

**SPECIAL CITY COUNCIL MEETING
CITY HALL
COUNCIL CHAMBERS
9000 W. 62ND TERRACE**

**February 11, 2008
7:30 P.M.**

I. CALL TO ORDER - PLEDGE OF ALLEGIANCE

The Special City Council Meeting of the City of Merriam, Kansas, was called to order by Mayor Carl Wilkes on Monday, February 11, 2008 at 7:30 p.m.

The Mayor asked for a moment of silence to honor the police officers, councilmembers and employees who lost their lives in the City of Kirkwood, Missouri.

II. ROLL CALL

Members Present

Mayor Carl Wilkes

Bryan Burks

Pam Bertoncin

Chris Evans Hands

Nancy Hupp

Dan Leap

Chad Rowe

Gayle Stephens

John Crabtree was absent

Staff Present

Stephanie Dawkins, Interim City Administrator, Cindy Ehart, Interim Finance Director; Michelle Daise, City Attorney; Dennis Enslinger, Community Development Director; Susan Hayden, Parks and Recreation Director; Randy Carroll, Public Works Director; Doug Crockett, Interim Fire Chief; Bill Lietzke, Police Chief, Beth Linn, Neighborhood Services Manager, and Juli Pinnick, Deputy City Clerk.

III. Consider request from new partnership to extend the closing date established in the Second Amendment to the Redevelopment Agreement for the Merriam Pointe Redevelopment Project.

Tom Thorsen, representing Merriam Investors, the partnership group that has taken over the Merriam Pointe project addressed the council regarding a request to extend the closing date for the project. Negotiations with tenants are still pending on several lots in the development. Lots 9, 10, 11 currently have hotel/hospitality users negotiating for those sites. The request for the car

dealership zoning, approved by the city council on January 28, 2008 on these lots was requested as a contingency plan in case the negotiations for the hospitality uses fell through. The main tenant (an electronic store) has requested a commitment of 25,000 -30,000 square feet of space and desire a total area of 90,000 square feet of retail space for the whole development before they will formally commit. Many tenants have expressed that they are very interested in the site and the location is good but are reluctant to sign until they know which other tenants and which anchor or main tenant will be on the site.

Lot 1 has approximately 90,000 square feet and lots 1 and 2 will be committed to strip retail and restaurant uses within the strip retail lot. Lot 3 has generated interest from some fast food tenants however there is a desire to have a more upscale restaurant use on that site.

COUNCILMEMBER BERTONCIN MOVED THAT THE COUNCIL RECESS INTO EXECUTIVE SESSION TO CONSIDER CONSULTATION WITH LEGAL COUNSEL ON MATTERS THAT WOULD BE DEEMED PRIVILEGED IN AN ATTORNEY-CLIENT RELATIONSHIP PRESENT WILL BE THE INTERIM CITY ADMINISTRATOR, COMMUNITY DEVELOPMENT DIRECTOR AND CITY ATTORNEY. THE MEETING WILL RECONVENE IN THE COUNCIL CHAMBERS AT 8:05 P.M. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

The meeting reconvened at 8:05 p.m.

COUNCILMEMBER BERTONCIN MOVED THAT THE COUNCIL RECESS INTO EXECUTIVE SESSION TO CONSIDER CONSULTATION WITH LEGAL COUNSEL ON MATTERS THAT WOULD BE DEEMED PRIVILEGED IN AN ATTORNEY-CLIENT RELATIONSHIP PRESENT WILL BE THE INTERIM CITY ADMINISTRATOR, COMMUNITY DEVELOPMENT DIRECTOR, INTERIM FINANCE DIRECTOR AND CITY ATTORNEY. THE MEETING WILL RECONVENE IN THE COUNCIL CHAMBERS AT 8:30 P.M. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

The meeting reconvened at 8:30 p.m.

Councilmember Stephens requested from Mr. Thorsen that a representative from Merriam Investors be present at the monthly city council meeting to provide updates to the council regarding the progress of the project.

COUNCILMEMBER HUPP MOVED THAT THE COUNCIL AUTHORIZE THE MAYOR TO NEGOTIATE AND SIGN A THIRD AMENDMENT TO THE REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF MERRIAM, KANSAS AND MERRIAM POINTE, LLC. INCLUDING AN AUTOMATIC TERMINATION DATE OF MARCH 24, 2008. THE MAYOR IS HEREBY AUTHORIZED TO EXTEND THE TERMINATION DATE TO APRIL 30, 2008 BY THE NEGOTIATION AND EXECUTION OF A FOURTH AMENDMENT TO THE REDEVELOPMENT AGREEMENT UPON SUBMITTAL OF A VAILD REQUEST

TO WITHDRAW CHANGE IN USE APPLICATION NUMBER Z-8-04/PUD 2-01-08 ON OR PRIOR TO MARCH 24, 2008. THE MOTION WAS APPROVED. COUNCILMEMBER LEAP VOTED NAY.

IV. Discussion regarding staffing.

Mayor Wilkes asked that the council continue with the policy of the Mayor and City Administrator making recommendations to the council for filling key staff positions, such as the Community Development Director.

Councilmember Stephens desired a memo sent to all city staff acknowledging the councils appreciation for their dedication and hard work that they do for the city.

Mayor Wilkes indicated that such a letter had already been drafted and will be distributed with paychecks this week.

Councilmember Burks expressed a desire to expedite recruitment for the Community Development position.

Councilmember Hupp asked what steps had been taken to fill the Community Development Director position.

Interim City Administrator Stephanie Dawkins responded that the position has already been posted on the Government Jobs and American Planning Association job listings with a closing date of February 22, 2008, which would allow for Dennis to assist in the applicant review process. One application has already been received. If we stay with the current schedule and receive quality applicants, it is possible to have someone in the position by mid-March or by the March city council meeting. A special meeting could be held prior to the March council meeting to allow council approval of the candidate.

Councilmember Bertoncin expressed a desire to allow the executive search firm to expand their scope of our agreement to search for a Community Development Director.

Councilmember Rowe expressed a desire to stay with the schedule as it is currently and see the results of those efforts prior to engaging the search firm to expand their scope of work.

Councilmember Stephens asked that the process to hire a Community Development Director not be rushed and to engage temporary resources such as the former Community Development Director to help with any issues that arise prior to filling the position.

Mayor Wilkes stated that he has been in contact with former Community Development Director Paul Glaves to assist in the interim. Mr. Glaves did indicate that he was willing to help out until the position can be filled.

V. EXECUTIVE SESSION

COUNCILMEMBER BURKS MOVED THAT THE COUNCIL RECESS INTO EXECUTIVE SESSION TO CONSIDER CONSULTATION WITH LEGAL COUNSEL ON MATTERS THAT WOULD BE DEEMED PRIVILEGED IN AN ATTORNEY-CLIENT RELATIONSHIP RELATED TO SECURITY MEASURES IN AN EFFORT TO NOT JEPORDIZE SUCH SECURITY MEASURES. PRESENT WILL BE THE INTERIM CITY ADMINISTRATOR, POLICE CHIEF, AND CITY ATTORNEY. THE MEETING WILL RECONVENE IN THE COUNCIL CHAMBERS AT 9:12 P.M. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

The meeting reconvened at 9:12 p.m.

VI. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL COUNCILMEMBER BURKS MOVED TO ADJOURN AT 9:15 PM COUNCILMEMNER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

Respectfully submitted,

Juli Pinnick
Deputy City Clerk

Approved: _____