

**MERRIAM CITY COUNCIL MINUTES  
CITY HALL  
9001 WEST 62<sup>ND</sup> STREET  
February 22, 2021  
7:00 P.M.**

**This was a virtual meeting held via Zoom.**

**I. CALL TO ORDER - PLEDGE OF ALLEGIANCE**

Mayor Sissom called the meeting to order at 7:00 pm. Council and staff said the Pledge of Allegiance.

**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; Darren McLaughlin, Police Chief; Bryan Dyer, Community Development Director; Donna Oliver, Finance Director; and Juli Pinnick, City Clerk.

**III. PUBLIC ITEMS**

In response to COVID-19 and remote City Council meetings, the public comment process that normally occurs during the City Council meeting has temporarily changed. Members of the public are still encouraged to share comments about matters that may or may not appear on the agenda by the following process below:

Submit public comment to the City Clerk at [jpinnick@merriam.org](mailto:jpinnick@merriam.org) by 6 p.m. on the date of the meeting; comments are limited to 500 words; must include "Public Comment" in the subject line; commenters must include their name and their address. Late submissions, submissions without "Public Comment" in the subject line; and comments without name and address will not be read into the public

record. In accordance with the *Governing Body Rules of Procedure*, the City reserves the right to refuse Public Comments that are personal, impertinent or slanderous.

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 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 February 8, 2021.
2. Consider approval of an interlocal agreement with Mid-America Regional Council (MARC) for Planning Sustainable Places grant.
3. Consider approval of the purchase of two (2) police cars.

Councilmember Kaldahl requested items 2 and 3 be removed from the consent agenda.

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

Councilmember Kaldahl asked if MARC would be hiring the consultant and be managing the project.

Community Development Director Bryan Dyer responded that MARC will be acting as the project manager as they are familiar with these types of projects and grants.

**COUNCILMEMBER KALDAHL MOVED THAT THE COUNCIL APPROVE AN INTERLOCAL AGREEMENT WITH MARC FOR PLANNING SUSTAINABLE PLACES GRANT. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

Councilmember Kaldahl asked about the difference in the budgeted amount and the cost of the cars and if that difference would be used to outfit the cars.

Police Chief Darren McLaughlin stated that there are three cars budgeted this year and are only 2 will be purchased two at this time. The remaining funds will be used to purchase the third vehicle in the 3<sup>rd</sup> or 4<sup>th</sup> quarter of 2021. The money to equip

the cars comes from a different budget line item and those costs will be within that budget.

**COUNCILMEMBER KALDAHL MOVED THAT THE COUNCIL APPROVE THE PURCHASE OF TWO (2) POLICE CARS. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

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

Mayor Sissom commented that this will be the last council meeting for Meredith Hauck who is leaving the City of Merriam. Mayor Sissom commented that four years ago the city decided to hire Meredith and it was a very good decision. Her accomplishments over the past four years included being the project manager for the new Community Center and coordinating the co-location of the Johnson County Library which will be built next to the Community Center. The results of her actions are very apparent in the great new Community Center. She led the communications push for a successful Community Center sales tax, and the ¼ cent Street and Stormwater sales tax renewal. She facilitated several public art projects over the past four years. She updated the city's performance evaluation system. She also initiated the city's new website design, all these accomplishments takes a great deal of dedication and expertise in many areas. He thanked her for her service with Merriam and wished her the best.

Ms. Hauck commented that she feels very fortunate to have been able to work with such a great team of employees at Merriam and also appreciates all the support she has received from the City Council.

## **VI. COUNCIL ITEMS**

1. Consider approval a small cell facility agreement with AT&T.

City Administrator Chris Engel provided the background for this item.

The City has been approached by New Cingular Wireless PCS, LLC d/b/a AT&T Mobility (AT&T), which is interested in placing small cell facilities in the City's Right-of-Way (ROW) to provide 5G service.

The City has previously entered into franchise agreements with telecommunications providers to spell out the shared obligations and allowable processes for operating in the ROW. However, the State of Kansas enacted a statutory change in 2019 prohibiting the use of franchise agreements for small cell facilities. Based on this change, this Master License Agreement was crafted through group negotiation by several City Attorneys in Johnson County, spearheaded by Overland Park, with input from AT&T.

This Agreement sets out the rights of the City and AT&T for the placement and construction of small cell facilities in the City's right-of-way. The

Agreement has a 10-year term and automatically renews twice with 5-year terms, unless either party chooses to terminate. The City has final approval of placement sites, and does not have to allow attachment of a small-cell facility to a city facility (such as specific light poles). If attachment to a utility pole or city facility is not possible, AT&T would place a monopole instead. Staff has shared with AT&T its desire to make any new monopoles in the ROW as inconspicuous as possible. Individual placement details are included in a separate application process.

Overland Park and Lenexa have already approved this agreement. Staff expects Leawood, Olathe, Prairie Village, and Shawnee will approve the same or similar agreements in the coming months.

Chris Carroll, AT&T representative, was also on the Zoom call and available for questions.

Councilmember Hands expressed concern over maintenance of equipment installed by utility companies. She wishes there was a mechanism to hold these companies accountable for making sure the facilities they install remain in good condition, as some show signs of damage or deterioration and there doesn't seem to be any mechanism to ensure they are properly maintained. She also asked who on staff handles the supplemental applications for facilities and facilitates the inspections.

City Administrator Chris Engel replied that Public Works administers the applications and has a right-of-way inspector who manages the permits and oversees construction of the facilities.

Councilmember Kaldahl asked if there were any applications for installing small-cell equipment already submitted.

Mr. Engel responded that this is simply an agreement that sets the parameters for installation of equipment. Any application to install equipment would be processed through Public Works.

Councilmember Neal asked if AT&T was able to allow the co-location of multiple carriers on their same facilities to prevent overcrowding in the right-of-way.

Chris Carroll, AT&T representative, stated their small-cell technology would not allow for co-location because it would cause radio interference between the different carriers.

Councilmember Neal stated if the current FCC Ruling is appealed and the safe harbor rate is eliminated, the previous 18-month arrears period for AT&T to repay the difference between the FCC safe harbor rate and the City fee should

be greater to incentivize AT&T to pay the City fee instead of the safe harbor rate.

Chris Carroll, stated the 18-month figure was the result of months of negotiations between AT&T and Johnson County city attorneys and that timeframe was no longer under negotiation.

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE A SMALL CELL FACILITY AGREEMENT WITH AT&T. COUNCILMEMBER YADRICH SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

2. Monthly Finance Report.

Finance Director Donna Oliver provided the Finance Report for the month of January.

3. Community Development Update.

Community Development Director Bryan Dyer commented that the updates to the Comprehensive Plan have been finalized. The advisory committee held their final meeting and made one final revision. They have recommended approval of the plan to the Planning Commission who will hold a public hearing on the plan next Wednesday. If approved by the Planning Commission, it will then be sent to City Council for approval.

The agreement for the Planning Sustainable Places Grant was approved earlier this evening and the next step in that process is to interview consultants for the project.

Staff submitted the new stormwater master plan earlier this week. This plan measures the stormwater quality in our city. This plan is required to be updated every 5 years.

Bob's Discount Furniture, located in the northern portion of the old Hen House space have submitted a building permit. The façade improvements show there will be two store fronts. One for Bob's furniture and the other for an unnamed tenant.

## **VII. STAFF ITEMS**

City Administrator Chris Engel reminded council that the updates to the Governing Body Rules and City Council Policies were sent out for council's review. It is anticipated that this will be an Agenda item in late March. Also the Council Goals and Objectives for the budget have been sent out for revisions. Send any

suggestions to Donna Oliver and council will be discussing those and approving at a future council meeting.

Applications for the new Assistant City Administrator have been received. There were about 60 applicants, and those have been narrowed down to 10. A list of questions has been sent to the 10 applicants to further narrow down the candidates. The finalists will then get interviewed over the next couple of weeks.

**VIII. EXECUTIVE SESSION**

**IX. ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL, COUNCILMEMBER PAPE MOVED TO ADJOURN AT 8:22 PM. COUNCILMEMBER HANDS SECONDED, AND THE MOTION WAS UNANIMOUSLY APPROVED.**

Approved: March 8, 2021

Respectfully submitted,

*Juliana Pinnick*

City Clerk