



**COMMUNITY DEVELOPMENT AND /PUBLIC WORKS
COMMITTEE MEETING
COUNCIL CHAMBERS
June 16, 2008**

The Community Development/Public Works Committee of the Merriam City Council met on Monday, June 16, 2008 at 6:00 p.m. Councilmembers present included: Chair Gayle Stephens, Councilmember Christine Evans Hands, Councilmember Chad Rowe and Councilmember John Crabtree arriving at 6:47 PM. Staff present included: Phil Lammers, City Administrator; Bryan Dyer, Community Development Director; Randy Carroll, Public Works Director, Susan Hayden, Director of Parks and Recreation; Tim Murphy, Assistant Director of Parks and Recreation; Beth Linn, Neighborhood Services Manager and Judy Devereey, Recording Secretary.

Public Items

Chair Stephens commented on the drainage problem at 56th Terrace and Goodman stating this has been ongoing since the house was built. Bryan Dyer, Community Development Director, stated that staff had looked at the site and recommended this site as well as other problem areas be added to the list of future unprogrammed drainage projects.

Chair Stephens changed the order of the agenda as follows: 1, 3, 6, 7, 5, 4, 2.

1. CIP Monthly Update

Beth Linn, Neighborhood Services Manager, presented the CIP monthly update noting that the City of Merriam and Unified Government are ready to hold the second public meeting. The meeting will be held during the week of July 7th at the Bristol United Methodist Church on County Line Road at 7:00 PM. Ms. Linn said that Unified Government is securing the date for the meeting and staff would notify council once a date is set. At this meeting, property owners/residents would have an opportunity to provide feedback on the preliminary construction plans.

3. Update on Construction Inspection Services

Beth Linn, Neighborhood Services Manager, reported that the process to hire a seasonal construction inspector did not go as planned so an RFP went out for hiring a firm to do construction inspection services and the city is now working with Phelps

Engineering out of Olathe and have had excellent luck. She said they are a very good firm doing inspection services overseeing anything concrete, subgrade and she had been doing any resident work and pre-work behind the scene. Ms. Linn commented that Phelps Engineering is spending about 85% of their time on the residential street package and also helped on Merriam Village.

6. Update on Development Projects

Bryan Dyer, Community Development Director, updated the committee on the following projects:

- Timber Ridge
- Pointe at Prairie Haven
- Merriam Pointe
- Merriam Village

7. Discussion Regarding Green Initiatives

Chair Stephens referred to an article in the newspaper regarding green initiatives and commented that the city needs to come up with ideas and be more proactive. She requested that staff look at other cities and their language regarding green initiatives because at this time, Merriam does not have any guidelines or ordinances in place. Phil Lammers, City Administrator, said the Mayor of Mission has been on a serious campaign for green initiatives as well as Mike Scanlon and he would contact Mr. Scanlon and ask him to come over and discuss what their city has been doing or what might be done together. Councilmember Hands noted that she sits on two environmental committees and has not brought back any ideas because staff has been very shorthanded but one thing she would like to see is if the home loan program is renewed with Mission Bank is to reword the agreement so that the city would actually be able to give loans to people who are trying to make their homes more energy efficient. There was discussion of different ideas that could be done by individuals.

5. Consider Approval of a Contract with J. M. Fahey Construction Company for Construction of the 2008 Overlay Program in the amount of \$812,725.30 and Authorize the Mayor to Execute the Contract

Randy Carroll, Public Works Director, said that the 2008 Overlay Program included 49th Street from Antioch to Switzer that is part of the CARS program that is a joint venture between the City of Merriam and the Johnson County CARS Program. Mr. Carroll stated that the bid included 2 alternates and staff recommended approving the contract with J. M. Fahey Construction Company for the construction of the 2008 Overlay Program in the amount of \$812,725.30 and authorize the Mayor to execute the contract.

COUNCILMEMBER ROWE MOVED TO FORWARD A RECOMMENDATION TO THE FULL CITY COUNCIL TO APPROVE A

CONTRACT WITH J. M. FAHEY CONSTRUCTION COMPANY FOR CONSTRUCTION OF THE 2008 OVERLAY PROGRAM IN THE AMOUNT OF \$812,725.30 AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT AND PLACE ON THE CONSENT AGENDA. THE MOTION WAS UNANIMOUSLY APPROVED.

Councilmember Rowe noted there was some extensive storm damage last week in Ward 1 and Ward 2 that was pretty isolated and asked if the city was going to offer any assistance. Mr. Lammers said he had discussed this with Randy Carroll, Public Works Director, and Mr. Carroll had gone out to view the damage and photographed the area. After discussion, it was determined this was the responsibility of the property owner. There was concern expressed regarding the disposal companies and it was suggested that the phone numbers for Deffenbaugh and A-1 Disposal be published in the e-Merriam and Merriam Highlights to offer residents a choice of companies to contact.

4. Consider Approval of Change Order #2 for Merriam Village Parking Lot Improvements at the Police Station (\$11,931.30)

Beth Linn, Neighborhood Services Manager, said that the City Council approved a contract with Holland Corporation to complete Eby Street and Quaker Creek Improvements related to the Merriam Village Development on April 23, 2007. The contract includes construction of Eby Street; installation of a new traffic signal at Eby Street and Johnson Drive; widening of Johnson Drive and the I-35 off-ramp; and construction of a Reinforced Concrete Box (RBC) connecting to the existing RCB at approximately Grandview Street and Johnson Drive.

On April 28, 2008, Ms. Linn stated that the City Council approved Change Order #1 which included \$28,893.20 to complete the parking lot north of the police station and \$44,945.67 for miscellaneous improvements adjacent to the project including additional mill and overlay at Johnson Drive and Eby; removal and replacement of curb along Slater; and sidewalk improvements along Johnson Drive.

Ms. Linn said that since approval of Change Order #1, Holland has surveyed and staked the parking lot improvements as designed by staff. She provided aerial photographs pointing out that the parking lot includes spaces along the west edge for the mobile command unit. She noted the design of the parking lot did not take into consideration the geogrid that is the support system for the large retaining wall along the northwest corner of the police station. The parking lot can not be installed as designed without a short retaining wall being installed.

Ms. Linn stated that Holland had submitted a bid for \$11,931.30 to install a small retaining wall around the west edge of the parking lot to allow the parking spaces to be constructed as planned. The change order would be paid for with GO Bond Proceeds for Merriam Village.

COUNCILMEMBER HANDS MOVED TO FORWARD A RECOMMENDATION TO THE FULL CITY COUNCIL TO APPROVE CHANGE ORDER #2 FOR MERRIAM VILLAGE FOR PARKING LOT

IMPROVEMENTS AT THE POLICE STATION IN THE AMOUNT OF \$11,931.30 AND PLACE ON THE CONSENT AGENDA. THE MOTION WAS UNANIMOUSLY APPROVED.

2. Discussion Regarding Merriam Aquatic Center Buffer Feature – Phase III

Beth Linn, Neighborhood Services Manager, provided the background on this item stating that the new alignment of Eby Street adjacent to the Merriam Village development will be in close proximity to the Merriam Aquatic Center. Eby Street is elevated at this location and supported by a retaining wall approximately seventeen feet high. Staff has worked with the developer of the Merriam Village site to provide as much separation as possible between the retaining wall and the pool.

In March 2006, Ms. Linn said that City Council approved a Professional Services Agreement with NSP Architects to create concepts for a landscape buffer feature as a public enhancement for the Aquatic Center and Vavra Park and to beautify the Eby Street corridor. In August 2006, City Council and the Parks and Recreation Advisory Committee approved the design of the buffer feature to include heavy landscaping, trails, fountain/waterfall/pools and expansion of the fenced area within the aquatic center.

Ms. Linn stated that in spring 2007, the City divided the elements of the buffer feature into three phases due to the timing of the proposed improvements to Eby Street and delays with regard to the Merriam Village project out of the control of the city. Phase I included expansion of the pool deck area along the west side of the facility, upgrade and relocation of bleacher area and new shade structure. Phase II included replacement of the chain link fence surrounding the perimeter of the pool with a black powder-coated steel fence. Phase III included a fountain adjacent to Eby, retaining walls with landscaped planting beds and walking trails. She said that Phase I and II were completed in spring 2007. In anticipation of the completion of Phase III, the vault for the fountain has been installed as part of the Merriam Village project in the retaining wall along Eby Street.

Ms. Linn said that NSP has submitted plans for final review and concurrence to bid for Phase III. Included in the packet were color renderings of the buffer feature and copies of the plans.

Due to the extensive length of time between initial project development and final design, Ms. Linn said the anticipated cost of construction has risen significantly. Previous construction estimates for the buffer feature, including all phases, were \$470,000. Current construction estimate for Phase III is \$473,000 with a total project cost of \$699,490.

Ms. Linn stated there is approximately \$475,000 remaining funds budgeted for the completion of the Vavra Park Enhancement Project. This amount includes Phase III of the buffer features, rehabilitation of the tennis courts, Memorial Park, and additional trails and lighting in the park to be installed by Public Works.

Ms. Linn said that before receiving updated construction costs for the buffer feature, staff bid the rehabilitation of the tennis courts. On June 11, 2008, staff received bids for rehabilitation of the tennis courts in Vavra Park. The lowest bid was submitted by City of Merriam Public Works for \$151,000. She noted this construction costs with the design costs exceeds the budget for the tennis courts by \$46,000.

Ms. Linn stated that when staff put together all the information and looked at the associated costs in Vavra Park, they held discussions regarding the goals. Due to the large number of patrons that attend the aquatic center and the tremendous visibility along Eby Street, staff is recommending that the remaining dollars for Vavra Park Enhancement Project be allocated for the buffer feature. Staff recommends reprioritizing dollars allocated for all other projects within the Vavra Park Enhancement Project to fund the construction of Phase III of the buffer feature. Ms. Linn provided photos of the approved buffer feature and plans.

Chair Stephens stated that she had real issues with the buffer feature. She said the residents of Merriam were promised tennis courts and she did not feel the city could go back on their promise and should move forward with the tennis courts. Chair Stephens said she had a problem putting in a water feature at this time when there is all the construction associated with the Merriam Village site and the extended costs that was not planned. She added she could not see putting in beautification for anything until the shopping center construction is much further along. She said she felt that this is not the time to spend that money and could look at it next year. Chair Stephens said she could not support the buffer feature and would not vote for it.

Councilmember Rowe asked if there could be erosion problems if the buffer feature was not put in. Ms. Linn replied she did not think so but there are a couple of concerns including not enough money in the Vavra Park Enhancement Project to do both so if the tennis courts are done, then the water feature can not be built as planned with the remaining money. Chair Stephens stated she could not justify spending that amount of money on a beautification project when the city needs additional police officers and equipment, etc. Ms. Linn noted she had extensive conversations with Cindy Ehart, Finance Director, to see if there was other money in the Vavra Park Enhancement Project either in future years that staff could recommend that could be postponed and unfortunately the \$475,000 includes everything that is programmed through 2010. Ms. Linn said that the reason she brought photos of the vault is so everyone is aware that if the water feature is not built, then the city has to address the retaining wall in some fashion because the large vault piece would be sticking out of the retaining wall.

Susan Hayden, Director of Parks and Recreation, presented an overview of what the park and aquatic center was like prior to Merriam Village. She said when the Merriam Village project moved forward there was discussion of how to protect the pool and users of the pool from the noise of the shopping center from Eby Street and how the traffic would need to move along Eby to get to the shopping center and Johnson Drive. What could be done to enhance the pool visits and at the same time beautify the park because staff realized it would be impacted by the project. Ms. Hayden said the tennis program was disrupted because one of the three tennis courts was lost. She said the Park Board and CD/PW Committee discussed at length about

this concept plan for the water feature and buffer and one of her concerns as the administrator of the pool was that wall is 30 feet from the diving board. The city has an active swim team and dive team program and hosts the all city dive meet every year at that facility and cars would be driving right upon top of the diving boards and that can be a distraction to the divers. Ms. Hayden added that the water fall feature was a way of minimizing the traffic noise. She said three different options were looked at and this option was the medium of the three options. She said the pool has been impacted the last two years and have lost some members because of the construction project commenting that it has cost the city more money to maintain the pool while the project has been going on. Ms. Hayden said that the tennis players were promised that the city would reconstruct the tennis courts and felt that the city also promised significantly more people that use the pool that the city would provide this kind of decorative feature for them to look at. There was discussion of users of the tennis courts and the aquatic center and options to consider, maintenance of the pool/water feature and landscaping options to disguise the vault.

Ms. Linn noted that she needed concurrence to bid or not to bid at this time. She said staff's thought was to get construction under way and complete before pool patrons are there next spring and the vast majority of Merriam Village, other that vertical construction for buildings would be complete and is perfect winter time work for contractors and might help in favorable bids. After discussion, the committee determined they could not make a recommendation to the full City Council unless they forward it without recommendation.

Mr. Lammers stated that Ms. Ehart might have additional information to possibly provide another option. Ms. Ehart said if the council chose not to spend the money now that it would carry forward in the CIP budget the way it is currently programmed. She said when the CIP budget was reviewed in a few weeks, staff could make that choice to preserve it in the I-35 Redevelopment District Projects for future use at a later time but do not see a large amount of money in there the way the plan is currently designed. Ms. Linn added that within the I-35 Redevelopment District, there is municipal complex, Vavra Park and the council could reallocate dollars during the CIP budget process and would be the ideal time if council chose to move dollars from municipal complex to Vavra Park. Chair Stephens said she thought the council should address this at the CIP budget review and what is planned.

Ms. Linn stated that bids are good for thirty days because of the price of oil and materials so if the committee is looking at not doing the buffer feature and if they would like to discuss the buffer feature during the CIP budget work session, she would then request consensus from the committee to go ahead with the tennis courts at this time. With the rising costs of materials, Chair Stephens remarked she thought the wisest thing to do is to have Mr. Carroll go ahead and construct the tennis courts. Councilmember Rowe said before the city moves forward with any of the enhancements, he would like to see the council determine what is going to be done for all of it. Councilmember Hands added she is not tied to moving on the tennis courts at this time with Councilmember Rowe agreeing he was not either but wanted to see the plans as a whole.

Chair Stephens stated she would like to refer the tennis courts decision to the full city council without consideration from the committee. Ms. Linn said she would take the tennis courts bids, like staff would with the normal bid results, to the City Council next week. Chair Stephens said at the full City Council meeting, this could be discussed and decide whether they wanted to move forward with it.

COUNCILMEMBER CRABTREE MOVED FOR ADJOURNMENT.

The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Judy Devere, Recording Secretary