

**MERRIAM CITY COUNCIL AGENDA
CITY HALL
9001 WEST 62ND STREET
February 8, 2021
7:00 P.M.**

**This is a virtual meeting.
The public may participate by joining the meeting at:**

If you require any accommodation (i.e. qualified interpreter, large print, reader, hearing assistance) in order to attend this meeting, please notify the Administrative Office at 913-322-5500 no later than 24 hours prior to the beginning of the meeting.

<https://us02web.zoom.us/j/87121805375?pwd=czJGZ1QrT3JyK0xUOHZhTmxFSWhsUT09>

1-346-248-7799

Webinar ID: 871 2180 5375

Passcode: 861705

I. CALL TO ORDER - PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. PUBLIC ITEMS

In response to COVID-19 and remote City Council meetings, the public comment process that normally occurs during the City Council meeting has temporarily changed. Members of the public are still encouraged to share comments about matters that may or may not appear on the agenda by the following process below:

Submit public comment to the City Clerk at jpinnick@merriam.org by 6 p.m. on the date of the meeting; comments are limited to 500 words; must include "Public Comment" in the subject line; commenters must include their name and their address. Late submissions, submissions without "Public Comment" in the subject line; and comments without name and address will not be read into the public record. In accordance with the *Governing Body Rules of Procedure*, the City reserves the right to refuse Public Comments that are personal, impertinent or slanderous.

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 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 January 25, 2021.

2. Consider approval of a request for city support for the 2021 Flags 4 Freedom event.

V. MAYOR'S REPORT

VI. COUNCIL ITEMS

1. Consider approval of an ordinance amending Chapter 68 of the Merriam Code of Ordinances regarding prohibition of pedestrians upon medians and roadways at certain intersections.
2. Consider approval of a resolution establishing pole attachment and other fees for the location of small-cell facilities in City rights-of-way or attachment to City property.
3. Merriam Community Center Final Financial Report.
4. Mill Presentation.
5. CIP Update.

VII. STAFF ITEMS

VIII. EXECUTIVE SESSION

IX. ADJOURNMENT

Respectfully submitted,

Juliana Pinnick

City Clerk

**MERRIAM CITY COUNCIL MINUTES
CITY HALL
9001 WEST 62ND STREET
January 25, 2021
7:00 P.M.**

This was a virtual meeting via Zoom.

I. CALL TO ORDER - PLEDGE OF ALLEGIANCE

Mayor Sissom called the meeting to order at 7:00 pm. Council and staff said the Pledge of Allegiance.

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; Darren McLaughlin, Police Chief; Anna Slocum, Parks and Recreation Director; Bryan Dyer, Community Development Director; Donna Oliver, Finance Director; and Juli Pinnick, City Clerk.

III. PUBLIC ITEMS

In response to COVID-19 and remote City Council meetings, the public comment process that normally occurs during the City Council meeting has temporarily changed. Members of the public are still encouraged to share comments about matters that may or may not appear on the agenda by the following process below:

Submit public comment to the City Clerk at jpinnick@merriam.org by 6 p.m. on the date of the meeting; comments are limited to 500 words; must include "Public Comment" in the subject line; commenters must include their name and their address. Late submissions, submissions without "Public Comment" in the subject line; and comments without name and address will not be read into the public record. In accordance with the *Governing Body Rules of Procedure*, the City

reserves the right to refuse Public Comments that are personal, impertinent or slanderous.

Todd Boyer, 6300 Mackey St., commented, Please consider these comments as a wholehearted endorsement of Chief McLaughlin's recommendation for a new pedestrian ordinance at our major intersections.

In addition to his distracted driving analysis - there should be some consideration of the danger to the pedestrians themselves. Allowing pedestrians inside or near these intersections only increases the risk of one of them being injured or killed.

The National Highway Traffic Safety Administration has reported a steady increase in pedestrian fatalities since 2008. Kansas saw a 33% increase in pedestrian fatalities from 2017 to 2018 alone. With more and more high profile trucks & SUV's on the roadway, we're likely to see pedestrians as a larger percentage of traffic deaths for years to come.

Many of these deaths are predictable and preventable. Staff has made pedestrian safety a priority from an infrastructure & engineering perspective - now it's time to make it a priority from an enforcement perspective.

Thanks for considering this and all the work you're doing to keep Merriam safe!

Billy Croan 6633 Wedd St., commented, I am writing tonight from 6633 Wedd Street to be a voice for the conservation of fundamental American liberty.

I read the draft of the proposed new ordinance 68-50, to punish interactions between pedestrians and drivers at certain Merriam intersections, and I believe it goes too far for what is otherwise the well-intentioned objective of public safety. Section (b)(1) in particular, specifically targets the purest and most fundamental speech activities such as attracting the attention of a driver. Section (b)(2) could remain, as it sufficiently addresses the safety issues created by drivers who choose to block traffic unexpectedly. Section(b)(2) places blame appropriately, at the brake pedal.

As a driver myself, I accept sole responsibility for my actions on the road, and for my attention span every time I start the engine. I think that's a reasonable expectation to have of all drivers. When I'm driving, I'm not particularly a fan of beggars and sign wavers and who is? But they have a right to exist, and a right to speak. I recoil at the idea of outlawing them for my convenience, and that's what (b)(1) of this ordinance would do. Laws like this set a dangerous precedent that the state shall manage the citizens, when the opposite should be true.

Before we consider an ordinance like this, I want to know how many tickets have been paid by drivers who intentionally blocked traffic in the last 6 months. Demonstrate that holding drivers accountable for their conduct has not been successful before blaming victims.

If we outlaw living human beings trying to attract driver attention, why wouldn't we also outlaw advertisements in all forms, bumper stickers, trucks with flags in the back, conversation between passengers, and let's not forget political yard signs. All these things undeniably create some distraction and thus reduce safety on the road.

I'd argue that a living human being should have more liberty than an illuminated billboard. I urge you to decline this new ordinance as currently written, or at least remove the penalties for section (b)(1). I just don't think (b)(1) is necessary legislation, and I think it tramples on speech. We shouldn't do that.

Consider instead, making a law against drivers holding up traffic for all but emergency reasons, and a law against crashing into other cars or pedestrians while driving, and seeing that those laws are enforced consistently and fairly until drivers stop creating hazards by choosing to block traffic or tailgate.

Thank you for hearing me out. Good luck with this one, and thank you all for your service.

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 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 January 11, 2021.

COUNCILMEMBER PAPE MOVED THAT THE COUNCIL APPROVE CONSENT AGENDA ITEM 1. COUNCILMEMBER YADRICH SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

V. MAYOR'S REPORT

1. Legislative Update

Mallory Lutz, Little Government Relations, the city's Lobbyist, provided the legislative update.

2. 2020 Year in Review Video.

Staff played the Year in Review video.

VI. COUNCIL ITEMS

1. Consider approval of an ordinance amending Chapter 68 of the Merriam Municipal regarding prohibition of pedestrians upon medians and roadways at certain intersections. (first reading)

Police Chief Darren McLaughlin provided the background for this item.

On March 2017, the Merriam Police Department began using Data-Driven Approaches to Crime and Traffic Study (DDACTS) enforcement to identify areas with high incidences of crime, crashes, and traffic violations. Part of the implementation of DDACTS included the utilization of a Crime Analyst who has specialized training in the gathering, analysis, and interpretation of vast amounts of public safety data. This data is used to better allocate resources in a proactive manner to improve public safety.

From a traffic perspective, DDACTS uses statistics and field-generated data to determine the most effective places and times to patrol areas in Merriam to minimize traffic crashes. In addition to location information, analysis of the data also helps identify potential causes of crashes, informs city staff where focused enforcement should occur, and identifies other actions that might be appropriate such as geometric changes to intersections or traffic signal timings.

Upon recent analysis of 10-years of crash data, the Crime Analyst has identified that just 9 of 388 intersections are responsible for over 50% of all crashes and 5 of 8 deaths. Those nine intersections and their respective number of crashes are listed below. Of note, a similar analysis conducted with the last 2 years' data did not change any of these nine locations.

- I-35 and Shawnee Mission Parkway (784 crashes)
- I-35 and Johnson Drive (454 crashes)
- 75th Street and I-35 (435 crashes)
- 67th Street and I-35 (338 crashes)
- Antioch and I-35 (309 crashes)
- Antioch and Shawnee Mission Parkway (291 crashes)
- Antioch and Johnson Drive (136 crashes)
- 75th Street and East Frontage Road (124 crashes)

- Shawnee Mission Parkway and Mastin (123 crashes)

The analysis indicates there are two key contributing factors common to most of these intersections: increased traffic volume due to I-35 proximity and distracted driving. Also present at several of these intersections are pedestrians in the median that take advantage of the increased traffic counts and longer signal timings to advocate for a specific cause i.e. local church parishioners, boy scouts, local sporting teams, other solicitors, etc. The presence of these groups or individuals standing within the roadway add to a driver's distraction. While we do not have the ability to change the proximity of these intersections to the highway, we do have the ability to address distracted driving.

In Merriam, over 50% of all crashes are caused by some form of distracted driving. Distractions occurring inside a vehicle are addressed in the Standard Traffic Ordinance (STO), specifically inattentive driving, texting, and driving while wearing headphones. Outside the vehicle the City Code states the City has an obligation in "ensuring that the public is not endangered or distracted by the unsafe, disorderly, indiscriminate or unnecessary use of signs and attention-attracting devices, including *the promotion of traffic safety by reducing the visual distraction of motorists.*" Per Code, visual distractions can include banners, streamers, inflatables or signs that are either stationary or moving such as signs displayed by pedestrians in or near our intersections. In circumstances where these distractions constitute a traffic hazard or detriment to traffic safety they should be prohibited.

In light of these facts and to increase traffic safety, I believe we should make every effort to reduce the amount of distractions for our motorists, especially in these high traffic volume, high accident areas. Accordingly, the proposed ordinance will prohibit pedestrians from remaining on the medians at the above listed intersections other than to legally cross the street. This ordinance does not impact the other 379 intersections because the data indicates there is less traffic and crashes in these areas.

Upon approval, violation of the ordinance would be a Class C misdemeanor. If convicted, a person guilty of violating this ordinance could be sentenced to a fine not to exceed \$499 and/or imprisonment not to exceed thirty (30) days. However, the process of enforcement would focus primarily on education.

Chief McLaughlin commented that there are a variety of groups that regularly can be seen at many of these intersections asking drivers for donations of food or money. These types of activities can cause traffic hazards and driver distractions when drivers stop in the intersection to hand over money or converse with pedestrians. In addition, it is a danger to those individuals who walk out into traffic and intersections to collect money.

There was some discussion regarding signs and people protesting or asking for money on the sidewalks.

Chief McLaughlin commented that this ordinance is not trying to prohibit people asking for money, holding a sign or protesting. It is designed to increase driver and pedestrian safety by prohibiting this type of activity in the roadway, which is unsafe. He further added that, it is already illegal for pedestrians to be standing in the roadway and if the police find people going in the roadway in one of these 9 intersections to collect money they are typically asked to move on, which is why many stand in the median as they are aware they are not allowed to be in the roadway. This practice will continue if this ordinance is approved. The purpose of the ordinance is to decrease driver distraction and increase safety for the pedestrians in the roadway and drivers passing through these 9 particular intersections.

There was some discussion regarding the medians and what portion of the median in an intersection would be considered the intersection median Chief McLaughlin clarified that, as an example, if an intersection median starts at Johnson Dr. and Ikea Way and continues all the way to Slater, then that entire median would be include and pedestrians would be prohibited from standing on it.

There was a question regarding the pedestrians migrating from these busy intersections to other intersections not listed and if, as those intersection become busy with people in the medians, would those medians be added to the list.

Chief McLaughlin commented that the purpose of this ordinance is not to restrict the activity of people in the medians as a whole, it is to restrict the activity at these particular intersections because these intersections are the busiest in Johnson County and over 50% of the total accidents in the city occur at these 9 intersections. However, if a future study would reveal that other intersections become high accident areas then, perhaps the ordinance would have to be amended.

Enforcement will be primarily on education, and the police department currently and will continue to provide information for resources to folks that are asking for money, panhandling. This ordinance is not intended to prohibit panhandling in the city, it is intended to increase driver and pedestrian safety in the 9 specific intersections.

This was a first reading and will be considered for approval at the next meeting.

2. Monthly Finance Report

Finance Director Donna Oliver commented that the Finance Report included in the packet is a preliminary report for December. Some of the final numbers will change as not all 2020 revenues have been received. As well, some 2020 expenses are still coming in and will be paid out of the 2020 budget.

3. Community Development Update.

Community Development Director Bryan Dyer commented that the Comprehensive Plan Update public Zoom meeting was very well attended. Staff received a lot of good feedback from that meeting. On February 3rd there will be a joint work session with the Planning Commission and City Council. The work session will start after the Planning Commissions regular meeting which is at 6:30 pm. This will be another Zoom meeting and will be the final meeting before the Comprehensive Plan Update goes to the Planning Commission for approval. Staff will send the Zoom link for the meeting as well as a link to the draft Comprehensive Plan document which is www.merriam2040.org.

The 2021 Grant programs have begun for the Residential Exterior Improvement and Sustainability Grant programs. Both programs had a great response from the residents. 26 applications have been received for the exterior improvement grant and all funds for that grant program have been allocated. However, applications will still be accepted and those applications will be put on a waiting list in case one of the allocated grants is unable to complete the project.

The MARC Planning Sustainable places grants that the city is working on is progressing. The joint grant project with Overland Park and Unified Government of Wyandotte County is reviewing consultants for the project. The Downtown Merriam Sustainability grant is moving along as well.

VII. STAFF ITEMS

VIII. EXECUTIVE SESSION

IX. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL, COUNCILMEMBER PAPE MOVED TO ADJOURN AT 8:28 PM. COUNCILMEMBER DIEBOLD SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

Respectfully submitted,

Juliana Pinnick

City Clerk



Flags 4 Freedom

Merriam, Kansas

To: Ken Sissom, Mayor
CC: City of Merriam City Council; Christopher Engel, City Administrator
From: Susan Hayden, Flags 4 Freedom Chairperson
Subject: 2021 Flags 4 Freedom Request
Date: February 8, 2021

The following information includes a request to Merriam City Council by the Flags4Freedom Committee for permission to hold the 2021 Flags 4 Freedom event this summer.

This would be the 15th year of the Flags4Freedom special event. The event would run from Saturday, June 26 when the flags are installed to Saturday, July 10 when the flags are taken down. Flags will be placed by volunteers only on the front lawn of Merriam Marketplace, thus a reduced number of flags at the Marketplace this year. Merriam Public Works may install flags along Merriam Drive from Chatlain Park to Waterfall Park, and on Johnson Drive from the railroad tracks to the west city limit. Street flags may also be installed by Public Works at Merriam Historic Plaza, along IKEA WAY, and perhaps at the new community center.

The Flags4Freedom committee will ask the community to donate to the purchase of new flags. Donors would be requested to send donations via Merriam Community Center.

Due to COVID-19 issues, there will be no July 4 concert at Merriam Marketplace this year, but will be promoted as "a day of reflection".

The Flags4Freedom committee would like to offer our sincere thanks for the assistance of Merriam Public Works, the Parks and Recreation Department and other city staff who are involved in installing street flags, design and printing of posters and other publicity. Without city assistance, this event would likely not occur.

We are requesting that City Council approve a general motion to continue the level of support as was provided by city staff in 2019.



MERRIAM AGENDA ITEM INFORMATION FORM

AGENDA ITEM: An ordinance amending Chapter 68, Article II, Division 2; prohibition of pedestrians standing, sitting, entering, or staying upon medians and roadways at certain intersections

SUBMITTED BY: Chief Darren McLaughlin

MEETING DATE: 02/08/2021

PROJECT BACKGROUND/DESCRIPTION:

In March 2017, the Merriam Police Department began using Data-Driven Approaches to Crime and Traffic Study (DDACTS) enforcement to identify areas with high incidences of crime, crashes, and traffic violations. Part of the implementation of DDACS included the utilization of a Crime Analyst who has specialized training in the gathering, analysis, and interpretation of vast amounts of public safety data. This data is used to better allocate resources in a proactive manner to improve public safety.

From a traffic perspective, DDACS uses statistics and field-generated data to determine the most effective places and times to patrol areas in Merriam to minimize traffic crashes. In addition to location information, analysis of the data also helps identify potential causes of crashes, informs city staff where focused enforcement should occur, and identifies other actions that might be appropriate such as geometric changes to intersections or traffic signal timings.

Upon recent analysis of 10-years of crash data, the Crime Analyst has identified that just 9 of 388 intersections are responsible for over 50% of all crashes and 5 of 8 deaths. Those nine intersections and their respective number of crashes are listed below. Of note, a similar analysis conducted with the last 2 years' data did not change any of these nine locations.

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The analysis indicates there are two key contributing factors common to most of these intersections: increased traffic volume due to I-35 proximity and distracted driving. Also present at several of these intersections are pedestrians in the median that take advantage of the increased traffic counts and longer signal timings to advocate for a specific cause i.e. local church parishioners, boy scouts, local sporting teams, other solicitors, etc. The presence of these groups or individuals standing within the roadway add to a driver's distraction. While we do not have the ability to change the proximity of these intersections to the highway, we do have the ability to address distracted driving.

In Merriam, over 50% of all crashes are caused by some form of distracted driving. Distractions occurring inside a vehicle are addressed in the Standard Traffic Ordinance (STO), specifically inattentive driving, texting, and driving while wearing headphones. Outside the vehicle the City Code states the City has an obligation in “ensuring that the public is not endangered or distracted by the unsafe, disorderly, indiscriminate or unnecessary use of signs and attention-attracting devices, including *the promotion of traffic safety by reducing the visual distraction of motorists.*” Per Code, visual distractions can include banners, streamers, inflatables or signs that are either stationary or moving such as signs displayed by pedestrians in or near our intersections. In circumstances where these distractions constitute a traffic hazard or detriment to traffic safety they should be prohibited.

In light of these facts and to increase traffic safety, I believe we should make every effort to reduce the amount of distractions for our motorists, especially in these high traffic volume, high accident areas. Accordingly, the attached ordinance will prohibit pedestrians from remaining on the medians at the above listed intersections other than to legally cross the street. This ordinance does not impact the other 379 intersections because the data indicates there is less traffic and crashes in these areas.

Upon approval, violation of the ordinance would be a Class C misdemeanor. If convicted, a person guilty of violating this ordinance could be sentenced to a fine not to exceed \$499 and/or imprisonment not to exceed thirty (30) days. However, the process of enforcement would focus primarily on education.

The attached ordinance has been approved by the City Attorney Ryan Denk and has been reviewed and approved by Merriam Municipal Judge John Harvell.

CITY COUNCIL GOALS AND OBJECTIVES

3.4 Improve safety for all modes of travel throughout the community

FINANCIAL IMPACT

Amount of Request/Contract: N/A

Amount Budgeted: N/A

Funding Source/Account #: N/A

SUPPORTING DOCUMENTS

Draft Ordinance

Map with accident counts and traffic counts

ACTION NEEDED/STAFF RECOMMENDATION

Recommend the council approve the ordinance.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 68, ARTICLE II, DIVISION 2; PROHIBITION ON PEDESTRIANS STANDING, SITTING, ENTERING, OR STAYING UPON MEDIANS AND ROADWAYS AT CERTAIN INTERSECTIONS.

WHEREAS, upon the request of and after consultation with the Governing Body, the Chief of Police of the Merriam Police Department has investigated the dangers presented by the presence of persons on medians and on certain trafficways and has determined that the presence of persons on medians and on certain trafficways presents a risk to the health and safety of pedestrians and motorists due to the proximity of pedestrians to oncoming traffic at such trafficways;

WHEREAS, the high volume of motor vehicles traveling on certain trafficways within the City of Merriam combined with the presence of pedestrians on or near such trafficways creates inherently dangerous circumstances which jeopardize the public health, safety, and welfare of the citizens of the City of Merriam driving on such trafficways;

WHEREAS, after consultation with the Chief of Police of the Merriam Police Department, the Governing Body finds that pedestrians distracting drivers from driving in a safe and attentive manner by approaching a stopped vehicle, attracting and/or attempting to attract attention of the driver of a motor vehicle, or otherwise inhibiting drivers' ability to focus on the task of driving through their presence and proximity to trafficways in the City of Merriam creates a public safety hazard;

WHEREAS, it is the intent of this ordinance and the new Section 68-50 to protect the health, safety, and welfare of the citizens of the City of Merriam to assure the free, orderly, undisrupted, and safe activity of motor vehicles at designated intersections within the City of Merriam and to provide for the safety and interests of pedestrians and occupants of motor vehicles at designated intersections within the City of Merriam to reduce the number of accidents involving pedestrians and motor vehicles within the City of Merriam;

WHEREAS, the prohibitions set forth in the new Section 68-50 are narrowly tailored to serve the significant interest of promoting and protecting the public health, safety, and welfare and that these prohibitions leave open ample alternative channels of communication throughout the City of Merriam.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MERRIAM, KANSAS THAT:

SECTION 1. Chapter 68, Article II, Section 68-50 of the Code of Ordinances of the City of Merriam, Kansas is hereby amended to read as follows:

Sec. 68-50. Prohibition – Pedestrians standing, sitting, entering, or staying upon medians and roadways at certain intersections.

(a) Purpose. The purpose of this section is to promote and protect the public health, safety, and welfare of the citizens of the City of Merriam while leaving open ample alternative channels of communication throughout the City of Merriam.

(b) Prohibitions.

(1) It shall be unlawful for any person to stand, sit, or otherwise go upon any median or roadway or remain upon or alongside any median or roadway at any of the intersections within the borders within the City of Merriam identified in subsection (d) of this Section and approach a vehicle stopped on the roadway or to attempt to attract the attention of the driver or occupant of a motor vehicle at any such intersections. In addition, no person shall activate a pedestrian crosswalk signal for any purpose other than to stop traffic to allow such person to lawfully cross the roadway. It is prima facie evidence of a violation of this subsection of this section if a person remains on the median or roadway at an intersection identified in subsection (d) of this section through two consecutive opportunities to lawfully cross the roadway. This may include a change in the traffic control signal or lack of traffic. After two such consecutive opportunities, such person shall not be considered to be using the crosswalk for legally recognized purposes under subsection (c) of this section.

(2) No driver or operator of a motor vehicle shall park, stop, or leave idle a vehicle on a roadway at any of the intersections identified in subsection (d) of this section or suddenly decrease the speed of such vehicle or deviate from a traffic lane for the purpose of interacting with persons violating subsection (b)(1) of this section.

(c) Exceptions. Subsection (b)(1) of this section shall not apply to:

(1) Persons using a crosswalk to lawfully cross a roadway.

(2) Persons engaged in law enforcement, emergency, or rescue activities, including providing assistance to an injured or disabled vehicle or person.

(3) Persons engaged in repair or maintenance activities of roadways or highways under the direction of the City of Merriam or the State of Kansas.

(4) Streets or portions thereof that have been closed pursuant to authorization from the City of Merriam.

(d) Designated Intersections. Due to the high number of reported motor vehicle accidents and the prevalence of distracted driving as a contributing factor in such accidents, the

following intersections are hereby designated as having restricted pedestrian activity as specified in subsection (b) of this section:

- *Shawnee Mission Parkway and I-35*
- *Johnson Drive and I-35*
- *75th Street and I-35*
- *67th Street and I-35*
- *Antioch Road and I-35*
- *Antioch Road and Shawnee Mission Parkway*
- *Antioch Road and Johnson Drive*
- *75th Street and East Frontage Road*
- *Shawnee Mission Parkway and Mastin Street*

(e) **Penalty.** Any person who violates the provisions of this section is guilty of a misdemeanor. Upon conviction, a person guilty of violating this section shall be sentenced to a fine not to exceed \$499.00 and/or imprisonment not to exceed thirty (30) days.

(f) **Severability.** If any subsection, sentence, clause, or other provision of this section is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section.

SECTION 2. Existing Sections. Those sections of Chapter 68 of the Code of Ordinances of the City of Merriam, Kansas not heretofore repealed or mentioned herein shall remain in full force and effect.

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity and constitutionality of the remaining portions of this Ordinance and the Governing Body hereby declares that it would have passed the remaining portions of this Ordinance if it would have known that such part or parts hereof would be declared invalid.

SECTION 4. Take Effect. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the official city newspaper, all as provided by applicable law.

PASSED by the Governing body on this ____ day of _____, 20__.

APPROVED AND SIGNED by the Mayor on this ____ day of _____, 20__.

Ken Sissom,
Mayor of the City of Merriam, Kansas

(Seal)

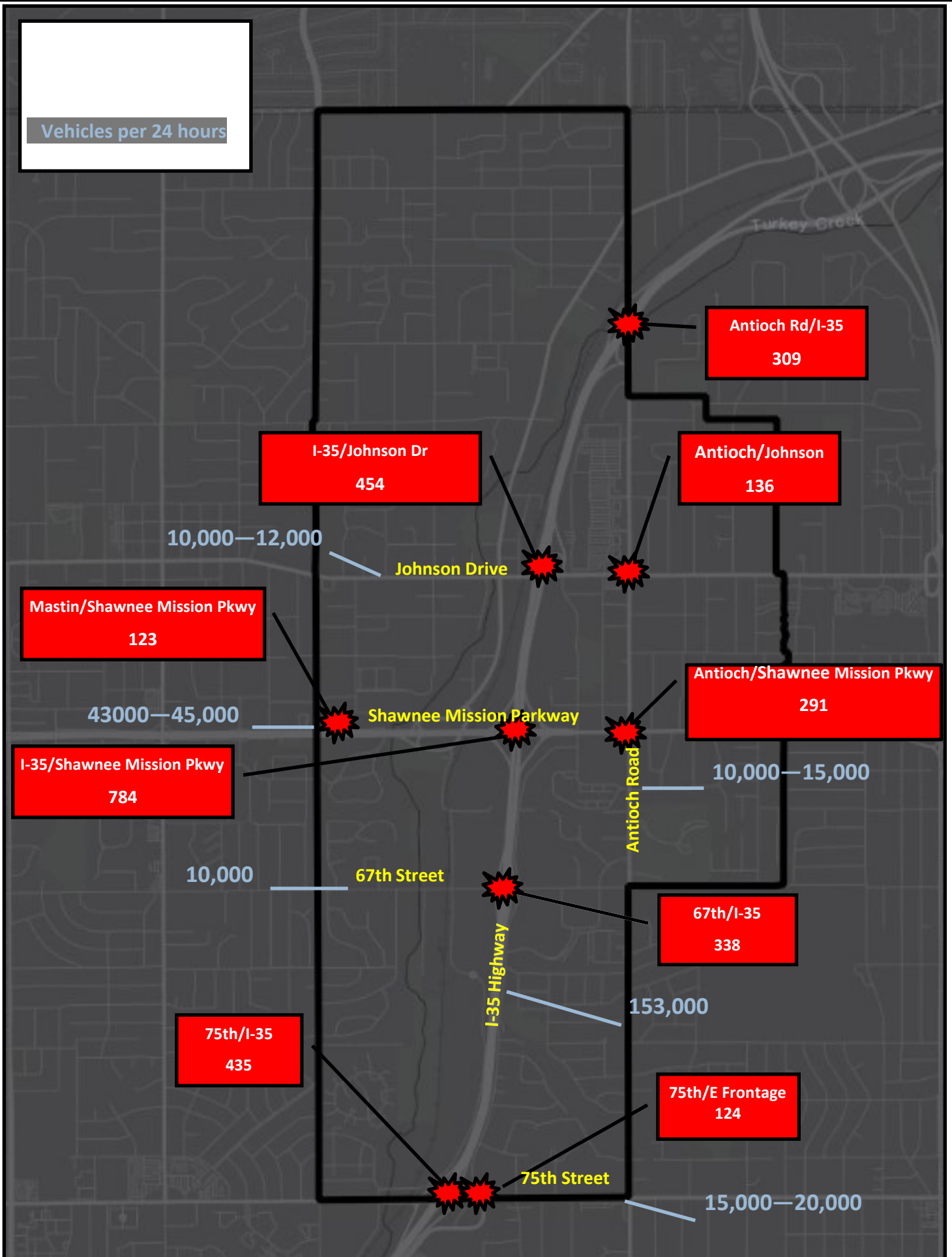
ATTEST:

Julianna Pinnick,
City Clerk for the City of Merriam, Kansas

APPROVED AS TO FORM:

Ryan Denk,
City Attorney

2010–2020 TOP CRASH LOCATIONS WITH DAILY TRAFFIC NUMBERS





AGENDA ITEM INFORMATION FORM

AGENDA ITEM: A Resolution establishing pole attachment fees and other related fees for the location of small-cell facilities in City rights-of-way or attachment to City property

SUBMITTED BY: Chris Engel, City Administrator

MEETING DATE: February 8, 2021

PROJECT BACKGROUND/DESCRIPTION:

The City possesses a duty to its citizens to manage the public rights-of-way, to balance the needs of all users of the public rights-of-way, and to preserve and promote the public health, safety, and welfare. While the City is not required to allow the use of its light poles to other entities, the City is willing to do so for an annual rental fee for the following reasons: 1) when the use by such other entities does not interfere with the City's intended use of the facilities, 2) the use will minimize additional incursions into to the public right-of-way, and 3) the use will not create any other public health, safety or welfare concern.

The City has received requests from external entities to attach or collocate small cell facilities and related equipment to the City's street light poles or other property and the City plans to enter into agreements with providers to allow the deployment of small cell facilities in the City's right-of-way. Per K.S.A. 12-2001(t), the City can assess a fixed right-of-way access fee for each small cell facility that a provider deploys that requires the use of the City's public right-of-way (provided such fee is not based upon the provider's gross receipts).

In a 2018 FCC Ruling, a "safe harbor" maximum annual fee of \$270/site was established but has since been challenged in court. The fees established in the attached Resolution reflect the FCC Ruling and allow small cell providers to pay the amount set by the FCC's "safe harbor" regulations while acknowledging that if the FCC changes those amounts the City can charge more than those amounts.

This Resolution only establishes fees; it does not provide approval of any small-cell deployment which requires separate agreements with providers.

CITY COUNCIL GOALS AND OBJECTIVES

4.0 – Maintain Economic Vitality

FINANCIAL IMPACT

Amount of Request/Contract: n/a

Amount Budgeted: n/a

Funding Source/Account #: n/a

SUPPORTING DOCUMENTS

- Resolution
- Schedule of Fees

ACTION NEEDED/STAFF RECOMMENDATION

Approve a Resolution establishing fees for location of small cell facilities in the City's Right-of-Way and for attachment of small cell facilities to the City's property and amend the Schedule of Fees.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF MERRIAM, KANSAS,
ESTABLISHING FEES FOR LOCATION OF SMALL CELL FACILITIES
IN THE CITY'S RIGHT-OF-WAY, FOR ATTACHMENT OF SMALL
CELL FACILITIES TO THE CITY'S PROPERTY**

WHEREAS, the City of Merriam is the chief steward of the public rights-of-way and possesses a duty to its citizens to manage the rights-of-way and incursions into the rights-of-way in recognition that the right-of-way is a limited resource, to balance the needs of all users of the public rights-of-way, and to preserve and promote the public health, safety, and welfare; and

WHEREAS, K.S.A. 12-2001(t) allows a city to assess a wireless services provider or infrastructure provider (each hereafter referred to as a "provider") a fixed right-of-way access fee for each small cell facility that the provider deploys that requires the use of the City's public right-of-way (provided such fee is not based upon the provider's gross receipts); and

WHEREAS, the City of Merriam possesses a propriety interest in and is responsible to its citizens for the use, management, function, maintenance, and structure of public facilities owned by the City, to use such facilities to the benefit of its citizens, to ensure just and fair compensation for permitting the use of the City's facilities, and to protect public finances for the use of or collocation upon public facilities; and

WHEREAS, the City of Merriam has received requests from external entities to attach or collocate small cell facilities and related equipment to the City's street light poles and other property; and

WHEREAS, the City of Merriam plans to enter into agreements with providers to allow the deployment of small cell facilities in the City's right-of-way; and

WHEREAS, the City of Merriam is not required to make available the use of its light poles to other entities; the City is willing to do so for an annual rental fee when the use by such other entities does not interfere with the City's intended use of the facilities, will minimize incursions into to the public right-of-way, and will not create any other public health, safety or welfare concern.

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY
OF MERRIAM, KANSAS, AS FOLLOWS:**

Section 1. The small cell facility right-of-way access fees and streetlight attachment fees and charges are listed on the City's Schedule of Fees. These fees/charges shall be administered in a competitively neutral and non-discriminatory manner. All fees/charges will be rounded to the nearest dollar.

Section 2. Limitations, Regulations, and Design Standards. Nothing in this Resolution shall obligate the City to allow the use of any specific pole or facility by any entity. Each light pole attachment must be specifically approved by the City's Public Works Director (or his or her designee), and must meet all design, installation, and maintenance criteria established by the Public Works Director and consistent with applicable safety, engineering, and building standards.

Section 3. Effective Date. This Resolution shall take effect and be in full force immediately after its passage by the Governing Body.

THIS RESOLUTION IS ADOPTED by the Governing Body of the City of Merriam, Kansas, this _____ day of _____, 2021.

CITY OF MERRIAM, KANSAS

Ken Sissom, Mayor

ATTEST:

Juli Pinnick, City Clerk

(Seal)

APPROVED AS TO FORM ONLY:

Ryan Denk, City Attorney

**PUBLIC WORKS
CITY OF MERRIAM,
KANSAS**

SCHEDULE OF FEES
JANUARY, 2021

PUBLIC WORKS

| |
|-------------|
| FEES |
|-------------|

| | |
|-------|--|
| Labor | Direct staff costs including overtime rates. |
|-------|--|

| | |
|---|-------------------|
| Equipment** Rates in accordance with FEMA's Schedule of Equipment Rates 9/15/2019 | |
| Administrative/Inspection Fee | \$50.00 per visit |

| | |
|-----------|-------------------|
| Materials | Actual Cost + 10% |
|-----------|-------------------|

| | |
|---|----------|
| Right-Of-Way Permit (ROW) Application Fee Code Sec. 59-71 | \$120.00 |
| Right-Of-Way Horizontal Directional Drilling Includes | |
| First One Hundred Feet | \$160.00 |
| Additional footage up to 100 Feet | \$40.00 |
| Crossing Roadway Will Be An Additional Fee And Bond | \$120.00 |

| |
|--|
| Small Cell Facility Right-of-Way Access and Attachment Fees |
|--|

| Fee category | Type of fee | Amount |
|--|--|--|
| ROW access for small cell facility on existing structure(e.g. existing utility pole) | Annual Recurring ROW Access Fee | \$25 per site* |
| | Annual Attachment Fee | \$540*Attachment Fee for existing structure attachment in ROW |
| | Non-recurring ROW Permit Application Fee | \$120 |
| Attachment of small cell facility to city streetlight or city building | Annual Recurring ROW Access Fee | \$25 per site* |
| | Annual Attachment Fee | \$540* Attachment Fee for streetlight attachment in ROW or city building |
| | Non-recurring ROW Permit Application fee | \$120 |

| | | |
|--|---|--|
| | | |
| ROW access for small cell facility on new monopole | Annual Recurring ROW Access Fee | \$565 per site* (includes \$25 ROW access fee and \$540 annual license fee for new monopole in ROW) |
| | Non-recurring ROW Permit Application Fee | \$120 |
| | Make-Ready Fee | The amount of all actual costs for work done by the City or contracted by the City for any make-ready or other work done to accommodate permittee's small cell facility. Includes reasonable material, labor, engineering and administrative and overhead costs. |
| Inspections | Inspection Fee | Actual costs of all work done or contracted by the City for any necessary inspections. Including reasonable material, labor, engineering and administrative and overhead costs. |
| Penalty | Unauthorized Attachment penalty | Any unauthorized attachment must be removed upon notice by the City and the provider shall be charged three times the annual rental fee as penalty. |
| Penalty | Failure to Timely Transfer, Abandon, or Remove Facilities Penalty | 1/5 of the Annual Attachment Fee amount per day, per site, during the first 30 days. The Annual Attachment Fee amount, per day, per site, during second 30 days and thereafter. |

* The FCC issued a Declaratory Ruling on September 27, 2018, in WT Docket Nos. 17-79 and 17- 84 (FCC 18-133, 33 FCC Rc'd 9088) ("FCC Ruling") in which the FCC seeks to limit attachment, franchise and/or other small cell ROW access fees to the "reasonable approximation" of a local jurisdiction's cost for processing applications and managing deployment in the right-of-way, but then also establishes a "safe harbor" annual fee of \$270/site. The City disputes the FCC's authority to establish such fee limitations and notes several jurisdictions have filed legal challenges to the FCC Ruling. Given this status, until and unless a court of competent jurisdiction issues a final, non-appealable order vacating the FCC Ruling or its fee limitations, a provider may opt to pay the City only \$270/site towards the Annual Fees provided it first agrees in writing that, in the event the FCC Ruling or its fee limitations are vacated without any further appeal, the provider shall pay any outstanding balance for said Annual Fees within 60 days thereof.



AGENDA ITEM INFORMATION FORM

AGENDA ITEM: Merriam Community Center Project Final Budget Report

SUBMITTED BY: Meredith Hauck, Assistant City Administrator

MEETING DATE: February 8, 2021

PROJECT BACKGROUND/DESCRIPTION:

The Merriam Community Center Project had an overall budget of \$36.6 million - \$6.6 million was restricted TIF funding and \$30 million was available for overall project costs.

The overall cost of the project was \$36,393,372.18 and was \$86,996.47 under budget. Of that, \$6,593,988.55 was for TIF-related expenditures and the remaining \$29,919,314.98 was for overall project-related expenditures.

A detailed budget report is attached.

CITY COUNCIL GOALS AND OBJECTIVES

Design and construct a uniquely-Merriam Community Center and Aquatics Center.

FINANCIAL IMPACT

Amount of Request/Contract: N/A

Amount Budgeted: N/A

Funding Source/Account #: N/A

SUPPORTING DOCUMENTS

- Merriam Community Center Project Budget

ACTION NEEDED/STAFF RECOMMENDATION

N/A

Merriam Community Center Project Budget Report

As of February 3, 2021

| | Total | Rec Center | TIF | Not Posted Yet |
|----------------------------------|-------------------------|-------------------------|------------------------|----------------------|
| Design/Build Costs | \$ 33,232,947.07 | \$ 26,931,571.55 | \$ 6,301,375.52 | |
| Permit and Tap Fees | \$ 59,312.57 | \$ 59,312.57 | \$ - | |
| JoCo Wastewater | \$ 53,921.80 | \$ 53,921.80 | \$ - | |
| Utility Usage - Construction | \$ 55,092.74 | \$ 55,092.74 | \$ - | |
| House Asbestos Abatement | \$ 11,380.00 | \$ 11,380.00 | \$ - | |
| Sidewalk Replacement | \$ 41,774.00 | \$ 41,774.00 | \$ - | |
| Fountain Repair | \$ 23,336.00 | \$ 23,336.00 | \$ - | |
| | \$ 33,477,764.18 | \$ 27,176,388.66 | \$ 6,301,375.52 | |
| Events + Meetings | \$ 2,899.48 | \$ 2,899.48 | | |
| Easements/ROW | \$ 5,259.00 | \$ 5,259.00 | | |
| Marketing Fees | \$ 75,611.74 | \$ 75,611.74 | \$ - | |
| Owners Rep | \$ 500,616.10 | \$ 400,492.88 | \$ 100,123.22 | |
| Survey & Final Plat | \$ 17,330.00 | \$ 17,330.00 | \$ - | |
| Traffic Study | \$ 12,000.00 | \$ 12,000.00 | \$ - | |
| Environmental | \$ 4,665.00 | \$ 4,665.00 | \$ - | |
| Special Inspections | \$ 136,941.00 | \$ 136,941.00 | \$ - | \$ 367.50 |
| IT Consultant | \$ 20,000.00 | \$ 20,000.00 | \$ - | |
| Commissioning MEP | \$ 35,350.00 | \$ 35,350.00 | \$ - | |
| Legal | \$ 30,841.50 | \$ 30,841.50 | \$ - | |
| Furniture + Equipment Consultant | \$ 44,500.00 | \$ 44,500.00 | \$ - | |
| Building Envelope | \$ 10,400.00 | \$ 10,400.00 | \$ - | |
| Insurance | \$ 30,664.64 | \$ 30,664.64 | \$ - | |
| | \$ 927,078.46 | \$ 826,955.24 | \$ 100,123.22 | \$ 367.50 |
| Building/Signage Allowance | \$ 121,181.47 | \$ 112,989.80 | \$ 8,191.67 | |
| Furniture + Equipment | \$ 709,325.95 | \$ 709,325.95 | \$ - | |
| Security Allowance | \$ 144,189.00 | \$ 91,496.41 | \$ 52,692.59 | \$ 73,020.76 |
| Voice & Data | \$ 286,472.15 | \$ 286,472.15 | \$ - | \$ 37,578.09 |
| AV Allowance | \$ 287,152.53 | \$ 287,152.53 | \$ - | |
| Misc. Equipment | \$ 123,479.14 | \$ 123,479.14 | \$ - | |
| Public Art | \$ 316,729.30 | \$ 185,423.75 | \$ 131,305.55 | \$ 8,665.00 |
| | \$ 1,988,529.54 | \$ 1,796,339.73 | \$ 192,189.81 | \$ 119,263.85 |

Totals \$ 36,393,372.18 \$ 29,799,683.63 \$ 6,593,688.55 \$ 119,631.35

TIF Budget \$ 6,600,000.00
TIF Actual \$ 6,593,688.55
TIF Remaining **\$ 6,311.45**

Rec Center Budget \$ 30,000,000.00
Rec Center Actual \$ 29,799,683.63
Rec Center Not Posted Yet \$ 119,631.35
Rec Center Remaining **\$ 80,685.02**



INTEROFFICE MEMORANDUM



TO: MAYOR AND CITY COUNCIL
FROM: JIM MACDONALD, PUBLIC WORKS DIRECTOR
SUBJECT: FEBRUARY UPDATE
DATE: February 8, 2021

HIGHLIGHTS

2021 Street Improvements program

East Frontage Road- 67th to 75th St CARS project, 2021 Mill and Overlay Program, 2021 Sidewalk Maintenance/Repair Program.

- Bid opening is scheduled for February 17th 10:00 am
- Staff held pre-bid meeting with Affinis Engineering and interested contractors on Friday February 5th
- Plan to hold a public meeting mid-March after contractor selection and Council approval.



CIP

Capital Improvement Program

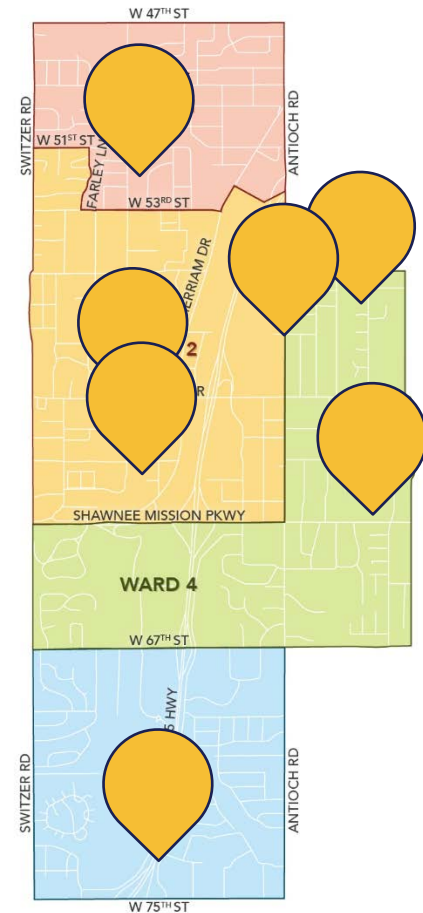


2021 Street Improvements Program

TIMELINE 2021

UPDATES

- ▶ East Frontage Road – 67th to 75th St. CARS project; 2021 Mill and Overlay Program; 2021 Sidewalk Maintenance/Repair Program.
 - ▶ Bid opening is scheduled for Feb. 17.
 - ▶ Staff held a pre-bid meeting with Affinis and interested contractors on Feb. 5.
 - ▶ Plan to hold a public meeting mid-March after contractor selection and City Council approval.



Questions?

Staff Contact:

Jim MacDonald

913-322-5571

jmacdonald@merriam.org



CITY OF MERRIAM PARK AND RECREATION ADVISORY BOARD MEETING MINUTES

Tuesday, January 26, 2021
6:00PM

Roll Call

The August meeting of the Merriam Parks & Recreation Advisory Board was called to order at 6:00 pm, by Chairperson Staci Chivetta. Board members in attendance included: Katie Leary, Billy Croan, Kathy Stull, Tony Scott, Evan Quinley and Christopher Leitch. LaVera Howard notified staff of her absence due to illness. Staff members in attendance included: Anna Slocum, Director; and Nicole Ritter, Customer Service Representative. Due to COVID-19 gathering restrictions, other staff did not attend.

Public Comments

No public in attendance

Approval of Meeting Minutes

LaVera Howard sent an email concerning the approval of November's meeting minutes. She stated her concern regarding election protocol, recommending that at some point in the future the Board review by-laws to better define the procedure. Several board members weighed in on this recommendation. Staff stated that this will be added to a future agenda for discussion. Christopher Leitch made a motion to approve the November minutes with no corrections or additions. Billy Croan seconded the motion, which passed unanimously.

Staff Reports

Director's Report

COMMUNITY CENTER CONSTRUCTION UPDATE

There have been significant progress completing outstanding tasks associated with the construction project. There are several that will not be completed until spring (additional ADA concrete work, outdoor pool patch and paint). The project team is now tracking a deficiency list which has less than 15 items remaining. BASK is still not lit – the first possible solution that was tried switched the lighting from the little structure to the big with no change to the parking structure feature. Staff is now working with Palmer Electric and the Trellis lighting vendor to determine a second possible solution. Last week, staff was able to answer additional questions but a timeline is unknown at this time.

Shortly after the indoor pool opened in October, staff noticed that paint was peeling on the east wall of the natatorium. A few weeks later, a sticky residue appeared along the east wall. When the pool closed due to the current health order, several vendors were called to inspect the issue. A larger meeting was held before Christmas to determine a cause and course of action. A core sample from the wall revealed there was no moisture barrier. The Desert Aire unit, heating & cooling unit for the natatorium, is extremely effective in removing humidity was pulling moisture from the wall causing the paint to peel. While the core sample did not reveal where the residue was originating, it set in motion demolition of the drywall in the natatorium so a vapor barrier could be installed. After a core sample was taken from the parapet of the roof and the roof deck, the source of the sticky residue was identified. It was determined to be the fire retardant from the plywood installed on the parapet. The deck, had the proper moisture barrier, showing no signs of moisture penetration. On the east wall, there was an exposed beam that provided direct access to the parapet allowing the Desert Aire to pull moisture from the area causing the fire retardant to liquefy and seep the wall. To prevent future residue issues, the beam was wrapped in a moisture barrier, and will be encased in the same cement board that will replace the original drywall. A special TNEMEC fiberglass paint is being applied as the wall finish. This paint does not give off-gas like the original which allows for the finish to be applied

during normal business hours – it will smell like a perm or chocolate milk. Trades are working to complete the work prior to the expiration of the current health order that is set to expire January 31. The Board of County Commissioners will meet on Thursday to discuss the health order. An agenda item is whether to allow the order to expire or extend it for an additional 45 days. Staff will closely follow the meeting. If extended, those members that suspended their membership will be contacted alerting them that their membership will remain suspended. The expiration date will be extended by the additional number days of the order. If the locker room closure of the order is allowed to expire, suspended members will be reactivated and notified of their new expiration date.

Katie Leary asked why some facilities are still operating their pools under the health order. While the Health Department was willing to overlook the showering requirement prior to entering the pool, staff identified too many other liabilities associated with operating a pool without a shower that put the City at risk. If someone would have a sensitivity to chemicals, even within proper range, a shower would be required. If there were to be an issue with the automation of the chemical feeder or fecal incidents all those exposed would need an immediate shower. Because of this decision, members were given the opportunity to suspend their memberships with days added on to their expiration. During a suspension, there is no access to the facility.

2021 Projects

This year there are 4 projects slated to be completed in addition to events and operations of MCC.

1. Chatlain Swing Replacement – With the safety surface failing, replacement of the surface also provides the opportunity to update the swings to the new structure. It is a goal with this replacement to consider adding more inclusive options – currently, staff is working to develop a budget with three options. Project time frame is to bring the options back to Park Board in February for recommendation based on available budget– as a preview – the three options are:
 - a. Typical post swing
 - b. Post swing + Friendship Swing
 - c. Post swing +We Go SwingProject timeline is to demolish existing swing in March with the new swing ready to be poured in place the first of May.
2. Bench at MCC – There has been several requests for additional seating from the Parking Structure to Courtyard. A bench matching the existing site furniture has been ordered and will be installed on the south west side of the building by flagpole / natatorium south wall. This location was developed in conjunction with the architects. Bench will be installed by Public Works.
3. Banner Replacement – This is an annual expense and is a joint effort with Public Works. Replacement depends on inventory and condition of existing banners. If it is decided that the majority of the banners are in good condition, staff would like to update the Marketplace banners.
4. Develop a Veteran Banner Program – This was a request from a resident several years ago in an effort to recognize our local heroes over Memorial Day. The request came in the midst of design and construction of the Community Center. Over the course of the next several months, staff will be researching other programs. Suggestions and recommendations of possible program designs will be brought to Park Board. This group will make a recommendation to City Council on how to implement this program. The goal would be to implement by Memorial Day 2022.

Membership Update

Included in the packet are the reports associated with membership sales and visits for December as well as an annual recap. There were 77 memberships sold in December taking the annual total to 671.

Over the course of the year there were 66 cancellations and 30 suspended memberships leaving a total of 575 active memberships as of December 31. Through 2020 there were 12,497 member visits; 560-day pass visits and 1,113 tours. Staff will continue to track and report this data each month as it will provide insight as to the comfort level of patrons returning to a “normal” routine. Peer fit has been approved and will begin February 1, 2021.

Tim Murphy Art Gallery Update

Included in the packet is the evaluation for the High School Visual Arts Competition. With the new hanging system, staff is evaluating display options for this show since many of these pieces are not framed. There were daily repairs made to the hanging system constructed by students / teachers. While ideally it would be great if everything was framed, this is an expensive proposition. Staff is hoping to develop a hanging technique to share with teachers to eliminate the many repairs required during this show. There were many changes made due to COVID. As the chart indicates, this was the smallest number of works submitted and accepted in recent history. Staff is preparing for that to be possibly be the case in 2021 with the uncertainty of in-person attendance in the fall. Overall, staff did an excellent job ensuring the program occurred. In future years, the total number of works accepted will range between 80 -90 making it a more prestigious event.

Heartland Artist Competition will be March 6 – 27. The juror has provided the list of accepted works. There were 84 artists that submitted 247 works; 80 works have been accepted and artists have been notified. In person judging will occur the week of February 15. A virtual awards presentation will be posted to FACEBOOK on March 6.

New Business

2020 City of Merriam Year End Video

Each year the City of Merriam produces a recap of the work completed. This was debuted last night at City Council. It was shared publicly through our social media platforms today

Special Event Discussion

At this time, decisions are needed to how staff will plan and develop events for 2021. At this time, staff does not think it is appropriate to move forward with Turkey Creek Festival. Staff have developed a plan to roll out a series of small special events in July as a kick off to our annual special events.

July is Parks and Recreation Month – Each Friday there would be an event – with the exception of July 4th weekend –

- July 9 – Party in the Park – scaled down – no food – family pods to encourage social distancing
- July 16 – Late swim – Dive in Movie
- July 23 – Party in the Park
- July 31 – Back to school bash – late swim

The pool events will be after hours – free to members – with a registration fee charged for non-members. Staff is planning to continue planning for Turkey Creek Car and Motorcycle Show and Merriam Drive. The decision to proceed with these events will be evaluated as the year progresses. In addition, staff is evaluating a possible event at MCC “reopening event”. Stay tuned for more details.

Suggestions were made for events geared to households with no children. If utilizing the library’s grass space, is permission required now that the land has officially transferred ownership.

Other Business

Public Art Committee Appointment

Staff has recommended Kathy Stull to be a member of the Johnson County Public Art Committee for the artist selection process for the Merriam Branch library project. The committee should begin selection process in late spring / summer. Kathy provide updates to the Board as the process begins.

Flags 4 Freedom

The Foundation meets February 10. Preliminary conversations have occurred on how Flags 4 Freedom could occur in a scaled down version. This organization helps raise funds for our Membership Scholarship Program here in Merriam. One goal is to work with the group to develop a succession plan to ensure the longevity of the event. If Board members know someone looking to get involved in an event, this would be a great opportunity as it is a unique event that has a long standing history in Merriam. If someone is interested in being a part of this event, contact Anna Slocum.

Adjournment

Christopher Leitch called for a motion to adjourn. Billy Croan seconded. The meeting adjourned at 7:23 p.m.

CITY COUNCIL SUGGESTED MOTIONS FOR YOUR CONSIDERATION

CONSENT AGENDA

- 1. Move that the council approve Consent Agenda Items 1-2.**

MAYOR'S REPORT

COUNCIL ITEMS

- 1. Move that the council approve an ordinance amending Chapter 68 of the Merriam Code of Ordinances prohibiting pedestrians upon medians and roadways in certain intersections.**
- 2. Move that the council approve a resolution establishing pole attachment and other fees for small-cell facilities in City rights-of-way or attachment to City property and amend the Schedule of Fees to add the associated fees.**
- 3. No motion.**
- 4. No motion.**
- 5. No motion.**