

**SPECIAL CITY COUNCIL MEETING  
COUNCIL CHAMBERS  
9000 W. 62<sup>ND</sup> TERRACE  
Thursday February 26, 2009  
10:00 AM**

I. CALL TO ORDER - PLEDGE OF ALLEGIANCE

Mayor Wilkes called the meeting to order at 10:00 a.m. and read the purpose of the Special Meeting.

II. ROLL CALL

Mayor Carl Wilkes

Pam Bertocin  
John Crabtree  
Chris Evans Hands  
Nancy Hupp  
Dan Leap  
Chad Rowe  
Gayle Stephens

Bryan Burks was absent.

Staff Present:

Phil Lammers, City Administrator; Michelle Daise; City Attorney; Bryan Dyer, Community Development Director; and Juli Pinnick, City Clerk.

III. AGENDA ITEM

1. Executive Session

The Mayor and all Councilmembers disclosed that they were recently contacted by Ross Steiner, owner of the Merriam Pointe Project.

**COUNCILMEMBER HANDS MOVED THAT THE GOVERNING BODY RECESS INTO EXECUTIVE SESSION PURSUANT TO THE OPEN MEETINGS ACT EXCEPTION TO CONSIDER CONSULTATION WITH LEGAL COUNSEL ON MATTERS THAT WOULD BE DEEMED PRIVILEGED IN AN ATTORNEY- CLIENT RELATIONSHIP FOR THE PURPOSE OF RECEIVING LEGAL ADVICE. PRESENT WILL BE THE**

**GOVERNING BODY, CITY ADMINISTRATOR, CITY ATTORNEY, AND COMMUNITY DEVELOPMENT DIRECTOR. THE MEETING WILL RECONVENE IN THE COUNCIL CHAMBERS AT 10:30 AM. COUNCILMEMBER STEPHENS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

**COUNCILMEMBER HANDS MOVED TO AMEND THE MOTION TO INCLUDE THE FINANCE DIRECTOR IN THE EXECUTIVE SESSION. COUNCILMEMBER STEPHENS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

*The meeting reconvened at 10:30 a.m.*

**COUNCILMEMBER HANDS MOVED THAT THE GOVERNING BODY RECESS INTO EXECUTIVE SESSION PURSUANT TO THE OPEN MEETINGS ACT EXCEPTION TO CONSIDER CONSULTATION WITH LEGAL COUNSEL ON MATTERS THAT WOULD BE DEEMED PRIVILEGED IN AN ATTORNEY- CLIENT RELATIONSHIP FOR THE PURPOSE OF RECEIVING LEGAL ADVICE. PRESENT WILL BE THE GOVERNING BODY, CITY ADMINISTRATOR, CITY ATTORNEY, FINANCE DIRECTOR AND COMMUNITY DEVELOPMENT DIRECTOR. THE MEETING WILL RECONVENE IN THE COUNCIL CHAMBERS AT 10:50 AM. COUNCILMEMBER STEPHENS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

*The meeting reconvened at 10:50 a.m.*

**COUNCILMEMBER BERTONCIN MOVED THAT THE COUNCIL REAFFIRM THEIR POSITION AS PREVIOUSLY STATED IN THE LETTER DATED FEBRUARY 11, 2009 TO MR. JESS DAVIS AND MR. ROSS STEINER ON THE POSITION THE COUNCIL IS TAKING REGARDING TAXES AND SPECIAL ASSESMENTS DUE ON THE MERRIAM POINTE PROPERTY. THE MOTION WAS APPROVED. COUNCILMEMBERS HANDS AND ROWE VOTED NAY. COUNCILMEMBER ROWE STATED HE FELT THEY NEED TO BE GIVEN A LITTLE MORE TIME.**

City Attorney Michelle Daise informed the council of pending state legislation that would allow the city to have the ability to request a hearing before the Alcohol Beverage Control Division if there is a problem with a license holder within the city. The full text of the bill has not been read. However, the committee will be opening it up to receive testimony on the proposed bill. Once Ms. Daise has an opportunity to review the bill she will advise the council on the text of the bill. At that time the council can decide how they want to proceed with giving testimony regarding the bill.

Community Development Director Bryan Dyer reported on a meeting he attended at Mid America Regional Council (MARC) regarding the Federal Economic Stimulus Plan. The State of Kansas is due to receive funding related to the Stimulus Plan for infrastructure projects. The Mid-America Regional Council (MARC) is the entity that will distribute the funding for those projects in the Kansas City area. Merriam had requested stimulus funding for shovel ready capital improvement projects. It appears that the city will receive approximately \$900,000 of stimulus funding for mill and overlay projects. The approved projects will go before the full MARC board for final approval. If approved, the city should see that funding come in around mid-March. This funding was not for projects that the city had already budgeted. However, there were some matching funds budgeted in the event that there would be programs available for projects. The city has approximately \$100,000 in matching funds for this stimulus funding. The matching funds were included in the request to MARC. The total project funding cost is \$1 million. The city will have a responsibility to report back to the Federal Government with information such as the number of jobs this overlay project created, and that this is a new project completed with the new funding –not a project which was already planned or budgeted.

IV. ADJOURNMENT

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL,  
COUNCILMEMBER ROWE MOVED TO ADJOURN AT 10:59 A.M.  
COUNCILMEMBER CRABTREE SECONDED AND THE MOTION WAS  
UNANIMOUSLY APPROVED.**

Respectfully submitted,



Juliana Pinnick  
City Clerk