

**MERRIAM CITY COUNCIL MINUTES  
CITY HALL  
9001 WEST 62<sup>ND</sup> STREET  
June 24, 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; Todd Allen, Acting Police Chief; Cindy Ehart, Finance Director; Jim MacDonald, Acting Public Works Director; Bryan Dyer, Community Development 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.***

Elizabeth Andes, M.D., 8419 Westridge Rd. commented that she has been talking with councilmember Frisby regarding the cost of healthcare for the city and its' employees. She provided some information about healthcare costs in the U.S. compared with other industrialized nations.

Louis Lambert, 9021 W. 65<sup>th</sup> Dr., commented that councilmember Pape recently found a toddler wandering in the street. He was able to locate where the toddler lived and returned it home. He feels safety is important and thinks a crossing area between Pinegate Apartments and Shawnee Mission Parkway and Antioch would be a good idea. This would allow folks to safely cross and to go to Antioch Park. He owns a shop on Merriam Dr. focused on locally produced art, book publishing,

paintings and music by local artists. He commented that he could direct the city to local sculptors if there is a need for that in the public art initiative.

Nikola Schlect, 1105 W. 37<sup>th</sup> St., wanted to expand on comments provided by Dr. Andes. He provided information about an incident that occurred with his family while visiting Germany. A hospital stay during their visit to Germany cost them nothing, even though they were sure they would be required to pay something for the care. He was supportive of looking for universal healthcare for the United States similar to what other countries provide.

#### **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 June 10, 2019.
2. Consider approval of a resolution approving the 2020-2024 County Assisted Road System application to Johnson County.

Councilmember Frisby asked that item 1 be removed from the Consent Agenda.

**COUNCILMEMBER HUPP MOVED THAT THE COUNCIL APPROVE CONSENT AGENDA ITEM 2. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE CONSENT AGENDA ITEM 1. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS APPROVED. COUNCILMEMBER FRISBY ABSTAINED.**

#### **V. MAYOR'S REPORT**

1. Discussion regarding sidewalks.

Mayor Sissom commented that about a month ago residents attended a city council meeting to express opposition to sidewalks being installed in their neighborhood, West Vernon Place. Two councilmembers visited folks in the neighborhood and surveyed opinions on the sidewalks. A councilmember attempted to stop the sidewalk project at the May 13<sup>th</sup> city council meeting by

making a motion to that effect. Because that item was not on the agenda that night, it was advised that the motion related to the sidewalk issue be withdrawn.

Mayor Sissom explained why it was advised to not take action on this issue at the May 13<sup>th</sup> City Council meeting. Having items listed on a city council agenda allows for proper notification for all residents who may be interested in an issue. Taking action on something not listed on an agenda does not provide an opportunity for folks to be informed about actions being taken or allow citizens to be heard on an issue whether for or against it. It also does not allow for council to have any information in advance of the meeting which may help them research an issue and have adequate information to make a decision.

Tonight the sidewalk discussion is on the agenda. Proper notification has taken place, the council has received some information in their Agenda Packets and, therefore, it is more appropriate for action to be taken tonight, if desired.

Mayor Sissom stated that the City Administrator will present some information about the sidewalk infill program and its history for the public and council, the council can ask questions and discuss the issue, citizens will be allowed to make comments and action may be taken.

City Administrator Chris Engel provided some history related to sidewalks. In 2000 the residents approved a 1/8 cent sales tax to upgrade our existing infrastructure to include streets, drainage and sidewalks. Nearly all streets in Merriam at that time were ditch streets and there were few curbs, sidewalks, storm drainage inlets or street drainage systems. In 2001, the residential street program began bringing the streets in Merriam to "complete streets". Complete streets included curbs and gutters, drainage and sidewalks, and removed the ditch streets. In 2004 an amount of \$30,000 was put in the budget for sidewalk infill, to install sidewalks where none existed. The sidewalk infill funds were budgeted for 2005, 2006 and 2007. However, no sidewalk infill projects were ever completed during those years. It is unclear why no sidewalk infill occurred during that time. In 2003 the Sherwood Forest neighborhood was the first neighborhood to have new streets constructed. That neighborhood was adamantly opposed to the street project, they were asked about the sidewalks and they indicated that they did not want sidewalks. The street project was completed, however sidewalks were not included in that project.

The 1/8 cent sales tax was renewed in 2005 as a 1/4 cent sales tax to complete the residential streets to modern profile(complete streets) streets with curbs, gutters and sidewalks. Nearly all residential streets were completed by 2009. The sales tax was renewed again in 2009 and by 2015 all residential streets

were complete. With that major milestone being completed, the council set sidewalk infill as a goal for 2015.

The current Sidewalk Infill Program is the result of the 2015 City Council Goals & Objectives process. Each year, city staff solicits Goals & Objectives from City Council that get discussed and formally adopted as part of the budget process. Required by City Code and rooted in modern design standards, sidewalk infill focuses on pedestrian safety, walkability, connectivity and acknowledging that young families with children are moving into our neighborhoods and the elderly are attempting to “age-in-place” - both of which create an urgent need to ensure our neighborhoods are accommodating. Maps were created identifying areas where sidewalks were needed and could be constructed, and the first construction of the Sidewalk Infill Program began in 2017.

Mr. Engel displayed maps depicting the areas of the city where sidewalks have been constructed. The sidewalks were constructed in phases in various neighborhoods with a phase of the program being completed each year. Mr. Engel displayed a list of frequently asked questions regarding sidewalks. These FAQ’s are provided to residents in the notifications they receive six months in advance of a sidewalk project coming to their neighborhood.

Mr. Engel commented that he was asked if there was a policy to allow some sort of petition process regarding sidewalks. Prairie Village appears to be the only area city that has such a process. Their process allows residents to contest the decision to install sidewalks. Residents receive a vote petition via certified mail in which they may disapprove sidewalk installation. There are deadlines in which the petition must be returned, and if 75% or more of the neighborhood votes against the sidewalks, then none will be constructed.

There were some questions from the council regarding the cost of the West Vernon portion of the sidewalk program this year which is approximately \$200,000.

Councilmember Neal commented that after receiving a lot of feedback from West Vernon Place residents upon receiving their notice from the city that sidewalks would be installed this summer, he and councilmember Pape walked the neighborhood and surveyed residents to gauge their opposition or support for the sidewalks. At that time, 53 of the 83 households were contacted. 60% of those households were opposed, 13% were in favor and 26% were indifferent. There were a number of reasons given as to why residents did not want the sidewalks. One of those reasons was storm water mitigation that is needed in the neighborhood. Councilmember Neal asked if there were any storm water projects slated for the neighborhood.

Mr. Engel commented that there is currently nothing programmed for that neighborhood. However, there is some funding for small drainage projects, and the council could earmark some of that funding for the drainage concerns in West Vernon Place, if desired.

Councilmember Silvers commented that he moved to Merriam from another city where the neighborhood begged that city for new sidewalks as they were in terrible disrepair, so it was difficult for him to understand why a neighborhood would not want the city to come in and install sidewalks at no cost to the residents. However, he went to West Vernon Place and spoke with a few residents which included a young couple pushing a baby stroller. He was surprised that they did not want sidewalks. He asked if the sidewalks are not installed in West Vernon Place what happens to that funding.

Mr. Engel responded that staff would see if Phase IV of the sidewalk infill could be completed with that funding. That would complete the Infill Program. If there were funds left, that money could be shifted to the Sidewalk Repair Program. Ultimately it is the council's decision as to where the funds would be shifted.

Councilmember Frisby suggested using the Prairie Village policy for Merriam.

Mr. Engel commented if the council as a whole decides to implement a policy like Prairie Village, staff could make that happen.

Councilmember Hands commented that each year since 2015 sidewalk infill has been on the Council Goals and Objectives and each year the council has been given the opportunity to revise, re-prioritize and vote to on those Goals and Objectives.

Councilmember Pape commented that the council is supportive of sidewalks however when there is a group or neighborhood voicing opposition to a project, that the council should listen and consider the desires of that group.

Councilmember Diebold commented that for him sidewalks are about safety and keeping children and pedestrians safe. While he can see both sides of this issue, it really comes down to safety and he would hate to see someone get hurt because of a lack of sidewalks.

Councilmember Hupp commented that safety is a concern for her as well. There are many delivery vans and trucks going through neighborhoods more often than in past years with all the home deliveries people receive. Many cities put in sidewalks and require property owners to pay half of the cost and then are responsible for the maintenance. Merriam does this for residents all free of charge. The New Milburn West neighborhood received sidewalks a couple of years ago and many residents were opposed to them. The project proceeded as planned and now folks in that neighborhood love the sidewalks.

Councilmember Pape commented that he as well is all about safety, however, the West Vernon Place neighborhood is unique and not a heavily traveled area. He never felt unsafe walking throughout the neighborhood when he was talking with residents there. Other areas of the city definitely need sidewalks but he feels there really is no need for West Vernon Place.

Councilmember Neal commented that while all of the council has concerns for safety of residents, he feels that a one size fits all approach does not always work in every situation and West Vernon Place is one of those situations.

Councilmember Hands commented that on a recent drive through West Vernon Place she was driving past two pre-teens walking their dogs. As she approached them both kids jumped out of the road and into a yard with their dogs. It appeared to her that those kids did not feel safe and scrambled to get out of the road and into the grass. That experience reinforced to her the need for the sidewalks for safety.

Patty Roskam, 6611 Burnham Dr., commented that for her neighborhood, which is not West Vernon Place, she would like to support the sidewalk program. Her lot has 300 feet of frontage. She can see the elementary school bus stop from her home and there are several children that get on and off the bus there. She has grandchildren living in her neighborhood and wants the sidewalks, not only for them, but for the safety of all the children in the neighborhood. For her street, there are a lot of people who cut through there and are not part of the neighborhood, and do not always drive the speed limit or in a safe manner. She asked the council to stay on their path and continue with the installation of the Sidewalk Infill Program.

Brain Reed, 6512 Mastin, commented that he has lived in West Vernon Place since he was 5 years old. He does not feel a need for sidewalks in his neighborhood. Regarding safety, a 1 ½ foot strip of sod will not protect anyone from an impaired or distracted driver. He thanked councilmembers Neal and Pape for coming to the neighborhood to talk to the neighbors about this issue.

John Sankey, 10121 W. 65<sup>th</sup> Dr., commented that as a resident of West Vernon Place, he feels their neighborhood is unique and this is not really a pro or anti sidewalk issue. He feels that the situation regarding sidewalks in his neighborhood does not warrant sidewalks. He would suggest that since they do not want or need the sidewalks they should not be installed and the money should be spent elsewhere.

Connie Passaro, 9909 W. 65<sup>th</sup> Dr., commented that she has lived in West Vernon Place since 1978. She is very happy to live in Merriam and appreciates everything the city offers. However, she does not feel the sidewalks are necessary as there have been no safety issues in her neighborhood due to the lack of sidewalks. Sidewalks are no guarantee of safety, as recently a young girl was tragically killed walking on a sidewalk in Overland Park. If the council decides to move forward with the sidewalks she would ask that the stormwater issues be addressed first as water would potentially run over the sidewalks in some areas. She thanked councilmembers Neal and Pape for their time spent canvassing the neighborhood and talking with the neighborhood.

Louis Lambert, 9625 W. 65<sup>th</sup> Dr., commented that pedestrian deaths in Kansas are up 33% in one year. He has conducted some research that indicates sidewalks increase property values. His neighbor across the street was indifferent to sidewalks however, when he informed her of the pedestrian death statistic, she was in support of sidewalks.

Christina King, 8717 W. 66<sup>th</sup> Ter., commented that she would love to have sidewalks on her street. She hopes that if a portion of this year's sidewalk infill is not constructed that the whole phase not be scrapped. She lives on a through street and feels there is a need for sidewalks on her street.

Al Osterhause, 9920 W. 65<sup>th</sup> Pl., commented that he wanted to thank councilmembers Neal and Pape for listening to the neighborhood. He realizes that in 2015 the council had good intentions with the sidewalk infill program, however, it is ok to change your mind, and reverse your decisions. He walks both West Vernon Place and Forest Park neighborhoods often. In winter not all residents in Forest Park shovel their sidewalks so he ends up walking in the street anyway.

Peggy Ford, 9816 W. 56<sup>th</sup> St., commented that she lives on a cul-de-sac and feels there is no need for sidewalks on cul-de-sacs. However, there are many areas on this year's sidewalk infill program that sidewalks are definitely needed. She suggested painting a bike or pedestrian lane on the streets as a designated area as a safety measure.

KT Crosby, 6525 Burnham, thanked the council for allowing folks to speak on this issue. She knows that everyone wants what is best for Merriam, but for her personally, she does not see a need for a sidewalk in front of her property. But if her neighbors feel they need sidewalks she would support that.

Zach Clary, 6509 Mastin, commented that he objects to speculation about past goings on in the city that don't accurately reflect what is currently going on. He also objects to doing things out of emotion. As a surgeon, he sees all kinds of trauma that people go through so he as well is very supportive of safety. He expressed frustration at having to attend and speak at three city council meetings in opposition to the sidewalk installation and still no decision has been made about West Vernon Place. No one from the city asked any of the residents if they wanted sidewalks, they were simply sent a notice that is was happening in West Vernon Place. He feels there could have been a better way to handle it. The majority of residents in West Vernon Place do not want the sidewalks and he asked that the council listen to the residents and not install sidewalks in West Vernon Place.

Billy Crook, 6633 Wedd St., commented that he supports his neighbors in the West Vernon Place subdivision and feels that the mail out petition mentioned earlier that Prairie Village uses may be a good option for Merriam. The petition process would ensure the residents are informed early rather than later of projects that will affect their property. His neighborhood, Timber Ridge has

sidewalks and everyone knew when they bought those properties that sidewalks would be in the neighborhood. The residents in West Vernon Place bought their properties knowing there were no sidewalks, and this was acceptable for them. The residents did not ask the city to install sidewalks; they have asked for stormwater remediation. He asked the council to stand with the citizens of West Vernon Place and change the plan on sidewalks in West Vernon Place.

Christopher Weaver, 10111 W. 65<sup>th</sup> St., commented that he is very happy to live Merriam and feels fortunate that the city has the money to fund these types of projects. However, he does not believe that one size fits all. Many neighborhoods need sidewalks, but he does not feel that his neighborhood, West Vernon Place needs sidewalks and feels they would be a detriment to the neighborhood.

Councilmember Neal commented that he is in favor of sidewalks for safety reasons, but after spending time in the West Vernon Place neighborhood, and talking with the residents, he feels this is an opportunity for the council to recognize that sometimes it is hard to fully understand something until you go out and experience it firsthand. After spending many hours in the neighborhood and observing the limited amount of traffic that would completely go around to the other side of the road to ensure safety of people walking in the road, he came to the conclusion that this project needs to be pulled back and be revisited in the future. He would prefer to look at other issues in the neighborhood first before sidewalks. The remainder of the proposed sidewalks in Phase III do appear to be needed and could still be installed.

Councilmember Silvers commented that when he move to Merriam 7 years ago, he was tired of not being listened to and fighting the former city he lived in. Their neighborhood was organized and active and vocal to that city but they still did nothing for them. He feels it is important to listen to the residents of West Vernon Place as they live there and know what is needed or not needed for their neighborhood.

**COUNCILMEMBER NEAL MOVED THAT THE COUNCIL DIRECT STAFF TO NOT PROCEED FURTHER WITH THE WORK SCHEDULED IN WEST VERNON PLACE AS PART OF THE 2015 SIDEWALK INFILL PROJECT. COUNCILMEMBER PAPE SECONDED, AND THE MOTION WAS APPROVED. COUNCILMEMBERS HANDS AND HUPP VOTED NAY.**

## **VI. COUNCIL ITEMS**

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

1. Consider approval of an ordinance amending Chapter 5, Alcoholic Liquor of the Merriam Code of Ordinances.

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE AN ORDINANCE AMENDING CHAPTER 5 OF THE MERRIAM CODE OF ORDINANCES RELATED TO ALCOHOLIC BEVERAGES. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

2. Consider approval of a contract with Blessing Hancock for the Community Center art pieces.

Assistant City Administrator Meredith Hauck presented the background for this item.

At its May 4, 2019 work session, the Public Art Committee heard presentations from five finalists for the public art pieces at the new community center. These finalists were selected from an initial pool of 126 artists that submitted following the nation-wide call for artists. From that meeting, the Committee selected Blessing Hancock as its recommendation to the City Council as the artist to move forward with. In addition to the quality of her designs, one of the reasons the committee selected Blessing was the public engagement she does as part of the design process to incorporate the community into the project. Ms. Hancock plans to have a booth at both the August 3 Farmers Market and August 6 National Night Out where residents can participate in a piece of the project design.

The proposal submitted includes preliminary designs that are approximately 80% complete. Following the initial selection by the Public Art Committee, Ms. Hancock worked with the community center's design team to make an initial round of adjustments – moving the parking garage structure piece to the east side of the elevator tower, and moving both free standing pieces into the courtyard. She displayed renderings of the art pieces and noted that the design team is also working the building design committee to further refine the courtyard design following the selection of art. Once the contract is approved, Blessing will continue her refinement and design process. The contract states she has 150 days to submit an updated design to the City. The council directed Ms. Hauck to bring back the final design to council for final sign off once completed.

Funding for all three pieces is already included as part of the new community center project budget. The final negotiated budget is less than the artist's proposed budget because McCarthy will handle a portion of the installation in conjunction with the project.

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL CONCUR WITH THE RECOMMENDATION OF THE PUBLIC ART COMMITTEE**

**AND APPROVE THE PUBLIC ART PIECES FOR THE NEW COMMUNITY CENTER AND AUTHORIZE EXECUTION OF THE CONTRACT. COUNCILMEMBER FRISBY SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

3. Revenue review for 2020 budget.

Finance Director Cindy Ehart presented a revenue review for the 2020 budget.

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

1. Consider approval of a bid award to Gunter Construction for the 2019 CARS Project (67<sup>th</sup> St. West city limits to Antioch Rd.)

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

On June 17, 2019, staff opened three (3) bids for the 2019 CARS Program 67<sup>th</sup> Street Improvements (Antioch Road to West City Limits). The City has budgeted \$3,066,344 for the entire project, with a construction budget of \$2,375,000.

The scope of the project includes removing & replacing the concrete pavement section at Antioch Road, concrete repairs within the I-35 interchange, 2-inch mill/overlay, new pavement markings, installing new streetlights, updating traffic signal system at East Frontage Road, replacement of curb/gutters/sidewalk & ADA ramps where needed, and placing a new pedestrian bridge over Turkey Creek. A portion of this project lies within the I-35 TIF District and TIF funds will be utilized for the improvements within the TIF District.

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL AWARD THE 2019 CARS, 67<sup>TH</sup> ST IMPROVEMENTS PROJECT TO GUNTER CONSTRUCTION IN THE AMOUNT OF \$2,223,035.00. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

2. Community Development Update.

Community Development Director Bryan Dyer provided the following Community Development updates:

The Comprehensive Plan update process is getting started with the first committee meeting on July 24<sup>th</sup> in the Community Training Room.

The Exterior Home Grant Program has reimbursed 16 homeowners projects. There are still 8 projects remaining to be completed and reimbursed.

## **VII. STAFF ITEMS**

City Administrator Chris Engel thanked the Police and Public Works Departments for their hard work clearing the streets of storm debris after the recent storms. There will be a limb drop off starting tomorrow until next Tuesday at the Public Works Facility. The drop off will be open from 7 am to 7 pm each day.

Councilmember Hands reminded the council of the Flags 4 Freedom event scheduled to start this coming Saturday with the installation of flags. There will be a concert in July 4<sup>th</sup> and the flags will be removed on Saturday July 6<sup>th</sup>.

## **VIII. NEW BUSINESS**

## **IX. EXECUTIVE SESSION**

## **X. ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL,  
COUNCILMEMBER HANDS MOVED TO ADJOURN AT 10:00 PM.  
COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS  
UNANIMOUSLY APPROVED.**

APPROVED: July 8, 2019

Respectfully submitted,

*Juliana Pinnick*

Juliana Pinnick  
City Clerk