

**MERRIAM CITY COUNCIL MINUTES  
CITY HALL  
9001 WEST 62<sup>ND</sup> STREET  
August 12, 2019  
7:00 P.M.**

**I. CALL TO ORDER - PLEDGE OF ALLEGIANCE**

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

**II. ROLL CALL**

Scott Diebold  
Al Frisby  
Chris Evans Hands  
Nancy Hupp  
Brian Knaff  
David Neal  
Bob Pape  
Jason Silvers

Staff present: Chris Engel, City Administrator; Meredith Hauck, Assistant City Administrator; Nicole Proulx Aiken, City Attorney; Troy Duvanel, Police Captain; Cindy Ehart, Finance Director; Jim MacDonald, Acting Public Works Director; Jenna Gant, Communication and Public Engagement Manager; Bryan Dehner, Fire Chief; Anna Slocum, Parks and Recreation Director; and Juli Pinnick, City Clerk.

**III. PUBLIC ITEMS**

Members of the public are encouraged to use this time to make comments about matters that do not appear on the agenda. Comments about items on the regular agenda will be taken as each item is considered. ***Please note: individuals making Public Comments will be limited to 5 minutes.***

Stoney Bogan, 5732 Connell Dr., commented that he wanted to give kudos to city staff for the National Night Out and Cruise Night events that occurred last week. Mr. Bogan further commented that he is an advocate for business and through his work with the Northeast Johnson County Chamber of Commerce and as president of the Downtown Merriam Partnership, he has seen the city really work with businesses and has seen improved communication with the businesses. All city staff has done a great job with the communication efforts and willingness to help businesses with problems they may have.

Whitney Yadrich, 9620 W. 57<sup>th</sup> Place, commented that the 5701 Committee will be providing a recommendation tonight on the future of the Irene B. French Community Center. She stated that the committee has done a great job and

collectively, they executed a thorough and thoughtful discovery and that their process and policies were done properly. She disclosed that she is a candidate for the ward two city council seat. As she has been out campaigning she has received a lot of feedback from her neighbors in ward two, and discovered that the building of the new community center has strained the relationship between city hall and many residents.

There appears to be some frustration and a lack of trust among residents. She also discovered that there appears to be a lack of awareness among residents that anything is even happening with the future of 5701 Merriam Dr. She feels with the work the committee has done on the 5701 committee it is time to close the chapter of distaste surrounding the new community center project and get a fresh start by using this unique opportunity to start over with residents and provide something great on that site.

#### **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 separately.

1. Consider approval of the minutes of the City Council meeting held July 22, 2019.
2. Consider approval of a Professional Services Agreement with Affinis for Johnson Drive CARS Project design services.

Councilmember Silvers asked that item 2 be removed from the consent agenda.

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE CONSENT AGENDA ITEM 1. COUNCILMEMBER HUPP SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

Councilmember Silvers asked if the funds for the Johnson Drive Project were currently available or if the money had to be awarded.

Acting Public Works Director Jim MacDonald commented that the funding for the design of the project is in the 2019 budget and funding for construction of the project is in the 2020 budget.

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH AFFINIS FOR DESIGN SERVICES FOR THE JOHNSON DRIVE CARS PROJECT. COUNCILMEMBER FRISBY SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

## V. MAYOR'S REPORT

### 1. Presentation on 5701 Merriam Drive Report.

City Administrator Chris Engel provided the background for this item.

In 2020 the Parks Department will vacate the Irene B. French Community Center (IBFCC) and move into the new community center located at Vavra Park. What occurs next at the current location is of great interest to many residents. In Fall 2018 a committee of nine residents and two councilmembers were tasked with exploring the opportunities that may exist at 5701 Merriam Drive, gaining public input and making a formal recommendation to the City Council. To guide them in these efforts, an RFP for facilitation services was released and the committee selected Collins Noteis & Associates (CNA) to assist.

Vicki Noteis, Collins Noteis & Associates presented information on the 5701 Committee process.

To begin the process, the committee and consultants reviewed previous public input on the facility as well as previous engineering studies on the mechanical, electrical, and plumbing systems. To further focus their efforts, CNA conducted individual interviews and convened several committee meetings. The outcome of these efforts was the development of four project goals for the future use of the property: minimize cost; make a decision now; keep the property as an asset; and find the greatest community value for 25 – 50 years. Next, the committee developed a set of three strategies to guide them in exploring several possible scenarios: create a downtown catalyst; create active and distinct public open space; and preserve as much of the 1911 structure as possible.

The committee also stressed that it was important to gather and share the data with the public. This would allow for an informed discussion of ideas based on facts and data. Public input was gathered by means of several public meetings, online engagement tools and informal surveys. Data was then shared during the public meetings which were videotaped, through online media posts, a project-specific website, and several news articles. The public input was critical in not only confirming the project goals and strategies, but in the development of several concepts.

Based on the known data, the project goals, strategies and public input, the team created three (3) concepts for further consideration that ranged from a complete building renovation to a complete teardown. After debating the merits of all three concepts, the committee selected a middle option that “desire(s) to save as much as possible of the 1911 building” and repurpose it as an open air event space. Additionally, this option will update the rest of the site with amenities preferred by attendees of the public meetings, to include pavilion/event space, multi-generational areas, playgrounds, and new parking.

The committee readily acknowledges the 1911 building may be beyond saving once the other buildings are removed and/or the cost to save the 1911 building may be cost-prohibitive once a professional engineer does a structural analysis. In total, if the 1911 portion of the building is salvageable the estimated cost of this option would be ~\$3 million dollars. It will take further engineering to determine if the 1911 portion of the building is salvageable and what it would cost to save. It is recommended that staff develop a process to determine the feasibility and actual cost of saving the 1911 portion of the building. That information will better inform any future discussions that occur as part of the next budget cycle in early 2020. There is currently \$650,000 in the CIP committed to this project.

Staci Chivetta, 5701 Chair presented the Committee’s recommended option. Concept B identifies the desire to save as much as possible of the 1911 building. Cost estimates were based on industry standards for improvements and demolition and may change as the site is programmed and designed. The 1911 building cost estimate reflects a range of costs to save the shell at a minimum and if possible, to fully enclose the structure. Other amenities on site could include a multi-generational play area which is outdoor workout equipment, a nature play area, and a large event lawn with a band shell for music and performing events. Having this type of space could potentially host the Turkey Creek Festival.

Adding angled parking around the site and enhancing the landscaping would increase the downtown streetscape. The open air structure concept with permanent restroom facilities, playgrounds, band shell, event lawn, landscaping, parking, and streetscape is estimated at \$3 million. To fully enclose the space, the cost would increase to approximately \$4.2 million. Several conceptual renderings of Option B were displayed.

Ms. Chivetta expressed consensus from the committee to have the city move forward with a structural analysis of the 1911 portion of the building prior to the complete vacation of the building next year. Even leaving the building vacant

will come at some cost to the city. She thanked the committee members, many who were attending the meeting.

Councilmember Pape asked what would be needed to determine the structural integrity of the 1911 building.

Vicki Noteis, commented that a structural engineer would need to complete an analysis of the structure to see if it can stand on its own. That portion is connected to two other portions of the building which would be demolished. Some of the floor joists have been compromised as well as the roof joists have some issues. Even saving some of the bricks or exterior stones would cost additional money as opposed to simply tearing it all down. The structural engineer would look at several options such as just stabilizing the four walls, enclosing a portion for restrooms, enclosing it with a full roof and other scenarios in order to provide a comprehensive analysis of what could occur with the 1911 portion of the building.

Councilmember Diebold asked about programmable space for the building and if those programs would financially support the site.

Ms. Noteis commented that the cost to renovate the building might not likely provide a good return on investment if the city were trying to lease out spaces for a business use. There will still be the ADA issues that would need to be addressed as well as the HVAC, which would be removed as that is all housed in the 1953 portion. It appears that as a shell, the building would not have the different floors as the building has now and would just be more of a shell of the building either enclosed or fully open with a possible restroom space.

Councilmember Neal expressed a desire to get more feedback from residents prior to making any final decision on this project. He feels that only a small number of residents attended the public meeting and participated in the on-line surveys and the opinions and desires expressed through those two outreach efforts may not truly represent the desires of the residents.

Councilmember Silvers commented that he really supports small businesses and he feels moving forward with this type of project really land locks the downtown area and may not provide a good catalyst for new businesses.

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL ACCEPT THE 5701 COMMITTEE FINAL REPORT. COUNCILMEMBER HUPP SECONDED AND THE MOTION WAS APPROVED. COUNCILMEMBER SILVERS VOTED NAY.**

City Administrator Chris Engel commented that now that the Committee has completed their task and provided a recommendation to the council, there are some additional steps that need to be taken to determine if that

recommendation is a viable option for the site. Engineering will be required to determine the structural stability of the 1911 building.

While the council has not approved that recommendation, this issue will need to be addressed when the site is vacated next year. Having some dollar figures related to the recommended option as well as other options for that site will be necessary when looking at future budgets. Staff would do an RFP for engineering services to determine viable options as well as costs for those options for the building. It is estimated that this type of engineering services would cost approximately \$20,000.

**COUNCILMEMBER FRISBY MOVED THAT THE COUNCIL DIRECT STAFF TO DEVELOP A PROCESS OF DETERMINING THE FEASIBILITY AND COST OF SAVING THE 1911 PORTION OF THE BUILDING AND REPORT BACK TO CITY COUNCIL. COUNCILMEMBER NEAL SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

## **VI. PUBLIC HEARING**

Public Hearing to consider a resolution to adopt the 2020 Budget

Finance Director Cindy Ehart presented information regarding the proposed 2020 budget.

Mayor Sissom opened the public hearing at 8:30 pm.

Steven Allen, 5031 Farley asked if the budget reflects any changes in anticipated reduced sales tax collections. He asked for a copy of the budget when it is completed.

City Administrator Chris Engel responded that the budget does reflect a 5% decrease in anticipated sales tax collections. Mr. Engel stated that the city can provide him a copy of the 2020 budget once it is published.

Whitney Yadrich, 9620 W. 57<sup>th</sup> Pl., asked when the last time the mil levy rate was increased.

City Administrator Chris Engel responded it was the 2009 budget year when the mil rate was last increased.

Billy Crook, 6633 Wedd St., commented that regarding the CIP portion of the budget, earlier this year there was a sidewalk project proposed for a neighborhood that many residents there opposed. Mr. Crook asked about a process another area city uses to send out a postcard to affected neighborhoods on upcoming projects and allow

neighbors to provide input on the project. He asked that this process be adopted for Merriam.

The Public Hearing closed at 8:36 pm.

1. Consider approval of a resolution adopting the 2020 Budget.

**COUNCILMEMBER HUPP MOVED THAT THE COUNCIL APPROVE A RESOLUTION ADOPTING THE 2020 BUDGET. COUNCILMEMBER FRISBY SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

## **VI. COUNCIL ITEMS**

### **A. Finance and Administration**

1. Discussion regarding Special Sales Tax renewal.

City Administrator Chris Engel presented information regarding the city's Special Sales Tax for CIP projects that is set to expire December 31, 2020. The street and stormwater tax has been in effect since voters approved it in 2000. That tax expired in 2005 and was renewed in 2005 for an additional 5 years. In 2010 voters again approved a 10-year renewal of that special sales tax, which will expire December 31, 2020.

This tax can only be used for infrastructure improvements and has generated \$14.2 million to date and estimated to be \$17.3 million before it expires. Because this is a sales tax, and with the city's pull factor of 4.76, 80% of the revenue generated from this tax comes from non-residents of Merriam.

Mr. Engel displayed a graph depicting the revenue generated from the special sales tax and grant funding that the city has received as a matching funds through local programs. Grant funding is available each year through the county and other funding sources but cities are only eligible for those grants by putting up their own monies. Without the special sales tax for infrastructure funding, Merriam would not have the funds to apply for those grants. Over the course of the special sales tax, Merriam has been able to leverage nearly \$19 million in matching grant funding.

Mr. Engel displayed a partial list of completed infrastructure projects, planned projects, currently programmed and funded projects that are unprogrammed and unfunded. In addition to those unprogrammed and unfunded projects, the city has on-going maintenance needs for infrastructure which includes street overlays, sidewalk repair, and replacement and/or rehab of small drainage projects. Without the special sales tax revenue, the funding for the maintenance and projects would have to be funded from other revenue sources.

The next steps to discuss the council's desire to renew the tax would include a work session after the next city council meeting, begin to provide Merriam residents with information regarding the CIP sales tax renewal, and discussion on ballot language. It is anticipated that a mail-in ballot election would occur during the first quarter of 2020.

Councilmember Neal asked if staff could have some sample ballot language available for the work session. After hearing the 5701 Merriam Drive report tonight, he would like to see if that project could be funded with the CIP sales tax and if additional ballot language is needed to be able to fund that project with the tax.

2. Community Center Update.

Assistant City Administrator Meredith Hauck presented the monthly Community Center Update.

3. Monthly Finance Report (included in packet)

**B. Community Development/Public Works/CIP**

1. Consider a bid award to Phoenix Concrete for the Phase III Sidewalk In-fill Program.

Jim MacDonald, Acting Public Works Director, presented the background for this item.

On July 24, 2019, staff opened 4 bids for the 2019 Sidewalk In-Fill Project. The scope of this project is to construct approximately 3600 linear feet of sidewalk in areas that either have no sidewalk or have partial sidewalks that need to be connected. Four bids were submitted with Phoenix Concrete and Underground submitting the lowest bid in the amount of \$289,393.30.

Councilmember Silvers commented that the prior work completed by Phoenix on the sidewalks appears to be subpar. There are many places where the concrete is separating and cracking.

Mr. MacDonald commented that the city has a two-year maintenance bond on that project and staff will check into those concerns and have Phoenix repair any issues with those sidewalks.

Councilmember Hands asked if delaying the bidding schedule on this project due to the West Vernon Place issue caused the bids to come in higher. It appears that delaying the bidding caused this project to cost more than originally estimated.

Mr. MacDonald responded that the original bid was scheduled to go out in May and included 7,200 linear feet for West Vernon Place. The engineer had to pull that portion out and that did not give adequate time to get good bids.

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL AWARD PHOENIX CONCRETE AND UNDERGROUND THE 2019 SIDEWALK IN-FILL PROJECT IN THE AMOUNT OF \$289,393.30. COUNCILMEMBER HUPP SECONDED AND THE MOTION WAS APPROVED. COUNCILMEMBER SILVERS VOTED NAY.**

2. CIP Update.

Jim MacDonald presented the following CIP Updates:

**2019 Sidewalk In-Fill (Excluding West Vernon Place)**

On July 24, 2019, staff opened four bids with Phoenix Concrete and Underground being the low bidder. The Pre-Construction meeting will be Wednesday August 14, and the city will host the second Public Meeting on August 21. Construction is expected to begin late August or early September, with the completion date to be mid-November.

**2019 CARS 67<sup>th</sup> Street Improvements**

The contractor, Gunter Construction, has completed the realignment of Mastin Street. Gunter is in the process of placing curbs, sidewalks, and driveways north side of 67<sup>th</sup> St. moving east from West City Limits.

**Switzer Mill and Overlay**

The contractor, Phoenix Concrete and Underground, has started removing and replacing curbs and sections of sidewalks on Switzer Rd. 75<sup>th</sup> St. to 69<sup>th</sup> St.

**SMP Bridge over Tukey Creek Repairs**

Mega Industries started removing and replacing unsound areas of concrete under Shawnee Mission Parkway on August 5.

**2020 CARS Johnson Drive**

Staff met with Affinis Corp. on July 16 onsite to review and determine project scope. Affinis has submitted a Professional Service Agreement to begin design plans this year. The current schedule is to advertise this project for bids mid-January 2020.

**VII. STAFF ITEMS**

**VIII. NEW BUSINESS**

**IX. EXECUTIVE SESSION**

**X. ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL, COUNCILMEMBER HANDS MOVED TO ADJOURN AT 9:20 PM. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

Approved: August 26, 2019

Respectfully submitted,

*Juliana Pinnick*

Juliana Pinnick  
City Clerk