchise agreement without first obtaining a separate franchise agreement with the City. Evergy does have the ability to allow attachments to its facilities if such attachments are covered in a separate pole attachment agreement with the City. In return, Evergy will pay the City a monthly franchise fee of 5% of total gross receipts. This agreement generated \$853,071 in 2019 for the General Fund.

Per statute, the City published a Notice to Electors in The Legal Record on April 21st, which is 20-days prior to the May 11th City Council meeting when the Ordinance will be considered for approval.

On April 13th the City Council asked about language to promote sustainability or net metering. Research regarding the net metering was included in the Council Agenda Packet.

Councilmember Silvers asked which newspaper published the notice.

Mr. Engel stated that the city's official newspaper is the Legal Record and that is where the notice was published.

This was a first reading of the ordinance.

2. Consider approval of an ordinance authorizing the sale, consumption and possession of alcoholic liquor during the Merriam Drive Live Special Event. (first reading)

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

Merriam Drive Live debuted in 2018 as a new event in downtown Merriam. The goal of the event is to provide an opportunity to build community among residents as well as provide an example of how the land at 5701 Merriam Drive could be utilized. Although weather has been less than desirable, event organizers implemented a weather plan that has proved successful for the enthusiastic attendees.

This year, the event is scheduled for Saturday, October 3 from 11 am – 6 pm featuring the rescheduled Turkey Creek Festival 5K to start the day, a variety of musical performances, children's activities, corn hole tournament, yard games, food trucks and a Kansas licensed caterer serving beer and wine. In order for beer and wine to be sold and participants not be confined to a specific space, an ordinance is required to allow the sale, consumption and possession of alcoholic liquor on streets and sidewalks within the boundaries permitted.

The boundaries, outlined in Exhibit A, would be as follows: west edge of the Farmers' Market Pavilion; east edge of the Irene B. French Community Center; 57th Street on the north end and 58th Street on the south end. The boundaries of the area will be clearly marked by signs and a map of the area will be posted where the sale of alcohol occurs.

This was a first reading of the ordinance.

3. Monthly Finance Report.

City Administrator Chris Engel commented that the finance report included in the packet covers sales tax revenues through January. Those receipts were up 9% over 2019 revenues. In regard to sales tax right now, the city won't receive those numbers until June, so the 9% for January is a good start. Staff is anticipating a drop in sales tax due to the stay-at-home order, but will not know the impact of that for a couple of months. Regarding car sales tax, most of the large dealerships are still conducting vehicle service and parts as well as on-line sales of cars.

B. Community Development/Public Works/CIP

1. Community Development Update.

Community Development Director Bryan Dyer commented that the Comprehensive Plan process continues and the consultant, Confluence, is working on public engagement through on-line outlets.

Building still continues and staff is out conducting many inspections and issuing building permits.

Mr. Dyer announced that long-time employee John Hollis is retiring after 23 years. He served as the Building Official for many years and then became the City Planner a few years ago. He has seen many large commercial developments throughout the city over the past 23 years. His last day will be May 1.

The planner position vacancy has been advertised and staff has conducted some preliminary screening of applicants.

VIII. STAFF ITEMS

City Administrator Chris Engel commented that staff is working on a plan to incrementally open the city back up. Staff anticipates meeting back in person by the June City Council meeting.

Staff has also been working on the 2021 budget. It has been a challenge not knowing how our revenue will be affected by the COVID -19 pandemic. There is a schedule in place to get the budget process going, which may include a couple of work sessions or special meetings. The schedule is based on when the budget numbers can get finalized and still meet the deadline for submission to the County Clerk. Typically, by this time, council is working on the CIP budget portion and by end of July, the budget process is wrapped up. This year will be different, but staff still anticipates completing the 2021 budget for submission to the County Clerk by August 24.

Mr. Engel commented that Merriam received a shout out from the Kansas Governor regarding the Merriam Police Department and the birthday parades they have been conducting. It can be viewed at the city's website and other social media outlets.

Assistant City Administrator Meredith Hauck provided a brief Community Center update.

Construction continues every day, however, some materials are experiencing shipping delays. Some of these delays are affecting critical pieces of the project. The wood for the ceiling in the lobby area has not arrived on site yet. It is holding

up completion of the lobby area as other pieces of construction cannot move forward without those materials.

The fire panel has not arrived and the manufacturer cannot provide an estimated arrival time yet. The building cannot be open to the public without the fire panel being installed. Moving into the building is not a problem without the fire panel but no public can be allowed without it.

The tile for the indoor pool also has not arrived on site yet. The manufacturer has closed due to the pandemic and we are unable to get ahold of anyone there to see where the material is. Staff looked at bringing in a different tile of the same likeness but unfortunately many suppliers are have the same issues with shipping.

As a result, the new community center opening will be delayed three weeks. June 1st was the original date of opening the center for charter members, now with the public health restrictions in place, it appears that June 22 will be a more realistic date for the opening to charter members. Staff is working on a plan to fully open the building to the public. The state and county are working on their opening sequence plan for gyms and pools, and the city has to follow those guidelines which have not been completed. Staff will continue to keep the council and public updated as these dates unfold.

Staff has extended charter membership terms, discounted summer memberships and are working to take care of the patrons who have purchased charter memberships and ensure fairness to all members.

All of these issues along with the public health restrictions will also likely mean that the Irene B. French Community Center will not reopen to the public.

City Administrator Chris Engel commented that decisions that other cities make on opening their pools could impact us. For our center, we have to fill the pools with water as part of the construction acceptance, so while our pools will be filled with water and operational, if other cities make the decision to not open or delay opening due to the public health restrictions, we could be impacted by that. If there is no other place to swim except Merriam there may be a huge influx of customers.

Staff is mindful of this scenario and are trying to plan for something like this to occur. Planning for this is difficult as we have never had a situation like this to base anything on.

Councilmember Silvers asked about the Superpass program for next year in light of the public health restrictions.

Mr. Engel commented that some of the cities participating in the 2020 Superpass program have discussed disbanding the program this year. Their concern is if one city opens their pool but another one does not, and all the Superpass patrons go to the one or two pools that are open, it could really overwhelm those pools.

Mayor Sissom commented that during a recent conversation he had with County Commissioner Ed Eilert, he indicated the county is working on a 4-phase re-opening plan. Each phase of the plan will occur at different increments and pools appear to be in phase 3 of that plan. At this time we do not have the dates when those phases will be implemented.

IX. NEW BUSINESS

X. EXECUTIVE SESSION

XI. ADJOURNMENT

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL,
COUNCILMEMBER HANDS MOVED TO ADJOURN AT 7:52 PM.
COUNCILMEMBER DIEBOLD SECONDED AND THE MOTION WAS
UNANIMOUSLY APPROVED.**

APPROVED: May 11, 2020

Respectfully submitted,
Juliana Pinnick
Juliana Pinnick
City Clerk