

**MERRIAM CITY COUNCIL MINUTES
MERRIAM CITY HALL
9001 W 62ND STREET
Monday, July 27, 2020
7:00 P.M.**

This was a virtual meeting via zoom.

I. CALL TO ORDER

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

II. ROLL CALL

The following Councilmembers were present via Zoom meeting:

Scott Diebold
Chris Evans Hands
Bruce Kaldahl
Brian Knaff
David Neal
Bob Pape
Jason Silvers
Whitney Yadrich

Staff present via Zoom meeting: Chris Engel, City Administrator; Ryan Denk, City Attorney; Meredith Hauck, Assistant City Administrator; Jim MacDonald, Public Works Director; Jenna Gant, Communication and Public Engagement Manager; Bryan Dyer, Community Development Director; Donna Oliver, Finance Director; and Juli Pinnick, City Clerk.

III. PUBLIC ITEMS

In response to COVID-19, public comment that normally occurs during the City Council meeting has been temporarily suspended. Members of the public are still encouraged to share comments about matters that may or may not appear on the agenda. **Please note: Public Comments will only be taken *via email* to the City Clerk at jpinnick@merriam.org prior to 6:00pm on the date of the meeting**

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 July 13, 2020.

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

V. MAYOR'S REPORT

1. 2019 Volunteers of the Year.

Tom and Debbie Long- 2019 Volunteers of the Year- Tom and Debbie have lived in the Quail Creek area of Merriam since 2011. They chose Merriam for their home because of the city's clean and well-maintained neighborhoods and its responsive city government. Tom has a degree in photojournalism and several years' experience as a newspaper photographer, and he and Debbie enjoy taking pictures for Merriam's Parks and Recreation Department. Tom now works for a children's health non-profit organization, and Debbie works for another local city government. "We know how important volunteers can be to a community, and we love supporting the City of Merriam".

Greta Berg- 2019 Youth Volunteer of the year- Greta has been volunteering with the Merriam Parks and Recreation for 6 years. She graduated from Shawnee Mission North in 2020 where she was involved in varsity marching band, varsity swimming and was president of National Honor Society – a student volunteer organization. In the fall she will be attending Kansas State University to study horticulture and environmental science. "Volunteering has been very important to me because it allows me to give back to my community which I love so much."

VI. COUNCIL ITEMS

A. Finance and Administration

1. Consider approval of the bid from Denton Excavating for the demolition of 5701 Merriam Drive.

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

Based on the input received from the City Council at the May 18, 2020 study session, staff issued a Request for Bids for Demolition of 5701 Merriam Drive. The Bid Request included bid alternates for retaining and cleaning 40, 60, and 80 cubic yards of exterior stone from the original building and saving the two stone mosaics on the west side. Staff conducted two walkthroughs for potential bidders.

The city received nine valid bids that were opened on July 7, 2020.

The bid results were included in the agenda packet. The low bidder was Denton Excavating, dba Midland Wrecking. Denton Excavating is a local company owned by a Merriam resident. Midland Wrecking has previously done demolition projects for the City, including the Dutch Maid Inn and 6120 Slater Street. Denton Excavating will be responsible for the asbestos remediation and has indicated they intend to use the same remediation company they used for the Dutch Maid Inn project.

Staff recommends accepting bid alternates 22a and 22b for the retaining and cleaning of 40 cubic yards of exterior rock from the original building. The rock will be transported and stored by Public Works. Staff believes that 40 cubic yards is adequate for future repurposing needs and will not strain Public Works' storage capacity. Staff also recommends accepting bid alternate 22g for the removal of one of the stone mosaics on the building's west side, for a total project bid of \$100,475.

Staff has reviewed the bids and recommends awarding the contract to Denton Excavating dba Midland Wrecking. The contract is the city's standard contract for professional services.

Councilmember Silvers asked if there was a contingency cap for this project in the event the asbestos mitigation is more extensive than predicted.

Mr. Dyer responded there is no contingency on this project. It is a one-price bid. The bidders were provided all the information related to the demolition of the building and it is not expected to find anything unusual.

Councilmember Neal asked about the process of this project. The purpose of letting the bid was to figure out the cost to remove the structure from the site. He does not recall making a formal vote to demolish the building or to keep the building. He feels there should be a separate vote on the demolition before the bid is voted on. He asked the City Attorney about disposing of a city asset and if it requires a formal vote.

City Administrator Chris Engel commented that the council has the opportunity tonight to vote to tear the building down by voting to accept the bid, or to not accept the bid if they do not want the building torn down. A vote tonight to accept the bid is a vote to tear the building down. The bid is valid for 90 days so if the council wanted to accept the bid then have a discussion on tearing the building down, that could also happen.

City Attorney Ryan Denk commented that there are some restrictions on disposing of or selling a city asset such as real estate or personal property, such as machinery and equipment, however, that would not apply in this case. This is basically demolition of improvements on real property. The property itself is not be sold or disposed of and the statutes require a particular process when the asset is over a certain dollar amount or if it is real property.

Mayor Sissom commented that the council could take two votes on this issue, one to decide if it will be torn down and the other to accept the bid for demolition.

Councilmember Neal commented that he might vote differently if there were to be two votes and not just the one. He further commented, that he is not sure if residents have been provided enough information to realize the building is being torn down.

Mayor Sissom commented that he believes the public was provided information regarding the community center at 5701 Merriam Dr. that was in such a condition that it could not be reasonably remodeled in a manner that would best serve our residents. The decision was made to build a new community center and the residents voted on that. It was never indicated that the old community center would be repurposed by the city and he believes many understand that the building would be demolished.

Councilmember Kaldahl commented that this has been discussed at the last couple of meetings so it has been out in the public and asked if any councilmember has heard from residents about the demolition of the building.

A few councilmembers indicated that they heard from a couple of residents about saving a portion of the building.

Councilmember Yadrich commented that she heard from a lot of residents while campaigning about the historical significance of the building and she has received a lot of positive comments about re-use of some of the building. Since there was discussion regarding the mosaics on the building, she reached out to some architectural and art history professors that she knows to try to find out the history and significance of the mosaic on the building. So far it has been determined that the mosaic is a depression era quilt square.

Councilmember Neal commented that he feels it is a little premature to decide on demolishing the building at this time and feels it might be a good idea to wait until there is more information about the

current revenue streams. It would cost some money to keep the utilities on in the building if the demo was paused. He feels that a separate vote is important.

Councilmember Pape commented that he is agreeable to making a separate motion for demolition of the building.

The City Clerk read the following public comment submitted regarding this item:

Billy Croan, 6636 Wedd St., commented, what to do with the Irene B French Center. This has been a long and well considered discussion.

As a member of the committee tasked with making a recommendation on the matter, I want to thank you for listening to the community. I've offered my ideas, and I'm grateful to have heard even better ones from the community at large, as part of the 5701 Steering Committee.

Not only did we form a recommendation. We inspired awareness, participation, and discussion in the community, and I'm proud of that. I am confident that all nine of you have followed these ideas and the discussion as well as I have. Probably more so.

You've listened to the desires of your constituents, your neighbors, and community; and to facts from experts. I am ready, for you, as our elected representatives, to decide tonight, the future of the Irene B French building and the site upon which it has rested for over a hundred years. You have my full support. I'm looking forward, to moving forward, in whatever direction you as our elected representatives decide that shall be.

COUNCILMEMBER PAPE MOVED THAT THE COUNCIL MOVE FORWARD WITH DEMOLITION OF THE IRENE B. FRENCH COMMUNITY CENTER LOCATED AT 5701 MERRIAM DRIVE. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS APPROVED. COUNCILMEMBER NEAL VOTED NAY.

Councilmember Kaldahl suggested pausing the vote on the demo contract until the next meeting. This would give some time to make it known that the building is going to be torn down and if there are people who want to save the building they can voice their opposition

to it. While campaigning he let it be known that he supported tearing down the building and planting grass seed and he stands by that and his intention is to tear it down.

Mayor Sissom commented that the problem with pausing the vote on the demo contract is that it is really too late for people to rally around saving the building at this point. The decision has been made and voted on. A more valuable conversation with the public might be what to do with the site once the building is gone.

Councilmember Neal commented that even though he was opposed to tearing down the building, he will vote in favor of the demo contract. He would have liked to have seen other options presented and feels there should have been more public outreach on the decision to tear it down.

COUNCILMEMBER PAPE MOVED THAT THE COUNCIL ACCEPT THE BID OF \$100,475.00 WHICH INCLUDES BID ALTERNATES 22A, 22B AND 22G FROM DENTON EXCAVATING FOR THE DEMOLITION OF 5701 MERRIAM DRIVE AND AUTHORIZE THE MAYOR TO SIGN THE CONTRACT UPON FINAL APPROVAL FROM THE CITY ATTORNEY. COUNCILMEMBER DIEBOLD SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

2. Consider approval of an agreement with Optum HealthCare Solutions Fitness Passport program.

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

Staff is seeking approval to join United HealthCare (Optum Fitness Advantage) Fitness Passport program. Renew Active™ is for participants 65+ who participate in a specific individual policy plan of United HealthCare Medicare Advantage Plan or an AARP Medicare Supplement Plan.

After confirmation of proper health insurance, participants will receive a membership card to track visits. Participants gain access to the facility at no additional cost. The member will swipe their membership 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. Reimbursements for visits will be paid via electronic funds transfer by the 23rd day of each month based on the following structure:

Renew Active™ \$3.20/visit Max \$32/month/member

This program expands the opportunity for patron participation. Residents with this benefit will seek out facilities that are participating in this program as there is no additional money out of pocket. The program will begin at Merriam Community center upon completion of program registration procedures.

COUNCILMEMBER SILVERS MOVED THAT THE COUNCIL APPROVE THE AGREEMENT WITH OPTUM HEALTHCARE SOLUTIONS AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

3. Monthly Finance Report.(June)

Finance Director Donna Oliver commented that there was an error on the Finance Report regarding the property tax collected. A corrected page was distributed to the council earlier in the day. In addition, the sales tax collections from May were about 20% down overall than projected. Originally it was estimated that the sales tax collection could be down 80% so the 20% is very encouraging.

B. Community Development/Public Works/CIP

1. 2019 Code Violations/Permit Report.

Community Development Director Bryan Dyer displayed a map depicting the code violations throughout the city for 2019. The points on the map represented only residential properties with violations. There were a total of 558 Notice of Violation letters sent in 2019. Of those 558 notices sent, 245 received a second notice of violation letter, and of those second violation letters sent, 38 resulted in a Notice to Appear in Municipal Court. Typically when a resident receives a Notice of Violation letter they are given time to correct that violation. After the deadline has passed, the codes officers go out and re-check the property to see if the violation has been abated. If it has been abated then the case is closed. If the violation has not been abated, then they receive a second Notice of Violation letter which gives them additional time to abate the violation. Then after that deadline passes, the property is checked again to see if the violation has been abated. If it has not been abated, then they would receive a Notice to Appear in court. The majority of residents fix the violation within the given time frame and do not have to go to court.

This process applies to all code violations except for tall weeds and grass which is governed by state statute. For tall weeds and grass, if it is not abated by the deadline on the first letter, the city will mow the grass. If the city has to mow the grass, the property owner receives a bill for the mowing service. If the mowing bill is not paid, it will be assessed on their property tax bill. Once a property has received a Notice of Violation for tall weeds and grass in any given year and abate the violation, the next time there is a tall weeds and grass violation, they do not get another notice of violation, we simply have our mowing contractor go out and mow the property. Typically with the properties that the city has to mow multiple times, there are extenuating circumstances such as a property has changed hands and remains vacant for a while or the resident may have passed away and the property has not been transferred to another owner.

The top violations are tall weeds and grass, unauthorized storage of inoperable vehicles and unauthorized storage of boats, trailers and campers.

Councilmember Silvers asked about groupings of houses in a neighborhood with violations and wondered if those are owner occupied or rentals.

Mr. Dyer commented that they really do not track the violations in that manner. It has been his experience that violations on rental properties mostly occur when there is a turnover in the tenant. New tenants come in and will get code violations. Once they are educated on what is allowed, the violations diminish. When the rental inspections are conducted, staff provides the renters with information on the codes in hopes of preventing violations.

Councilmember Silvers asked about the multiple Airbnb's in Merriam and if those typically have code violations.

Mr. Dyer stated that there are not multiple Airbnb's in the city. There are a couple that staff is aware of where the owner does not live on site and for those, staff requires the owners to get a Landlord Rental License.

Councilmember Hands asked if anything would be handled differently with code violations this year.

Mr. Dyer indicated that the codes officers are being a bit more lenient this year on chipped and peeling paint violations as those can be a rather expensive project and with many people being affected by the

COVID19 pandemic and job loss or income reductions, they are giving residents more time to address those issues.

Councilmember Silvers stated that when he interviewed for the vacant council position he mentioned that he has interested in more code enforcement. Back then he did not realize that Merriam was as on top of code enforcement as they are, but now he sees that we really are working hard on the code violations. He is pleased to learn that they are being more lenient on those expensive repairs such as the painting.

Community Development Director Bryan Dyer presented the building permit statistics for 2019.

2019 Building Permits totaled 582 permits issued. This is the largest number of permits issued. The Building Permit valuation totaled \$52,082,910; this represents the dollar amount of the improvements for those permits. The number of permits issued does not really correlate to the number of permits issues as some years there may be less permits issued but there are very large construction projects with high dollar values, while other years may have a higher number of permits issues but the dollar value is low. When this occurs, typically it is because the permits being issued are for smaller homeowner projects rather that large commercial projects.

With the implementation of the Citizenserve software in 2016, the community development department has a very robust reporting system that provides really good data. In addition, codes enforcement officers have iPads out in the field and can access the Citizenserve database to see if work being done has been permitted. If they find work being done without a permit, they can make contact with the contractor or homeowner doing the work to advise them they need to obtain a permit.

2. Community Development Update.

Community Development Director Bryan Dyer provide the following development updates:

Reed Jeep Chrysler Dodge is making good progress on the dealership the building is up and they should be finishing up soon.

Switzer Senior Villas project is moving along well and they anticipate having a couple of units completed in the next 30-60 days.

He reminded the council of the joint City Council/Planning Commission meeting on August 5th which will go over the Comprehensive Plan updates. The consultants will be facilitating the meeting via zoom. The Planning Commission will be holding their meeting at 6pm that evening and the zoom meeting link will be the same as the Planning Commission meeting link, but they should be finished by 7:00 pm.

VIII. STAFF ITEMS

City Administrator Chris Engel commented that there is a brief community center update tonight.

Assistant City Administrator Meredith Hauck commented that there is still good progress being made on the indoor pool and landscaping has been installed. There are a few outstanding items to be completed including the art pieces and a few pieces of furniture that need to be installed.

It is unlikely that the outdoor pool will be open for the remainder of the summer season as the Ad Astra re-opening plan is potentially being rolled back to Phase II next week. The indoor pool is on target to be completed by Labor Day. If all goes well with the COVID 19 numbers, we could potentially have lap swimming and other aquatic programs by October. This would require reservations with specific time slots for those who sign up in advance. This will ensure social distancing and keep the number of participants within the safe levels.

The goal is to also allow open swim by October. With this new schedule, charter memberships will be on sale until October 4th. The charter membership term would then begin on October 5th. Other memberships will be offered at half price until October 1st. After that, all memberships will be sold at full price.

All of the COVID protocols for the facility are on the city's website so people can check on there to see what precautions are being taken and make their own risk analysis to determine if they want to come utilize the facility. This also allows them to understand the expectations for individuals using the facility and equipment.

Mayor Sissom asked City Administrator Chris Engel about the continuation of zoom meetings going forward.

Mr. Engel stated that this has not been decided yet as staff continues to monitor what is going on at the state level. However, it is anticipated that a decision will be made soon and council will be informed when that occurs.

IX. NEW BUSINESS

X. EXECUTIVE SESSION

XI. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL, COUNCILMEMBER PAPE MOVED TO ADJOURN AT 8:21 PM. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

APPROVED: AUGUST 10, 2020

Respectfully submitted,
Juliana Pinnick
Juliana Pinnick
City Clerk