

MERRIAM CITY COUNCIL AGENDA
June 8, 2020
7:00 P.M.
Virtual meeting via zoom.

I. CALL TO ORDER

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

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; Anna Slocum, Parks and Recreation Director; Bryan Dyer, Community Development Director; Donna Oliver, Finance Director; Stephanie Thompson, HR Manager 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**

The Mayor provided a brief statement regarding recent events:

I have a short statement to the Citizens of Merriam

The year 2020 has been incredibly challenging year for everyone. We have residents that have lost their jobs. Many of our businesses have closed, some may not reopen. We have residents that have suffered from the Corona Virus. Many have sheltered in place out of fear of attracting this disease. Then, just as things

started to return to normal, we all have had to witness an unfortunate needless police brutality incident in Minneapolis, which has sparked protest and riots across this great nation.

Despite COVID19, and events surrounding the death of Mr. George Floyd in Minneapolis, our community continues to move forward. The City of Merriam mourns the loss of George Floyd and others who represent tragedies that violate the high ideals of our country and our community. Still, we remain committed to fostering diversity and we pledge to continue to professionally serve the people who live, work and visit our great city.

I would like to conclude my remarks by asking for a few moments of silence, so that we may reflect on those who have lost their lives or livelihood due to the Corona Virus. At the same time, I would also like everyone to include thoughts or prayers for the family and friends of Mr. George Floyd and all those who have been affected by injustice or racial insensitivity. I will now ask for a moment of silence.

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 May 11, 2020.
2. Consider acceptance and final payment to Phoenix Concrete for the 2020 Sidewalk Infill/Maintenance Program.

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

V. MAYOR'S REPORT

1. Employee Service Awards 2nd Quarter 2020

City Administrator Chris Engel announced the following service awards:

5 Years of Service

Scott Diebold-City Council

Kristen Jasinski-Police Department

Bob Pape-City Council

Joe Segura-Parks and Recreation

Tom Weninger- Public Works

15 Years of Service

Christine Evans Hands- City Council

Diane Timmons-Parks and Recreation

Wes Waller-Police Department

Nick Weiler-Police Department

25 Years of Service

Donna Shirley-Public Works

VI. COUNCIL ITEMS

A. Finance and Administration

1. Consider acceptance of the 2019 Audit Report.

Tara Laughlin, Vice-President, Allen Gibbs Houlik joined the meeting via zoom and made a few comments about the 2019 Audit Report.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL ACKNOWLEDGE RECEIPT OF THE CITY'S 2019 FINANCIAL AUDIT REPORT. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

2. Consider approval of an addendum to the Property Conveyance Agreement with Johnson County Library Board.

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

The City began conversations with the Library and Johnson County in spring 2017 about an opportunity to co-locate a new branch on the same site as the new community center. In November 2018, the City Council and Johnson County Library Board approved a Memorandum of Understanding that outlined JCL's intent to build an approximately 16,000 sq. ft. library branch that provides library services to the general public on the same site as the new community center. In September 2019, the City Council and Johnson County Library Board approved a Property Conveyance Agreement

identifying the terms of the land sale and areas where future agreements would need to be approved.

Before the Council for consideration is an addendum to the Property Conveyance Agreement and the Agreement for Shared Parking and Property Maintenance.

The Addendum provides clarified language on the Parking Structure and Shared Parking, the Library Drive Through Lane, and incorporates the terms of the Shared Parking and Property Maintenance Agreement in the overall Property Conveyance Agreement.

The Agreement for Shared Parking and Property Maintenance details the City's responsibilities for providing maintenance and upkeep of the overall site, and identifies how the Library will compensate the City for providing those services related to use of the parking structure, library property maintenance, adjoining area maintenance, and internal access drive maintenance. It also identifies that a future agreement will be reached regarding use of the shared plaza space between the two buildings. Specific maintenance fees and terms for use of the shared plaza space will be negotiated and approved by both parties no later than the date JCL receives a certificate of occupancy or temporary certificate of occupancy (2023) to allow the City time to determine actual costs related to these areas.

There was some discussion regarding the shared space between the two buildings and if the Library would be allowed to use that area as an event space.

Ms. Hauck confirmed that the space was designed to be an event space and the library would be able to utilize it as an event space.

COUNCILMEMBER PAPE MOVED THAT THE COUNCIL APPROVE AN ADDENDUM TO THE PROPERTY CONVEYANCE AGREEMENT WITH JOHNSON COUNTY LIBRARY BOARD. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

3. Consider approval of the Shared Parking and Maintenance Agreement between the City of Merriam and Johnson County Library Board.

COUNCILMEMBER PAPE MOVED THAT THE COUNCIL APPROVE THE SHARED PARKING AND MAINTENANCE AGREEMENT BETWEEN THE CITY OF MERRIAM AND JOHNSON COUNTY LIBRARY BOARD. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

4. Consider approval of a professional services agreement (PSA) with OpenCities for website services.

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

In late 2019, the City's Communications Team began the process to select a new website service provider. Our current website was designed using the best practices of 2011, when most users were accessing websites from their desktop computers and the primary purpose of websites was to market and provide general information. That landscape has shifted significantly and now the majority of our users access our website from their mobile devices and they visit to complete a task or find very specific information. The City's current website platform has not evolved to easily achieve those goals, so the City released an RFQ in late 2019 seeking a new website design, CMS, and host in order to improve service delivery to our residents, businesses, and visitors. The ultimate goal of the project is to create a site that is easy for users to find what they need, flexible to the City's changing needs, and easy to manage. In addition, the website should be just as easy to use on mobile devices as it is on desktop, and the visual design must further enhance our "Just Right" brand.

There were 13 responses to the RFQ. A review committee comprised of the Communications Manager, Graphic Designer/Web Administrator, and Assistant City Administrator did an initial review to select three providers to move forward in the process. The City Clerk, Parks and Recreation Administrative Supervisor, and Councilmember Neal then joined the committee to conduct interviews with each of the finalists. As a result of this process and additional reference checks, staff is recommending that the City move forward with OpenCities as its website partner. OpenCities' "digital front door" approach is focused on providing a site that makes it easy to conduct business with the City, easy to find information about City events and services, and easy for staff to update and maintain due to the template-based CMS system, all while ensuring

the website is accessible and visually appealing. A full overview of OpenCities' approach and how their platform addresses the City's required and desired needs was included in their proposal in the council agenda packet.

Once this contract is approved, the next step in the process is to put together a specific implementation plan for the City of Merriam. This process will include significant multi-department involvement, as well as a citizen feedback component. The goal is to launch the new website by early 2021.

OpenCities was selected based on their approach to a website as a virtual City Hall. They design the website to be interactive and allow residents access to services 24 hours a day. They design their websites in a "mobile first" format, which allows functionality on the smallest screen, and then gets bigger and more expansive depending on the screen size accessing the site. Our current website is simply mobile compatible, which is designed for a desktop view and it gets smaller and things get rearranged as the screen size gets smaller. Integration of the cities' other software programs was another reason for the selection of OpenCities.

Councilmember Neal commented that he participated in the interviews and conducted some research on his own as well. OpenCities is not his first choice for the website. The objectives outlined are good, however he feels another vendor would have met those objects and more.

Regarding the contract, years one, two and three have set dollar amounts, he asked what happens after year three of the contract.

Ms. Hauck responded that after year three a contract extension would occur. Their fees are based on city population so she would expect the fees to remain in line with what they are currently.

Councilmember Neal specifically asked about section 5.8 of the contract which deals with data and states that OpenCities may use, reproduce, sell, publicize, or otherwise exploit aggregate data in any way at its sole discretion. It goes on to define aggregate data which would not include names and addresses. He feels this language is too overly broad and he has concerns regarding this section of the contract. He feels the language should be tightened up to offer additional protection of the data. He has great concerns over location

and facial recognition data that may be collected. The National League of Cities is working on legislation to tighten up the regulations on data collection and reselling. He asked if this section of the agreement could be revised or renegotiated to tighten up the allowance of data sharing and exploitation.

Ms. Hauck commented that Luke Norris from OpenCities is attending the Zoom meeting and that this portion of the contract only applies to aggregate data and not user data as that data is all encrypted.

Luke Norris, OpenCities commented that the goal of OpenCities is to provide the best user experience. In order to meet that goal, they look at aggregated and de-aggregated data of how residents interact with a site. This includes traffic patterns, where folks go to on the site most often, how long they stay on those pages, how they search for information, and what types of information are contained in the search. That information is then used by OpenCities to make functional improvements to the site and enhance the user experience. This data is collected and analyzed from the hundreds of city websites throughout OpenCities customer base. Open Forms is the platform used to collect and manage user data and that platform is fully encrypted and stored in Microsoft Azure hosting environment. The only people that have access to that data is the city and is only accessible with an API key. If there is a desire to agree to more specific language regarding this, OpenCities is agreeable to that. They do not collect any location or facial based data.

City Attorney Ryan Denk commented that adding additional language could occur as it appears OpenCities is agreeable to adding in extra protections.

Councilmember Diebold asked if changing the verbiage would prevent the council from approving the contract tonight.

City Attorney Ryan Denk commented that he feels the city could add additional language to section 8.1 of the contract to address Councilmember Neal's concerns over that data protection. Section 5.8 could also include additional language that would provide additional protections as requested. He commented that the agreement could be approved tonight with the motion to include final approval of the city attorney.

Councilmember Yadrich commented that based on her research, it appears that the city will be on its own cloud server so that will offer additional protections. She commended OpenCities for committing to AA level of accessibility standards.

Councilmember Hands commented about the excess usage language in the contract and website capacity.

Ms. Hauck responded that staff feels comfortable with the usage limits with OpenCities based on the city's current website. The current website has a lot of information that has been on there since 2011 and much of that outdated information would not be transferred over as it may no longer be relevant information. There is plenty of room for growth with the new website.

Councilmember Silvers commented that the city's current website has clunky navigation and the sample websites from OpenCities that were provided he feels this will not be a huge upgrade. He also feels those websites appeared to have a heavy reliance on PDF's and he feels PDF's are not mobile friendly. He asked regarding the integrations to the city's other web service providers and how many integrations are included in the price. He asked about customizations on the site and if a third party would be used for the customizations.

Ms. Hauck responded that the navigation within the site is determined by the city, and early on the selection committee was clear about refraining from the current heavy use of PDF's on the website. The forms module was one of the pieces that the city will be purchasing with the website package, which will replace all the PFD forms on the city's current website. There are currently around five integrations that need to occur and those can easily be handled within the parameters of the proposed contract. Customization is handled through templates and OpenCities has a fairly robust set of templates that can be utilized to address the majority of needs. If there is a specific need for customization, staff would seek out someone who specializes in that field and contract direct with them. The goal is to not customize as there is not sufficient in house staff to maintain those customized pieces of the website.

Councilmember Neal commented that in reviewing the other websites designed by OpenCities he found that the services interface was quite user unfriendly as it lists those services in a drop down that takes a number of clicks to get where you want to go.

Ms. Hauck commented that staff has discussed a better way to provide the information to the end user. Providing long lists to scroll through will not be the approach taken on the new website. It will be much more intuitive to use.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH OPENCITIES FOR WEBSITE SERVICES UPON FINAL APPROVAL FROM THE CITY ATTORNEY REGARDING THE USE OF PERSONAL INFORMATION. COUNCILMEMBER YADRICH SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

5. Consider approval of a bid process for removal of the existing community center located at 5701 Merriam Drive.

City Administrator Chris Engel provided the background for this item.

In summer 2020 the Parks & Recreation Department will vacate the IBFCC building to occupy the new Merriam Community Center in Vavra Park. In 2018/19 a resident Steering Committee conducted a public process to determine the best options for the future use of the building and/or site.

At the conclusion of that process the Committee made a recommendation to the City Council to add several new amenities and attempt to save the original 1911 building. In 2020, a firm was hired to conduct a structural analysis of the 1911 section of the building. Their study concluded the 1911 building could be salvaged at an estimated cost of \$4.7 - \$5.2 million dollars with potential tax credits available for ~\$850,000. This cost estimate does not contemplate a final use of the building after restoration, the additional costs for tenant finish, ADA, or site work outside the building. Also, this cost does not include any of the site improvements recommended by the 5701 Committee which would add an additional ~\$2 million dollars.

On May 18, 2020 the City Council held a work session to discuss the future of the site. After deliberation it was determined, due to the extraordinary cost of saving the facility and the lack of a future use, the city should move forward with removing the entire community center structure to allow for future public reuse of the property.

Staff included in the council agenda packet a draft bid document with a scope of work that reflects the discussions of the City Council. Staff anticipates releasing the bid document upon City Council

approval. The bids would be due back in early July after staff has a better understanding of the financial impact COVID-19 has had on the budget. There is currently \$650,000 budgeted in 2020 for this project.

The city clerk read the following public comments submitted:

Mark Lamendola, 4806 Wedd St., I recently learned the City Council wants to spend over half a million dollars to tear down the old community center. Why not just sell it instead, and let the new owners deal with that? Maybe they won't want to tear it down. After all, there was no good reason to replace it.

The City is in very deep financial trouble. This is not news to those who have been watching money being wasted while revenue has plummeted. But it appears to be news to the City Council, the Mayor, and "staff". So let's look at reality for a moment. We lost our grocery store and that took a LOT of other retail sales with it. This, combined with the big downward trend in auto sales, laid waste to the overly optimistic revenue projections upon which the unnecessary community center project was "justified" financially.

Now with the CV-19 shutdown having created many permanent retail closings, a case could be made that we'd be better off financially if we demolished the new community center rather than open it. I'm not suggesting we do this, I am merely suggesting that for once the City Council should consider economic reality because things are very bad financially for us.

There have not been any meaningful budget cuts and here's another big ticket spending proposal. No consideration of economic reality. Unlike wine and cheese, financial shortfalls don't get better with age. They get worse.

Yes, I have a significant background in economics and finance. But I am not asking you to consider the messenger. I am asking you to consider the message. And the message is the longer you wait to take meaningful action on our financial crisis, the more painful getting through it will be. Let's stop pretending that things will be OK by simply wishing them to be that way. They won't.

One "solution" that residents in North Merriam (not where I live) are complaining about is the recent resumption of the old "harass and fine" policy that diminishes the quality of life for residents. While this will definitely raise money, the money raised is not enough to offset the bad decisions made so far. And it's not good public policy.

The actual solution will involve a complete shutdown of past behavior such as wasting money on "art" and engaging in new behavior such as determining whether a given expenditure is actually needed. Failure to put forth a solution means having a solution forced on us. It will consist of massive layoffs of city employees and a reduction in services to residents even though we lack services that residents of similarly sized cities enjoy. And it will get worse from there.

Getting a grocery store or two into the city is a very high priority, as that will bring other shopping and thus other sales tax revenue. You might be able to sell "Still Time" for \$500 and eliminate an eyesore; there is other junk that could be auctioned off instead of harassing people to raise money.

Each of you on the City Council should already know these things. Yet, you have not acted as if you were aware of them at all. You are our neighbors and this is your city too. Stand up for it. Maybe Merriam will never be "Just Right" again, but we don't have to keep making it go so badly wrong.

You can start us on the path to recovery today. You just need to decide to do it.

Thank you,

Mark Lamendola, Merriam resident who can do the math and is asking you to do it too

Billy Croan, 6633 Wedd Street, I read in the agenda for this meeting: a draft of the bidding process for contractors to completely demolish all buildings on the Irene B French Center grounds, erasing them, and replacing them with a vacant lawn.

It sure looks now like the plan for the Irene B French Community Center may box up some of the stonework to be relocated at a future date, but at this point will not preserve a single standing wall of the original 1911 structure. I think that is a significant mistake.

As a member of the committee myself, I can attest this was not what the committee recommended after months of meetings and gathering public input. The committee's final recommendation contains "preserve as much of the 1911 structure as possible" in fact, no fewer than five separate times. And at no point during my time on the committee did I understand that to mean preserve it in pieces, in a storage container. It pains my conscience that I asked so many

of my neighbors to share their ideas with me and the committee; and it may just all get leveled to the ground in the end.

It's not what the majority of citizens who took their time to give input asked for, and to stray so far from their guidance will discourage our neighbors from bothering to give us their input in the future.

Full demolition is not what the project renderings have implied to the public thus far, with their grey box marking the area of the 1911 building, holding its place in space.

I urge you during demolition not to knock down the 1911 building's walls. Not to request them to be knocked down. Instead, work around them. Leave them standing, exactly where they have stood since before this city was formed.

Tear down the less significant add-ons that have come along since 1911. Take off the 1911 schoolhouse section's roof and windows remove the hazards. Fill the 1911 basement with soil. And if the 1911 walls crumble on their own as the additions around it are torn down, then clean up the debris, but leave what foundation walls remain standing.... standing. Let them *stay* standing in the eternal Kansas sun as a cost-effective monument to our past. A literal footprint on Earth of where we have been.

Cities that maintain their historic identity are among the most desirable to live in. Once a building has been demolished, replaced by soil and grass, it's gone for good. Please consider allowing the foundations of our past to remain.

Please direct staff to update the draft before you tonight to preserve the surviving walls of the 1911 structure for future generations. Please don't be pressured into demolishing more than necessary, nor incurring its expense right this moment, especially now with the financial fallout of covid on our doorstep.

Please do not demolish our history.

Thank you.

Staci Chivetta, 5541 Goodman St., As the appointed chair of the 5701 Steering Committee I have been following the progress of the discussion very closely. At the work session last month council

decided it was the best financial decision to move forward with demolishing the buildings that currently make up the Irene B. French Community Center. Throughout the work of our committee last year we knew that saving the 1911 building might be a financial longshot. That is why I advocated for showing it in all of our renderings from Confluence as a ghosted figure. In my eyes, the public knew that it might not be feasible to keep any of the buildings.

There were some common themes in our goals that we outlined as a committee through our first couple of meetings, largely they focused on not wasting money and not selling the property. I believe that demolishing the buildings instead of wasting money keeping them up, even mothballing costs a great amount of money, is the best decision. If the motion goes through tonight to move forward with the demolition of the buildings, I would love the opportunity to reconvene the Steering Committee and massage and rethink the plan for the site moving forward and really challenge us to come up with the funding to make our vision come to life. Thank you!

Our full list of goals from the report to City Council was: Create area for community gathering, Increase quality of life for residents, No burden for taxpayers, Create tax revenue and business downtown, Demolish Buildings, Education Component, Downtown – bring more people, Not wasting more money, Not selling property, Keeping some history, Take advantage of its placement / site as part of downtown core, Identify how civic program can interact with and support local business, Economic development – restaurant/tourism, Historic Preservation remembrance, Not worry about short term costs, Integrate use of land with Farmer's Market, Do something that provides a strong sense of community, Identify and kick-start downtown redevelopment (by small business stakeholders), Make a decision that provides options for future if flood control happens, Catalyst for downtown development, Bring more people downtown (permanently + temporarily), Avoid wasting money, Historic preservation and Active future use.

Councilmember Diebold asked about the 45 cubic feet of stone material that will be salvaged and how that number come about. He suggested using the stone as a foundation for a pavilion or other amenity on the site. He asked where the material will be stored.

Chris Engel responded that the thought behind the 45 cubic feet was based on the idea of using some of the stone façade for the base of an amphitheater, pavilion, or a seating component on the site. It is unclear if the stone exterior will all come off in one piece so staff needed to find an area on the building that could be possibly carved out of the exterior which is likely one wall of the building. Staff believes the contractor will saw cut a section and attempt to remove the stone in one piece. The number could be changed if desired. The material will be stored at public works and there will be no cost involved for storing the material.

Councilmember Neal asked what the appraised value of the building is currently. He does not feel this is the appropriate time to make the decision of what to do with the facility. He further commented that no official vote has been taken on what to do with the building and he feels when residents find out that the building will be taken down, many of them will be surprised and unhappy with that decision. He will not vote in favor of tearing down the building and having a mowed grass field for the next five years. He asked if there has been a cost estimate for leaving a few of the walls of the 1911 portion standing.

Mr. Engel responded that the total appraisal from the county is \$2,510,850.00. The building is appraised at \$1.9 million and the land is \$560,000. He further commented that the recent study completed indicated that the cost to attempt to save the walls may cost as much as tearing down the entire structure. When removing the other portions and trying to save the 1911 portion including the interior of the 1911 portion, it is unclear if the walls will stand on their own without support. But removing the roof and floors in the basement and working from the top portion down, there may be a need for cross beams to hold the structure up.

Councilmember Hands commented that the vote tonight is simply to get a bid; it is not to tear down the building. Getting an estimate on the tear down will be the first step in making a decision. She supports getting bids for demolition.

Councilmember Yadrich commented that if a bid is received it does not mean the council has to move forward with the tear down.

Councilmember Pape commented that his understanding is that the vote tonight is to solicit for bids to get an idea of what it would cost to demolish the building. The bid results will provide a better

understanding of that cost and might provide other options for potentially saving certain portions of the building.

There was some discussion regarding bid alternates for additional stone salvage.

Councilmember Kaldahl commented that he feels it is important to be clear of what the intentions for the building are. His understanding is that the intention is to tear down the building. To hang on to a building that will cost money to operate and keep a building that the city has no use for makes no sense to him. He further commented that if there is a group of citizens that feels the city needs to keep the building and they want to rally around and have a grassroots effort to find a purpose and funding for the building, now is the time to do that.

Councilmember Neal commented that there does not seem to be any interest or discussion about selling the building.

Councilmember Diebold commented that the committee had all agreed and recommended that the city should retain the property.

Mayor Sissom commented that once bids are received for the demolition, he would like staff to put together cost estimates for keeping the building. This would include utilities, maintenance cost and other costs associated with boarding up the building and keeping it. He feels that information will help in making a final decision.

COUNCILMEMBER PAPE MOVED THAT THE COUNCIL AUTHORIZE STAFF TO SOLICIT BIDS FOR DEMOLITION OF 5701 MERRIAM DR. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

6. Consider approval of a resolution amending the Employee Handbook Section 6.02- Miscellaneous Fringe Benefits.

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

Included in the council agenda packet was a redline version of City of Merriam Employee Handbook Policy 6.02 that updates the policy related to providing discounted community center memberships to employees and retirees. Each year, a rate table for this benefit will be issued as part of the City's annual open enrollment process.

Additionally, retirees were added as an eligible group to receive discounted health and fitness courses.

Both discounted memberships and course fees are taxable benefits and will be reported appropriately through HR for both employees and retirees.

Councilmember Silvers commented that he will be donating the dollar amount of his free membership back to the community center or their scholarship program.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE A RESOLUTION AMENDING SECTION 6.02 OF THE EMPLOYEE HANDBOOK. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

7. Community Center Update.

Assistant City Administrator Meredith Hauck provided the monthly community center update.

The building is scheduled to open at the end of the month. Due to the public health crisis there is a need for updated safety and cleaning protocols. Supply chain delays from the public health crisis include the indoor pool tiles that have not arrived on site. The tiles were not manufactured before the plant shut down in March. The plant has now reopened but the tile is still not on site. The public art project also had manufacturing delays as well as a few furniture pieces will be delayed on receiving.

These factors have all affected the opening schedule for the building. Orientation for part-time and seasonal employees has begun, and equipment delivery has begun. Once the building passes the life safety inspections, the move-in can start. It is anticipated those inspections will occur next week. If inspections pass, staff training in the building is expected to begin the week of June 22. In June 28 a small ceremony to lower the flag at the Irene B. French Community Center will be held.

On June 29 the flag raising ceremony will occur at the new community center and the building will have a soft opening to Charter Members. July 4 is the anticipated date for the building to be open to the public. The indoor pool will not be open by the July 4 date so the target date for the indoor pool opening is September 5.

Due to the current public health crisis and re-opening guidelines which are very difficult to manage in an outdoor pool environment, the outdoor pool will not open until phase out of the Kansas plan which will have no restrictions.

Ms. Hauck asked the council if they are in support of the opening plan for the outdoor pool.

There were no objections to the opening plan.

Ms. Hauck displayed a proposed membership discounts. The rates of the memberships for 2020 would be discounted due to the change in the opening of the facility. Charter Memberships will now be available for purchase through Labor Day. The summer-only memberships will not be available this year. Because most other public pools in the area will not be open this year, Day Pass sales will be limited to Merriam residents only.

Councilmember Hands commented that she is concerned about the outdoor pool and the numbers of people that may want day passes.

Ms. Hauck commented that staff will monitor bather load which is required all the time. The day pass sales would not occur until the state has phased out the reopening plan which means no restrictions on number of people or social distancing.

Councilmember Silvers commended staff for putting together a completely new opening plan due to all the issues they have been faced with.

8. Monthly Finance Report (April) included in packet

City Administrator Chris Engel commented that the sales tax numbers came in fairly strong. It will be a couple of more months before the full impact of COVID-19 will be determined. However at this time the sales tax numbers were strong for the first couple of months and staff is not overly concerned about the numbers at this time.

B. Community Development/Public Works/CIP

1. Consider acceptance and final payment to Phoenix Concrete for the 2019 Sidewalk In-fill Phase 3 project.

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

Phoenix Concrete has completed the construction improvements for the 2019 Sidewalk In-Fill, staff is requesting an approval to issue the final payment of \$22,090.24. With this final payment the total construction expenditure will be \$301,577.86, we are \$12,184.56 over the original construction contract amount however, we are under the original budgeted amount. The contract overrun of \$12,184.56 is due to actual placed quantities being more than plan quantities.

An explanation of overruns;

- 1) Several residents requested sidewalks be placed back of curb along their properties, increasing square footage.
- 2) Due to the topography of several properties, and to improve the finished yard slopes of these properties, curbs were placed along sidewalks.
- 3) Staff identified and replaced substandard curbs at several properties, and additional curb footage was replaced at ADA Ramp locations.
- 4) Lengths of several driveways, and a few additional driveway approaches were replaced to eliminate an extra joint along with providing a better transition from driveway to sidewalk.

Approval of the final payment denotes the City's acceptance of the project and triggers the two-year maintenance warranty period

COUNCILMEMBER PAPE MOVED THAT THE COUNCIL AUTHORIZE FINAL PAYMENT TO PHOENIX CONCRETE IN THE AMOUNT OF \$22, 090.24 AND AUTHORIZE THE ACCEPTANCE OF THE 2019 SIDEWALK INFILL PHASE 3 PROJECT. COUNCILMEMBER DIEBOLD SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

2. CIP Update-included in packet
3. Review of the city's zoning ordinances related to the installation of solar collection systems.

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

City Council Budget Goals, Objective 1.3, states "Encourage participation in sustainability initiatives including economic, environmental, and social sustainability". Based on comments from persons that been through the city's solar collection system

approval process, the process could be improved to ease the review requirements which could encourage more property owners to install sustainable solar collection systems.

In February 2011, the city adopted revised renewable energy zoning regulations. These regulations included standards for the installation of solar collection systems. The regulations require that prior to the installation of a solar collection system, the property owner obtain the Community Development Director's approval of a conditional use permit. If the proposed roof mounted solar collection system is "primarily visible from any public right-of-way", it is required to be reviewed by the Planning Commission.

Since the adoption of the revised regulations the city has received 11 solar collection system applications. Five of those applications required Planning Commission review. The Planning Commission has denied one application, the first one. The property owner later revised his plans which were subsequently approved by the Planning Commission.

Staff has received comments on the city's solar collection system regulations from property owners and solar installation professionals. The comments have been generally positive except for the requirement that solar installations facing the right-of-way be considered by the Planning Commission. Property owners and installers have stated that the requirement makes the review process overly long and complicated.

Staff reviewed the solar collection system regulations of neighboring cities and attached is a table summarizing those regulations. In general, the city's regulations are similar to our neighbors with the exception of requiring Planning Commission to review solar installations facing the right-of-way and specifically addressing abandonment and/or disrepair of the system. Most cities handle abandonment and/or disrepair through the respective city's nuisance regulations, which allow cities to take immediate action.

The solar system collection ordinances are in Chapter 74 – Zoning of the City Code. City code and state statute task the Planning Commission with the review of amendments to the Zoning Chapter. The City Council may direct the Planning Commission to review specific sections of the Zoning Chapter. Following their review, if the Planning Commission determines amendments are necessary, the Commission then drafts, reviews, and makes a recommendation on the proposed zoning amendments to the City Council, who takes final action on the amendments.

There was some discussion regarding the process if the planning commission decides to remove the Conditional Use Permit aspect and the removal process for systems in disrepair.

Several councilmembers expressed support for the Planning Commission to review the codes regarding solar collection systems.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL DIRECT THE PLANNING COMMISSION TO DRAFT, REVIEW AND CONSIDER AMENDMENTS TO MERRIAM MUNICIPAL CODE CHAPTER 74, ZONING REGARDING ISSUANCE OF PERMITS FOR SOLAR COLLECTION SYSTEMS INSTALLATIONS. COUNCILMEMBER YADRICH SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

VII. STAFF ITEMS

City Administrator Chris Engel commented that last week he shared a letter from the Olathe Mayor that was presented to the county commissioners about how the county planned to distribute the \$116 million in CARES funding they received. Mr. Engel asked the council if they were interested in drafting a similar letter to the county commissioners expressing Merriam's desire to have a county representative come to a council meeting to make a presentation on how they planned to distribute those funds.

The council agreed to have staff draft a letter, have the Mayor sign it and send it to the county commissioners requesting they make a formal presentation to the council.

VIII. NEW BUSINESS

IX. EXECUTIVE SESSION

X. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL, COUNCILMEMBER PAPE MOVED TO ADJOURN AT 9:36 PM. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

Approved: June 22, 2020

Respectfully submitted,

Juliana Pinnick

Juliana Pinnick
City Clerk