

**MERRIAM CITY COUNCIL MINUTES  
CITY HALL  
9001 WEST 62<sup>ND</sup> STREET  
May 13, 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 was absent

Staff present: Chris Engel, City Administrator; Meredith Hauck, Assistant City Administrator; Nicole Proulx Aiken, City Attorney; Todd Allen, Acting Police Chief; Anna Slocum, Parks and Recreation Director; Cindy Ehart, Finance Director; Jenna Gant, Communication and Public Engagement Manager; Bryan Dehner, Fire Chief; Bryan Dyer, Community Development Director; Jim MacDonald, Public Works Superintendent 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.***

John Sankey, 10121 W. 65<sup>th</sup> Dr., commented that he spoke at the last meeting regarding the sidewalks in West Vernon place that residents don't want. There was a sidewalk meeting last week and the room was full of people that do not want the sidewalks. He conducted a survey in the neighborhood and approximately 82 homes indicated they did not want sidewalks. He has not found anyone that is in favor of the sidewalks. He indicated that Sherwood Forest, which is a neighborhood similar to West Vernon Place, was allowed to opt out of sidewalks. He requested that the residents of West Vernon Place be granted that same option.

Mary Thomas, 10114 W 65<sup>th</sup> Dr., commented that she attended the public sidewalk meeting last week and most of the folks attending do not want sidewalks. She would prefer to mark a narrow lane on the street for walking. This would be

a less expensive option and would serve the same purpose. She would prefer the city use the West Vernon Place sidewalk money elsewhere in the city. She commented that Merriam has made vast improvements since she moved here in 1991, and the city does many projects that enhance the look of the city. She loves her neighborhood the way it is and does not feel the sidewalks will enhance the neighborhood.

Greg Thomas, 10114 W. 65<sup>th</sup> Dr., commented that he does not want the sidewalks either. He feels they are not needed. He realizes that the sidewalks are in the plan but questioned if the plan can be changed or delayed. He suggested perhaps postponing the project and re-visiting it at a later time could be an option. There have been no accidents in the neighborhood and the sidewalks would not connect to anything.

Pam Bertoncin, 9921 W. 65<sup>th</sup> Dr., commented that she would like to support the neighborhood for no sidewalks. If the sidewalks went all around the cul-de-sac that would be better, but it is not laid out that way due to all the hills. She has been in the neighborhood 41 years and there have been no accidents or near misses from people walking in the street.

Al Osterhaus, 9920 W. 65<sup>th</sup> Dr., commented that regarding the sidewalks, he moved in the neighborhood in 1992 with two small children. He never had any issues with young children and no sidewalks in the neighborhood. He does not feel that sidewalks are a benefit to the neighborhood and feels that since the bids for the project have not been let, that it's not too late to change the plan.

Brian Reed, 6512 Mastin, commented that regarding the sidewalks, he has lived in the neighborhood since he was 5 years old and has had no problems without sidewalks. He asked the two council representatives from his ward to represent them on this issue.

Thelma Fowler, 9921 W. 65<sup>th</sup> Dr., commented that she agrees with everything other folks have said regarding the sidewalks in West Vernon Place and asked if the sidewalks are installed, where the liability lands if someone is hurt while walking on them. The public meeting was held last week but it did not appear that anyone at the meeting was taking notes on what was being said. In front of her home there are water issues and it has caused some buckling; she feels it may not be a good idea to install sidewalks in an unstable area. She questioned if there has been any recent study regarding the water runoff in the area, she has photos depicting the water issues that she can provide if needed.

Arlene Noel, 6545 Burnham, commented that she feels her neighborhood has a pocket of privacy and does not favor sidewalks in her neighborhood. She asked why the sidewalks are needed now, and maybe wait a few years to see if there is still a desire for them.

Zach Clary, 6509 Mastin, commented that regarding the West Vernon Place sidewalks, he wanted to thank councilmembers Pape and Neal for walking the neighborhood and knocking on doors and listening to the neighbors about this issue. He asked the council do something different with this project.

Rick Jaso, 6612 Mastin, commented that since the public meeting last Thursday he went through Sherwood Forest to see what that neighborhood was like. It seems that Sherwood Forest is just like West Vernon Place and he does not understand why the wants and needs of West Vernon residents are not as important as the Sherwood Forest folks. Claims that the sidewalks will help with resale and home values seems odd as there are no problems with folks trying to sell their home in the neighborhood.

Peggy Ford, 9816 W. 56<sup>th</sup> St., commented that she does not live in West Vernon Place but having driven through the area, it has a nice estate look to the neighborhood so she understands why they would not want sidewalks. She lives on a cul-de-sac with only a few houses on it. She remembers hearing that the city was going to put in sidewalks "where needed". She is unclear why her street "needs" sidewalks when there are just a few houses there.

Colleen Evans, 9820 W 56<sup>th</sup> St., commented that her concern with putting sidewalks in these neighborhoods is the old trees that are where the sidewalks are proposed. She fears it will damage the root systems and cause the trees to die if sidewalks are installed near these large old trees. She feels sidewalks could damage a neighborhood by causing the loss of trees and increasing the carbon footprint without those large trees.

Pat Wilcox, 6501 Mastin, commented that her concern with installing sidewalks are the trees also. She has large pin oaks near the curb where the sidewalks will potentially be installed.

KT Crosby, 6525 Burnham Dr., commented that her street is a two-block long cul-de-sac and she sees no benefit for installing sidewalks. She feels the city resources could be used elsewhere.

#### **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 April 22, 2019.

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

Mayor Sissom allowed resident Darold Edmunds to speak after public items.

Darold Edmunds, 6515 Mastin, thanked councilmember Pape and Neal for listening to the concerns of the West Vernon Place residents over the past couple of weeks. Mr. Edmunds commented that the residents of West Vernon Place have voiced their opinions on the sidewalks in three meetings. He asked when the project will be voted on to cancel.

Mayor Sissom explained to Mr. Edmunds that during public comments, folks are allowed to make comments but not necessarily ask questions. Mayor Sissom thanked everyone for attending and expressing their views regarding this issue. This item is being discussed during the public comment portion of the meeting because the item is not on the agenda for tonight's meeting.

In order for the council to vote on or move forward on an item, that item needs to be on the agenda. While some council members attended the public sidewalk meeting last week not all council members did, and therefore did not hear the information and comments presented at the sidewalk meeting.

It would be difficult to ask the council to take a vote on an issue that they may have limited information on. This is especially difficult when this issue has already been voted on and they are being asked to re-vote to stop a project that was previously approved. While that could occur, there is a process that needs to be followed. A lot of folks are here tonight to address this issue, but there may be others who want to speak to it and are not attending tonight, because they did not know this issue would be discussed as it was not on the agenda. This issue could be placed on an agenda for a future meeting which would allow that information to be publicized and advertised so it may be voted on, but that has not occurred for tonight's meeting and therefore it would be ill-advised to vote on it tonight.

Mayor Sisson felt he needed to explain the background behind Sherwood Forest sidewalks as comments were made tonight in reference to that. The Sherwood Forest project included a full build out of their streets, curb and gutter, and storm drains. At that time, approximately 12-15 years ago it was suggested that sidewalks also be installed with that project, the residents there did not want sidewalks as part of that project. At that time there was no Sidewalk Infill Program; that program was instituted about three years ago. Three years ago it was decided that there was a need to install sidewalks where there were none, which included West Vernon Place along with a variety of other neighborhoods and areas all over the city. This year was Phase III of the program and that phase includes West Vernon Place.

There was no promise made to Sherwood Forest that they would never have sidewalks, but 15 years ago it was decided that the sidewalks would not be included as part of their street project.

Mayor Sissom indicated that the council could talk about this under New Business on the agenda but cautioned about taking any votes regarding the issue at this meeting. This item can be placed on a future agenda which will allow for notification to all folks who are interested in this issue.

## V. MAYOR'S REPORT

1. Proclamation-Public Works Week.

Mayor Sissom read a proclamation honoring Public Works Week.

2. Presentation and acceptance of the 2018 Audit Report.

Tara Laughlin, Vice-President, Allen Gibbs Houlik presented the council with the 2018 Audit Report.

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL ACKNOWLEDGE RECEIPT OF THE 2018 FINANCIAL AUDIT REPORT. COUNCILMEMBER HUPP SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

3. Merriam Visitors Bureau Annual Report.

Visitors Bureau Director Karen Crane presented the 2018 Visitors Bureau report.

## VI. PUBLIC HEARING - Public Hearing regarding the City's grant application submittal for 2020 Community Development Block Grant (CDBG) funding.

Community Development Director Bryan Dyer provided the background for this item.

This is the Public Hearing for the city's application to Johnson County for 2020 CDBG funds. Typically, the city conducts two CDBG Public Hearings. The purpose of that first hearing is to receive input from the public on which public improvement projects the city should submit for funding. The second Public Hearing is to consider the specific CDBG application. However, since the second May City Council meeting was cancelled because of the Memorial Day holiday, the two Public Hearings have been consolidated into one.

The City of Merriam's 2020 CDBG application is for \$70,000 for the removal of 30 KCPL "cobra head" streetlights and the installation of 44 City of Merriam standard

streetlights in the area of the South Park neighborhood that is between Brown Park and W. 49<sup>th</sup> Street. The project will complete the installation of city standard street lights for the area north of W. 53<sup>rd</sup> Street.

The “cobra head” streetlights are spaced far apart and do not provide a large amount of illumination at ground level. The CDBG funds will be used to replace the “cobra head” lights with streetlights that are much more appealing and owned by the city. The streetlights that are installed by the city are aesthetically pleasing, shorter, and provide better lighting at ground level. This increased lighting encourages pedestrian activity and neighbor interaction. This increase in activity discourages crime in neighborhoods.

The project area is the South Park neighborhood. This area is bounded by Knox Avenue, Merriam Drive, W. 49<sup>th</sup> Street, W. 51<sup>st</sup> Terrace, and Brown Park. Completion of this project will provide residents north of South Park with a lighted pedestrian travel route to the park. The project will serve approximately 433 residents.

The purpose of this Public Hearing is to receive feedback on the application that is included in the Council’s information packet. After conducting the Public Hearing, if appropriate, the Council can authorize the Mayor to sign the application.

Mayor Sissom opened the Public Hearing at 7:55 pm. There were no public comments. The Public Hearing closed at 7:56 pm.

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL AUTHORIZE THE MAYOR TO SIGN THE 2020 CDBG APPLICATION. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

## VII. COUNCIL ITEMS

### A. Finance and Administration

1. Consider approval of a resolution finding that the 67<sup>th</sup> Street Improvements are consistent with the Merriam Pointe project plan.

City Administrator Chris Engel presented the background for this item.

The 67<sup>th</sup> Street Reconstruction/Improvement project will be awarded in June 2019. A portion of the improvement lies entirely within the I-35 TIF District and is adjacent to the Merriam Pointe redevelopment project. Home to four major automobile dealerships with potential for two more, Merriam Pointe is a key generator of sales tax revenues for the City. Improvements to 67<sup>th</sup> Street will improve customer access to the Merriam Pointe businesses.

The I-35 TIF District generates tax increment not committed to developers, but the increment may be spent only for eligible expenses in accordance with TIF statutes. Because the 67<sup>th</sup> Street improvements lie within the I-35 TIF District and support the Merriam Pointe redevelopment project plan, available TIF increment may be used to fund a portion of the improvement costs. Five-year projections indicate that adequate TIF funds are available to support construction of the 67<sup>th</sup> Street improvements.

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE A RESOLUTION FINDING THAT THE 67<sup>TH</sup> STREET RECONSTRUCTION/IMPROVEMENT PROJECT IS CONSISTENT WITH KANSAS TIF STATUTES AND THE MERRIAM POINTE REDEVELOPMENT PROJECT PLAN. COUNCILMEMBER HUPP SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

2. Consider approval of amendments to the Parks and Recreation Advisory Board by-laws.

Parks and Recreation Director Anna Slocum provided the background for this item.

The Merriam Parks and Recreation Advisory Board started the process of reviewing by-laws during a special meeting held December 1, 2018. By-laws discussion continued at the March and April 2019 meetings. The changes were voted on individually for recommendation to City Council to approve.

Changes to facilities names will be changed to “city parks and recreation facilities” which is all inclusive rather than listing out each facility by name.

Simplify verbiage to read “Member resignations will be filed with the Chairperson as soon as the member has decided to resign.” Removed the verbiage “as soon as possible after” the member has decided to resign.

Absences were previously delineated as “excused or “unexcused”. The Board feels that an absence is just simply an absence and it is unnecessary to determine any as excused or not excused. They also recommended changing the notification process regarding absences, which will now be the chairperson notifying the Mayor of three (3) absences within a year. Changes will also include board members to notify the chairperson of an absence, previous language included requesting an excused absence which will no longer apply.

There is one change regarding quorum which better defines quorum to be “voting” appointed members are in attendance, as now the board has a non-voting member and the board will need four (4) members with voting power to be present for a quorum.

There will be an additional section that identifies where meeting notices will be posted.

There were a couple of typographical errors that will also be corrected.

During the conversation regarding ways to ensure the board has a quorum the subject of virtual link-up was discussed. The board was unable to come to a consensus on this issue and the voting resulted in a tie. The board has requested the City Council provide direction on this issue.

Councilmember Frisby asked Director Slocum where she stands on the virtual link-up issue.

She responded that the park board is an only an advisory council that makes recommendations to the city council. She contacted 12 other cities to inquire if they allow a virtual link-up option. Only two (2) allow for virtual link-up and those are administrative boards; they do not ask for council approval on issues. The other cities have advisory board and they do not allow virtual link-up. The reason they do not allow virtual link-up is because they want the board to come together through discussion and interaction at the table to make recommendations. They do not support virtual link-ups.

Director Slocum stated that she tends to agree with that philosophy as when folks try to interact via virtual link-up there is a disconnect. In her experience, it is difficult to understand which member is speaking, there is a delay with the devices being used, it is difficult to hear each other and it is not a natural conversation.

Councilmember Hupp agreed with Director Slocum regarding the disconnect with a virtual link-up. Having experienced a virtual link-up with city council meetings, it is difficult to participate in that setting. Because the Parks and Recreation Board is advisory and is not the final decision makers on recommendations, she feels that virtual link-up is not needed for this type of board.

Councilmember Diebold commented that he understands the disconnect with a virtual link-up, however, it does give a member the opportunity to vote on issues and participate. He feels that if it

were used in an emergency situation only and could be controlled by the chair it could be allowed.

Councilmember Neal commented that he agrees that it is difficult to follow along in a meeting from a distance, however, bringing in a younger sector of our population on boards that have jobs and other commitments that they be called out for could at least allow them to stay plugged in to a certain degree. He feels as long as it would not be abused, and have an approval process for that allowance, it could be used appropriately.

Councilmember Pape questioned if it could even be done at this point in time with our current technology and capabilities.

Director Slocum indicated that the technology today would require a laptop or cell phone for communication as there is no phone line in the current meeting room. The new community center will have much better state of the art technology that this option could be handled easily.

As part of the virtual link-up discussion with the park board, the three absence issue came up as well. A board member may have a situation going on that is causing their continued lack of attendance, so after three (3) absences, the chair would have a conversation with that member. Their absence could be due to a family issue, work obligation or other short term situation, but they are still committed to being on the board. They can discuss that with the board chair and can be worked through. However, continued absences because a member is scheduling other things or is not making their attendance at the meeting a priority and want to participate by virtual link-up for convenience, would not appear to be a good use of the virtual link-up option and would prompt a conversation about their commitment to being on the board.

Mayor Sissom commented that he feels there would need to additional rules if the virtual link-up were going to be allowed. Such as is there a limit as to the number of people that could call in for the meeting, would there be a meeting where 3 or 4 members are participating by phone, how many times can a member call in to a meeting? He feels that when a person agrees to be on a committee or board it is important that they make an effort to attend the meetings and be present for those meetings.

Councilmembers Frisby and Diebold commented that at this time they don't feel they can make a decision on the virtual link-up option until the technology to make it a smooth process is in place, but feel

this issue should continue to be explored once that technology is available.

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL CONCUR WITH THE RECOMMENDATION OF THE PARKS AND RECREATION ADVISORY BOARD AND APPROVE BY-LAW CHANGES AS OUTLINED IN THE ACTION INFORMATION FORM.**

There was some discussion regarding the motion and the virtual link-up option.

Director Slocum clarified that the Action Information Form stated that the by-law changes that the Park Board recommended did not include the virtual link-up option as the vote on that issue resulted in a tie. They were asking council for direction on the virtual link-up option. She indicated that she would share with the Park Board the discussion regarding the virtual link-up.

**COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

3. Consider approval of residency definition for new Merriam Community Center.

The current definition utilized by Merriam Parks and Recreation defines residency as any person owning taxable real estate in Merriam or any person who has permanent residence within Merriam city limits. To qualify for Merriam resident season pass rate, proof of residency is required with a valid photo driver's license.

In reviewing the current definition, staff is recommending additional clarifications to help provide administrative efficiency. The new residency definition is proposed as:

Any person who has permanent residence within the Merriam City limits

Any person owning taxable real estate in Merriam

Proof required with a valid driver's license, current utility bill (electric, gas or water), current city business license or Notice of Appraised Value issued by the Johnson County Assessor's Office

The Park and Recreation Advisory Board unanimously approved this definition.

There was some discussion regarding the driver's license recommendation. There was a recommendation from the council to include "state issued I.D." as another form of proof of residency.

**COUNCILMEMBER HUPP MOVED THAT THE COUNCIL CONCUR WITH THE RECOMMENDATION OF THE PARKS AND RECREATION ADVISORY BOARD AND APPROVE THE RESIDENCY DEFINITION FOR THE NEW COMMUNITY CENTER AND INCLUDE STATE ISSUED ID AS A FORM OF PROOF OF RESIDENCY. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

4. Consider approval of household definition for the new Merriam Community Center.

The current definition utilized by Merriam Parks and Recreation defines a household as more than one person living permanently within the same residence/address. Proof of residency is required for all adults age 18 and over with a valid photo driver's license prior to ID card being produced. A non-resident may include no more than 6 household members.

Defining household provides for an accounting measure in order to attain the business goals outlined in the ProForma completed by Pros Consulting during the Master Plan Process. In order to craft a definition that is inviting to all members of the community, staff researched 12 neighboring communities to determine how each defines households. Although each community is unique, there were common threads within those definitions. Each of those 12 communities utilized the same definition for household whether the patron is a resident or non-resident.

The goal of the proposed definition is to be specific enough for administrative efficiency yet broad enough to include all families. Using common themes from the neighboring communities and census data all definitions were discussed at the March and April Park Board meetings. The new household definition is proposed as:

Two (2) adults and up to four (4) dependent children as defined by IRS Qualifying Age Rule\*. Children 18 – 24 must provide proof of residency.

Staff felt it was important to include the definition of the IRS Qualifying Age Rule to provide clarification and consistency utilizing a custom already in practice.

The Park and Recreation Advisory Board unanimously approved this definition.

**COUNCILMEMBER FRISBY MOVED THAT THE COUNCIL CONCUR WITH THE RECOMMENDATION OF THE PARKS AND RECREATION ADVISORY BOARD AND APPROVE THE HOUSEHOLD DEFINITION FOR THE NEW COMMUNITY CENTER. COUNCILMEMBER DIEBOLD SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

5. Consider approval of room names for the new Merriam Community Center.

The seven rooms include the large banquet space that is three individual rooms that will open into one large space. The concept for this space is to theme the room names so the overarching name when the room is open ties the theme together. There is the classroom space, two party rooms and the conference room.

With Merriam's rich history, incorporating the past into the new space can be easily accomplished through naming rooms and then providing a plaque in each room as to the historical significance. The suggestions provided for each space to the Parks and Recreation Advisory Board were categorized based on the use of the room. Discussion of room names occurred at the March and April meeting with the following recommendations made:

**Large Banquet**

Option 1: Kansa Room, Osage Room, Shawnee Room – one space Indigenous Nations Room

Option 2: Campbell Room, Kessler Room, Loomis Room – one space Founders Room

**Classroom Space - Esther Brown Room**

**Party Rooms - Trolley Room and Depot Room**

**Conference Room**

Option 1: Founders Room (honoring Campbell, Loomis and Kessler)

Option 2: Walker School Room

These options unanimously approved by Parks and Recreation Advisory Board.

There was some discussion among the council regarding the room names. The consensus of the council was to name the Large Banquet room the Founders Room with the three separate spaces being Loomis, Campbell and Kessler. Thus making the Conference room the Walker School Room.

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL CONCUR WITH THE RECOMMENDATION OF THE PARKS AND RECREATION ADVISORY BOARD AND APPROVE THE ROOM NAMES FOR THE NEW COMMUNITY CENTER, SELECTING THE FOUNDERS ROOM FOR THE LARGE BANQUET ROOM AND WALKER SCHOOL ROOM FOR THE CONFERENCE ROOM. COUNCILMEMBER FRISBY SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

6. Consider approval of a resolution amending section 7.04, Leave Time, of the Employee Handbook.

City Administrator Chris Engel provided the background for this item.

Section 7.04 of the Employee Handbook governs the accrual and use of vacation time by city employees. The policy sets 240 hours as the limit on the total number of hours an employee can accrue before they begin to forfeit hours. Only the most tenured employees (>10 yrs.) are usually subject to this occurrence because of their elevated accrual rate and/or their ability to cumulatively rollover unused time.

To avoid losing hours, employees with high balances will usually take one day at a time to keep under the limit until they get to a point in the year they schedule a multi-day vacation. This process generally works. However, in rare instances there is a high balance employee that is forced into a "use-it-or-lose-it" situation during a time when their presence is operationally necessary and the only reason they are taking time off is to avoid losing that time.

Staff recommends adding an exception to the policy that allows the City Administrator, when operationally necessary, to temporarily waive the maximum or work out an alternative arrangement that allows the organization to remain operationally ready while allowing the employee to not lose vacation time.

Staff recommends adding the following two sentences to the existing policy:

*Exceptions to this rule may be made when the employee's ability to utilize vacation becomes incompatible with the needs of the City. The City Administrator may grant an exception or allow alternate arrangements when these circumstances occur.*

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE A RESOLUTION AMENDING SECTION 7.04 OF THE EMPLOYEE HANDBOOK. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

7. Community Center Update. (Included in packet)
8. Monthly Finance Report. (Included in packet)

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

1. Consider approval for the placement of sidewalk along Switzer Road between 53<sup>rd</sup> Street to 55<sup>th</sup> Street in the amount of \$88,686.27.

Public Works Superintendent Jim MacDonald provided the background for this item.

On February 25, 2019 the City of Merriam entered into an Inter-Local Agreement (ILA) for our 2019 Mill and Overlay Program with the City of Shawnee for the Switzer Road Improvements. The Merriam Share of this ILA was for \$508,847.

The City of Shawnee received seven bids for this project, and selected Phoenix Concrete and Underground. The Merriam share of the Phoenix bid was \$440,000, lower than the ILA estimate. On March 11, 2019 Council approved staff to utilize some of the project budget for the purchase of streetlights for Switzer Rd. With the placement of new streetlights and to minimize any construction conflicts, staff provided Phoenix a set of plans and quantities for an estimate to place approximately 1330' of new sidewalk while they

are on site. This section of new sidewalk was not a part of the original scope for the Switzer Road Improvements, and will be paid for solely by the City of Merriam.

**COUNCILMEMBER HANDS MOVED TO APPROVE THE PLACEMENT OF NEW SIDEWALK ON SWITZER ROAD BETWEEN 53<sup>RD</sup> STREET TO 55<sup>TH</sup> STREET IN THE AMOUNT OF \$88,686.27. COUNCILMEMBER DIEBOLD SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

2. Consider approval of a Supplemental Professional Services Agreement with BHC Rhodes for the Mastin Stormwater Improvement Project.

Public Works Superintendent Jim MacDonald provided the background for this item.

On April 22, 2019 City Council approved a Professional Service Agreement with BHC Rhodes for the design of storm drain improvements along Mastin Street. These improvements include the replacement of failed stormwater structures along the west side of Mastin by Merriam Park Elementary.

During initial design, the idea of addressing the reoccurring traffic issues around the school were discussed as a possible addition to the project. When school is in session there are queueing and parking issues along Mastin Street during both the morning drop-off and afternoon pick-up. While these are real issues, they have not risen to the level of creating a standalone project to address. However, since we will be disrupting this area to replace existing storm drains, it was decided now is the optimal time to make any traffic safety improvements.

Based upon preliminary research, these improvements will all occur in existing city right-of-way (ROW). The existing ROW in this area will allow us to construct new curb approximately 5' west of its existing location, and widen the road to allow an 11' right turn lane into the school. With the placement of this right turn lane, there will be some minor adjustments to lane widths and Mastin Street will have to be re-stripped.

Staff has met and discussed the project with the appropriate school district personnel and they are supportive of the improvements.

These improvements will require future use of contingency because they will not be within budget.

**COUNCILMEMBER FRISBY MOVED THAT THE COUNCIL APPROVE A SUPPLEMENTAL AGREEMENT WITH BHC RHODES FOR ENGINEERING OF A RIGHT TURN LANE FROM MASTIN STREET TO MERRIAM ELEMENTARY SCHOOL IN THE AMOUNT OF \$10,825.00. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

3. CIP Update. (Included in packet)

Councilmember Hands asked for a quick Community Development update as the council will only be meeting one time this month.

Community Development Director Bryan Dyer commented that the rain has certainly affected construction projects. However, the B.E. Smith Family Center at Advent Health has now opened and is operational.

## **VIII. STAFF ITEMS**

City Administrator Chris Engel reported that the 5701 Committee held their public meeting last week. All presentation materials and minutes from that meeting are available on the city's website.

## **IX. NEW BUSINESS**

Under New Business, Councilmember Neal wanted to discuss the sidewalk project in West Vernon Place. He felt it important to talk about this issue further as there were many folks from the neighborhood still present at the meeting. Councilmembers Neal and Pape have gone through the neighborhood and spoken with many residents to find out what the issues are in regard to the sidewalks and other matters.

Councilmember Neal distributed information depicting information gathered from those discussions. They were able to contact 53 of the 82 households in the neighborhood. There were 32 households that indicated they did not want the sidewalks, 14 households were indifferent to the sidewalks, and 7 households that were in favor of the sidewalks.

Because of the overwhelming West Vernon Place resident opposition for sidewalks for reasons which include the unique nature of the neighborhood with a single access point, low levels of non-resident traffic, steep terrain, history of safety in the

neighborhood without the sidewalks, and concerns that the city address more pressing resident concerns like stormwater management from public right of ways Councilmember Neal made the following motion:

**MOVE THAT THE COUNCIL DIRECT STAFF TO NOT PROCEED FURTHER THIS FISCAL YEAR WITH THE WORK CURRENTLY SCHEDULED IN WEST VERNON PLACE AS PART OF THE 2019 SIDEWALK INFILL PROJECT.**

City Attorney Nicole Proulx Aiken expressed a concern about the Governing Body Rules which allows the agenda to be amended with the approval of the Mayor and City Administrator in the case of an emergency which allows the City Clerk to amend the agenda. She advised it would be best to table the motion and put this item on a future meeting agenda.

There was some discussion regarding the motion and the question of having this project going out to bid for a portion of the project that may not happen.

City Administrator Chris Engel commented that staff can delay the bidding on this project. The engineering is complete, so upon consensus of the council, staff can put the bidding on hold as sidewalks can be constructed as late as October or November.

Mayor Sissom commented that there is a process that should be followed to ensure transparency. Less than half of the council attended the public meeting for this project, so they were not present to hear the information or concerns presented at that meeting. He feels that this meeting may not be the right time to make such a motion. He suggested a Work Session for the council to be able to discuss this item and the a subsequent city council meeting where this issue would be an agenda item which will allow for public notice an give an opportunity for folks to speak in favor of or against the West Vernon Sidewalks. He reminded the council that there are other neighborhoods on the 2019 Sidewalk infill Project and decisions made regarding West Vernon Place may affect those other areas slated to get sidewalks.

Mayor Sissom asked the council if they were supportive a setting a Work Session to discuss the Phase III Sidewalk Project.

There was some discussion regarding placing the West Vernon Place sidewalk on a regular City Council meeting agenda for discussion. It is anticipated that it will occur at the June 24, 2018 regular City Council meeting.

**COUNCILMEMBER NEAL WITHDREW HIS MOTION.**

Councilmember Neal commented that another issue that has come up while talking with residents in West Vernon Place is stormwater drainage. He provided the council with a handout depicting a map and a photos taken during the last rain event. It appears that there is a lot of water that runs down the street and into the

cul-de-sac at W. 66<sup>th</sup> Ter. The water has caused scouring of soil in the back yards of certain properties. He requested staff look at a rough cost to remediate the issue. He feels it should be investigated to see what might be done to help with the runoff.

**X. EXECUTIVE SESSION- no executive session**

**XI. ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL, COUNCILMEMBER HANDS MOVED TO ADJOURN AT 9:25 PM. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

APPROVED: June 10, 2019

Respectfully submitted,

*Juliana Pinnick*

Juliana Pinnick  
City Clerk