

**MERRIAM CITY COUNCIL AGENDA  
CITY HALL  
9001 WEST 62<sup>ND</sup> STREET  
FEBRUARY 10, 2020  
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  
Chris Evans Hands  
Bruce Kaldahl  
Brian Knaff  
David Neal  
Bob Pape  
Jason Silvers  
Whitney Yadrich

Staff present: 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; Donna Oliver, Finance 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.***

There were no public comments.

**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 separate

1. Consider approval of the minutes of the City Council meeting held January 27, 2020.
2. Consider approval of the purchase of a facilities maintenance truck.

**COUNCILMEMBER PAPE MOVED THAT THE COUNCIL APPROVE CONSENT AGENDA ITEMS 1-2. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

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

### **1. 2019 Year End Video**

City Administrator Chris Engel commented that The Year in Review video has been produced annually since 2014 by the city's communication team. The video was played.

## **VI. COUNCIL ITEMS**

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

1. Consider approval of an ordinance amending Chapter 14 Article II and Chapter 5, Articles II and III of the Code of Ordinances related to issuance of Occupational, CMB, Temporary CMB and Special Event CMB Licenses.

**COUNCILMEMBER PAPE MOVED THAT THE COUNCIL APPROVE AN ORDINANCE AMENDING CHAPTER 14, ARTICLE II AND CHAPTER 5, ARTICLES II AND 111 OF THE CODE OF ORDINANCES RELATED TO OCCUPATIONAL, CMB, TEMPORARY CMB AND SPECIAL EVENT CMB LICENSES. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

2. Consider approval of an ordinance levying a special purpose city retailers' tax in the amount of  $\frac{1}{4}$  of one percent (.25%) to take effect January 1, 2021, with revenue derived from pledged to certain city streets, bridges, drainage projects and other improvements.

City Administrator Chris Engel provided the background for this item. The Governing Body passed Resolution No. 896 on October 28, 2020, authorizing an election to consider imposing a one-quarter percent (0.25%) Citywide retailers' sales tax to pay the costs of improving certain City streets, bridges and associated drainage improvements to take effect on January 1, 2021.

The election was conducted by mail ballot held on January 28, 2020. Voters approved the proposition with 1,595 votes (79.63%) in favor

and 408 votes (20.37%) against. An official Election Summary Report was included in the Agenda Packet.

To impose the new sales tax, state law requires the Governing Body pass an ordinance authorizing its levy. If approved by the Governing Body, the city clerk will send a certified copy of this ordinance to the state director of taxation. The sales tax will begin on January 1, 2021 and expire ten years after it begins.

The new sales tax rate will remain the same as the existing sales tax rate of 9.475%. The tax will generate approximately \$1.7 – 2.0 million per year in revenue. It is estimated that 80% of sales-tax revenue is paid by non-residents.

Mr. Engel added that staff is not recommending waiving the first reading, although council could do so, if desired.

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL WAIVE THE CUSTOMARY FIRST READING OF AN ORDINANCE LEVYING A SPECIAL PURPOSE RETAILERS' TAX TO TAKE EFFECT JANUARY 1, 2021. COUNCILMEMBER KALDAHL SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE AN ORDINANCE LEVYING A SPECIAL PURPOSE RETAILERS' TAX TO TAKE EFFECT JANUARY 1, 2021. COUNCILMEMBER KALDAHL SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

3. Consider approval of new community center membership fees.

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

Park and Recreation Advisory Board began discussing the process of setting fees in April 2019. Through this discussion, staff outlined several factors to be considered in making a recommendation. Primarily, it was a stated priority during the Master Plan process to not only improve upon the current subsidy provided for the operations of Parks and Recreation but maintain affordability. To best achieve this, the Master Plan included a business plan to guide operations and project costs. The business plan assumed year one operational costs

in 2016 dollars. To adjust to 2020, the business plan recommends a 3% per year increase in the cost of goods and services – this has a ~\$100,000 impact on the budget. Also, the average rate of pay for a part-time position has increased \$2.25/hr., an additional impact of ~\$100,000. To appropriately set the fees, the Master Plan strategy states “Fees should be established on the cost of service analysis overlaid onto program areas or specific events and strategically adjusted to market factors and policy goals.”

Taking these key factors into consideration, the Park Board recommended that membership fees be set using the household rate as the base rate, remaining membership categories be a percentage of the base rate, and fees should be comparable to Mission and Overland Park. It was also important that fees be set at a level that wouldn't require immediate increase.

The Park Board recommended base rate for a Merriam resident household is \$55/mo. which is represented as Option A which was displayed with Options B and C as well as the rates for other area community centers with like amenities. The \$55/mo. in Option A is the price if an annual membership is purchased in full. A month-to-month membership rate would be \$60/mo. The Park Board also recommended a Charter Membership rate which would include 18 months of membership but must be purchased early, prior to the center opening. Staff is re-evaluating the Charter Membership to cover a 12-month cycle only, so all fees would be on a 12-month cycle. Purchasing a 12-month Charter Membership rate equates to two free months of membership. Park Board is looking at other Charter Member benefits in an effort to entice Charter Membership sales.

During the fee study session on February 3<sup>rd</sup>, City Council recommended minor changes to the formula, to include a two-person household and to simplify the additional member calculation. In addition, there was a request for staff to bring forward two additional membership fee structures. The additional structures were included in the agenda packet and labeled Option B at \$53/mo. and Option C at \$50/mo.

Ms. Slocum displayed a chart depicting a market study comparison with rates from other area community centers with alike amenities as well as the rates for options A, B and C.

Councilmember Neal commented that during the work Session he asked about the operating expenses and if there was an annual budget for the new community center that is not the pro forma budget.

Ms. Slocum responded that there is an expenditure budget for 2020 utilizing the pro forma.

Councilmember Yadrich asked about the age limit for the Child Watch program.

Ms. Slocum responded that maximum age for the Child Watch is 8 years old.

Ms. Slocum read the definitions of household, 2 person household and senior household memberships and residency definition.

Councilmember Neal commented that at the work session he mentioned the survey that showed the amount of fees that people indicated they would be willing to pay for membership. Most people had a threshold of less than \$55/mo.

Ms. Slocum commented that Park Board did look at the survey results when setting the fees. They also looked at the subsidy by the city that is required for operation of the new facility. The combination of the increased cost of labor and commodities since the surveys and pro forma were conducted in 2016, made the subsidy even larger. In an effort to close the gap between increased expenses and revenue and keeping the membership numbers the same, Park Board ran the numbers based on a \$55/mo. fee; a \$45/mo. fee etc. The survey also stated that people felt the user fees should cover the majority of expenses to operate the facility. The proposed fees were also based on market comparison.

Councilmember Neal also commented that he feels setting the fees too high could also result in less than anticipated memberships being sold.

Mayor Sissom commented that it is difficult to predict what will happen with memberships, fees etc. however, the city explained to the residents at the beginning of this project that a new center would be built and the center could operate at a certain level of subsidy. The proposed fees are based on generating enough revenue to keep the subsidy at the proposed level. It is hard to predict the unknown and hopefully the revenue generated will exceed what was predicted and the subsidy will be even less, but setting the fees lower will decrease the revenue and increase the subsidy.

There was some discussion about classes being included in the membership. Merriam's membership will not include classes with a membership at this time. Possibly once the center has been open for a while, classes may be included with a membership. Having the classes separate from the membership also allows for individuals that maybe can't afford a full membership to utilize the center by taking a class. Typically the classes are for a 4-6 week period of time, for a set fee.

Billy Croan, 6633 Wedd St., commented that he feels the fees should start at \$45/mo. as that is what the pro forma indicated. This information was distributed to the public at that rate. He suggested that the rates could be raised each year based on inflation rates. He feels that the \$45/mo. rate should be where the rate starts and plan and publish that the rates will increase each year based on inflation. Operating in the red is common with many new businesses and suggested using reserve funds to make up the difference.

Councilmember Neal commented that he has been looking at this issue for a while and he feels affordability for our residents is just as important as reducing the subsidy to operate the facility. He suggested \$50/mo. which is Option C will get more people in the door at the beginning and then raise rates down the road. He feels this is easier for most people to understand and accept.

Councilmember Hands commented that she has heard councilmembers Neal's comments regarding this at the work session and does not feel there is a need to go over it again. She supports the recommendation of the Park Board and staff and feels that it's a good starting place to make a motion at that rate and see where the votes are. If the votes are not there, then go with another rate and take a vote.

Councilmember Kaldahl commented that the initial pro forma rate of \$45/mo. would be the monthly rate when purchasing a Charter Membership. His understanding is that this type of membership would have to be purchased prior to June 1, and possibly would have to be purchased before the center is open. He suggested offering the Charter Membership within the first 30 days of opening, then people can come see the facility, get the rate that was promised, and the other rates are still in place to support the subsidy on an on-going basis as a reasonable compromise. He supports Option A and feels the commitment to the subsidy trumps the commitment to the lower rate.

Director Slocum commented that councilmember Kaldahl's suggestion is feasible. From a marketing standpoint, Charter Members could receive additional benefits or incentives for purchasing early.

Councilmember Neal wanted to respond to councilmember Hands comment about not wanting to go over his comments again. He commented that some people are present tonight that were not at the work session to hear his comments and feels that was not fair.

Councilmember Yadrich commented that she supports councilmember Kaldahl's suggestion about extending the Charter Membership it meets the commitment to the promised rate, but would want to see the facility prior to making a decision on membership and feels it is a good compromise.

Councilmember Pape commented that he is pleased that the silvers sneakers program will be available to the senior citizens and the 360 program for others, which makes it affordable to a lot of people. He feels we have tried to accommodate all segments of the population.

Councilmember Silvers commented that he feels \$55 is too high but will trust the City's recommendation and hope the numbers are correct.

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE THE PROPOSED MEMBERSHIP FEE OPTION A FOR THE NEW COMMUNITY CENTER. COUNCILMEMBER DIEBOLD SECONDED AND THE MOTION WAS APPROVED. COUNCILMEMBER NEAL VOTED NAY.**

4. Consider approval of a lease agreement for cardio equipment for the new community center.

Parks and Recreation Director Anna Slocum provided the background for this item. In preparation for the opening of the Merriam Community Center, a Request for Proposal was released to fitness suppliers with specifications to provide a layout of a fitness center floor. The vendors participating in the process participate in government buy programs ensuring the most competitive pricing. Advanced Exercise was chosen for the following reasons:

1. As the existing strength equipment vendor, it will allow for the new strength pieces purchased to blend with the existing 8 pieces of strength equipment.
2. Equipment has a three-year warranty and includes quarterly preventative maintenance at no additional charge.

3. Advanced Exercise will move existing strength pieces and two existing cardio pieces (SciFit Step One Stepper and rower) at no additional charge.

The decision to lease equipment versus purchase was made due to the unknown use / abuse of equipment. After three years, there will be ample data to determine which pieces need to be replaced and which pieces have a longer life expectancy. The lease includes the following equipment: 2 power mills; 10 treadmills; 3 cross-trainers; 2 recumbent bicycles; 1 upright bicycle; 2 total body trainers; 1 SciFit Step One Stepper; and 1 indoor cycle.

The terms of the lease are for 3 years beginning May 1, 2020 – May 31, 2023. The lease will be paid in two installments; one at order the other upon completion of delivery. The option to purchase the equipment at the end of the term can be done by paying the residual value of the equipment (\$22,076). At the end of the lease, the equipment returns to Advanced Exercise Equipment if option to purchase is declined.

Councilmember Silvers asked about the price difference between the proposal and amount on the Action Information Form.

Director Slocum commented that since we are paying in full upfront, there was some savings realized.

Councilmember Silvers asked why a local company was not used for the equipment as it appears Advanced Exercise is located in Colorado and if they would be using a third party to maintain the equipment since they are out of state.

Director Slocum stated that the equipment is manufactured in Colorado but the vendor is located in Johnson County. The equipment will be maintained by Advanced Exercise as they currently provide maintenance for the equipment at the Irene B. French Community Center.

Councilmember Silvers asked about additional insurance that the lease requires.

City Attorney Ryan Denk commented that the city's general liability insurance covers all equipment so an additional rider is not required. They are named as an additional insured on the city's policy as they



have an interest in the equipment. Likely the vendor has their own insurance on the equipment as well.

Director Slocum stated that the maintenance is included with the lease. The current equipment at the Irene B. French center is maintained by Advances Exercise at a cost of \$140 per quarter; the new equipment will receive preventative maintenance at no additional cost.

**COUNCILMEMBER KALDAHL MOVED THAT THE COUNCIL APPROVE AN AGREEMENT WITH ADVANCED EXERCISE EQUIPMENT AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT. COUNCILMEMBER YADRICH SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

5. Consider approval of a contract with Tivity Health Partner for Community Center use.

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

Staff is seeking approval to join the Tivity network to provide SilverSneakers® and Prime® Fitness. Tivity Health is a provider of health improvement, nutrition, fitness and social engagement designed to address health barriers adults face today and the challenges of tomorrow. SilverSneakers® is for participants 65+ who participate in Medicare Advantage Part C. Prime® Fitness is designed for adults participating in health plans and employer groups.

After confirmation of proper health insurance, participants will receive a membership card to track visits. Participants of both programs gain access to the facility at no additional cost. The member will swipe this card to gain entry each visit. At the end of each month, staff will produce a reimbursement report. The report will be generated in the existing recreation software utilized for all registrations and memberships. Reimbursement for visits will be paid via direct deposit the last business day of each month based on the following structure:

SilverSneakers®	\$2.50/visit	Max \$20/month/member
Prime® Fitness	\$3.50/visit	Max \$30/month/member

This program expands the opportunity for patron participation. Residents with this benefit will seek facilities that are participating in this program as there is no additional money out of pocket.

This program will begin at the Irene B. French Community Center and transfer to the new community center upon completion. This allows staff the opportunity to train and become familiar with the program prior to entering a facility where everything is new. Information regarding this process has been confirmed with Tivity.

**COUNCILMEMBER PAPE MOVED THAT THE COUNCIL APPROVE AN AGREEMENT WITH TIVITY HEALTH AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT. COUNCILMEMBER NEAL SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

- 6. Consider approval of the bid for furnishings for the new community center.

The City of Merriam, in partnership with our furniture consultant The Clark Enersen Partners, released an RFP for qualified bidders to provide furnishings for the new Community Center. The City received four proposals:

Vendor	Furniture Sub-Total	Labor*	Freight*	Total
BensonMethod	\$ 332,196.28	\$ 13,605.60	\$ 17,743.77	\$ 363,545.65
Encompass	\$ 326,656.00	\$ 13,340.00	\$ 18,300.00	\$ 358,296.00
John Marshall	\$ 320,238.34	\$ 18,000.00	\$ 15,924.02	\$ 354,162.36
Scott Rice	\$ 324,729.59	\$ 13,124.00	\$ 15,252.02	\$ 353,105.61

\*estimated amount – will be finalized during contract negotiation

After evaluating each proposal, it's been determined that the lowest and best bid is Scott Rice. Scott Rice's bid includes all items identified in the City's scope, but also includes a list of alternative selections that could result in additional cost savings. John Marshall's bid is based off a scope that includes alternates, so any alternates not accepted would result in a cost increase.

In order to meet the timeline for procurement and delivery, the contract will need to be finalized prior to the February 24 City Council meeting. In addition, since the amount of this contract is over the \$100,000

purchasing authority of the City Administrator for the community center project, City Council approval is required to move forward. Therefore, staff is seeking approval from the City Council to negotiate and execute a final contract with Scott Rice.

**COUNCILMEMBER PAPE MOVED THAT THE COUNCIL APPROVE THE SELECTION OF SCOTT RICE TO PROVIDE FURNISHINGS FOR THE NE MERRIAM COMMUNITY CENTER AND AUTHORIZE STAFF TO NEGOTIATE AND EXECUTE A CONTRACT WITH SAID VENDOR. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

7. Community Center Update.

Assistant City Administrator Meredith Hauck provided the monthly Community Center update.

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

1. CIP Update.

Public Works Director Jim MacDonald provided the following CIP updates:

2019 Sidewalk In-Fill (Switzer 53<sup>rd</sup> Ter to 55<sup>th</sup> St, SMP ramp to Merriam Dr, 66<sup>th</sup> Ter/Burnham, 56<sup>th</sup> Ter East & West of Goodman, 56<sup>th</sup> Ter East and West of Farley, and 56<sup>th</sup> St West of Farley). - This project is substantially completed, and the contractor will place seed or sod as soon as weather allows. After the placement of sod, this project is projected to be approximately \$20,000 over the award amount of \$289,393.30 however, we are still under the sidewalk infill project budget.

2020 CARS Johnson Drive (BNSF to East City Limits) - A Public Meeting for this project was on January 22<sup>nd</sup>. Final plans have been completed and reviewed by city staff. This project has been combined with the Mastin Storm Drain and Street Improvements Project, and was advertised on January 31<sup>st</sup>, with a bid opening set for February 19<sup>th</sup>. A final Public Meeting is set for March 11<sup>th</sup>, with construction anticipated to begin as early as May 2020.

Mastin Storm Drain and Street Improvements (Johnson Drive to Shawnee Mission Parkway) - Final plans have been completed and

reviewed by city staff. This project has been combined with the 2020 CARS Johnson Drive Project, and was advertised on January 31, with a bid opening set for February 19. A final Public Meeting is set for March 11. Construction is set to begin May 26, 2020, and be completed by August 5, 2020.

2020 Sidewalk In-Fill/2020 Sidewalk Maintenance - BHC Rhodes is currently reviewing sidewalk plans. A Public Meeting was held on February 5. This project is scheduled to be advertised for bids mid-February 2020, with construction anticipated to begin as early as April or as late as September 2020.

Councilmember Knaff asked why the sidewalk project was \$20,000 over the award amount.

Director MacDonald stated that there were some residents who did like the 1 foot grass area between the back of curb and the sidewalk so a 4 foot wide sidewalk was installed in those areas which cost extra.

## 2. Community Development Update.

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

The Neighborhood Services Manager has been working with the court interpreter to design a top 10 code violation brochure in Spanish to assist with communication.

The Reed automotive project is moving along well.

Switzer Senior Villas is getting built rather quickly.

The Exterior Grant Program is establishing a waiting list for projects.

The Comprehensive Plan Update project is gearing up their public input and conducting interviews with downtown Merriam business owners and other stakeholders. There will be information in the Highlights announcing the public meeting dates. They are also doing an on-line and phone surveys as a way to gather public input.

The Comp Plan Committee will be having a meeting in the next couple of months and there will be a joint city council and planning commission meeting in May to go over the plan update. The consultant has reached out to the two elementary schools and the local high school to get their involvement with the project.

**VII. STAFF ITEMS**

City Administrator Chris Engel commented that the Council Goals and Objectives have been distributed to council. Any additions to the Goals and Objectives can be sent to Finance Director Donna Oliver. Once the deadline passes, they will be updated and added to an agenda for discussion and adoption.

**VIII. NEW BUSINESS**

**IX. EXECUTIVE SESSION**

**X. ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL, COUNCILMEMBER HANDS MOVED TO ADJOURN AT 8:42 PM. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

Respectfully submitted,

*Juliana Pinnick*

Juliana Pinnick  
City Clerk