

**MERRIAM CITY COUNCIL MINUTES  
CITY HALL  
9001 WEST 62<sup>ND</sup> STREET  
JANUARY 9, 2017  
7:00 P.M.**

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

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

**II. ROLL CALL**

Al Frisby  
Scott Diebold  
Chris Evans Hands  
Nancy Hupp  
Bob Pape  
Robert Weems  
Cheryl Moore and Jim Wymer were absent

Staff present: Chris Engel, City Administrator; Mike Daniels, Police Chief; Anna Slocum, Parks and Recreation Director; Cindy Ehart, Finance Director; Kevin Bruemmer, Public Works Director; Nicole Proulx Aiken, City Attorney; 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.***

**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 December 12, 2016.
2. Consider acceptance and authorize final payment to J. M. Fahey for Antioch Road Improvements (67<sup>th</sup> Street to Johnson Drive).

3. Consider approval of a Letter of Understanding between the cities of Merriam, Fairway, Leawood, Prairie Village, Roeland Park, Mission, Merriam and Johnson County Park and Recreation District for 2017 Reciprocal use of swimming pool facilities. (Superpass agreement)
4. Consider approval of a letter of understanding between the cities of Merriam, Fairway, Leawood, Prairie Village, Roeland Park, Mission, Merriam and Johnson County Park and Recreation District for use of agency pools during swim and dive meets.
5. Consider approval of eligible depository bank accounts for 2017.
6. Consider approval of the Operation Greenlight Agreement with Mid-America Regional Council (MARC).

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE CONSENT AGENDA ITEMS 1-6. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

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

1. Swearing in of Police Officer Colin Brown.

Mayor Sissom administered the oath of office for Police Officer Colin Brown.

2. Council vacancy announcement and procedure for filling vacancy.

Mayor Sissom announced that Councilmember Jim Wymer has submitted his resignation due to health reasons. His term as Ward 2 Councilmember ends in January of 2018, so there is a need to fill his position. The City Code outlines the process for filling a council vacancy, which allows the City Council to appoint an individual from Ward 2 to fill the remaining unexpired term.

City Administrator Chris Engel reviewed the process of filling the vacancy. The process begins with the formal announcement of the vacancy tonight and allows 30 days for interested persons to submit a letter of intent and statement of qualifications for the position.

After the deadline for submission has closed the candidates will be interviewed by the City Council at a City Council meeting. The City Council will then vote to determine which candidate will fill the vacancy. If more than two people submit interest the Council will narrow the number of candidates to two through a voting process.

With the vacancy announcement, tonight, the deadline for submission is February 8<sup>th</sup>. The staff will get the information on the city website and send it out through other social media outlets.

## VI. COUNCIL ITEMS

### A. Finance and Administration

1. Discussion of the proposed 2017 Legislative Agenda.

City Administrator Chris Engel provided the background for this item.

Each year City Council adopts a legislative agenda that establishes its legislative priorities. The Board of County Commissioners also annually approves a legislative agenda geared toward the common interests of all Johnson County cities. The joint agenda is the result of meetings with local managers that identify the common interests we should collectively assert in Topeka.

Included in the Agenda Packet were three documents: the draft 2017 City of Merriam Legislative Agenda; the approved Board of County Commissioners joint 2017 agenda; the approved 2016 City of Merriam agenda.

The 2017 Draft Agenda incorporates the following substantive changes from the 2016 agenda:

#### ADDITIONS

Statewide Expansion of Medicaid (new item) – Supports expansion of Medicaid / KanCare. KanCare is managed by the State and heavily funded by the Federal government. The decision to limit its expansion unnecessarily burdens local taxpayers with payments that would otherwise be covered.

Local Control of Right of Way (new item) – Supports repeal of the 2016 legislation allowing unregulated placement of cell towers in city rights-of-way.

#### DELETIONS

Limits on Appraised Valuation Growth - Addressed in the “Repeal of The Property Tax Lid” item.

Sales Tax Exemption – It is not believed this will be an issue in 2017.

Maintain Local Control Over Decisions Including Revenue and Spending – Addressed in the “Repeal of The Property Tax Lid” item.

Law Enforcement Mutual Aid – It is not believed this will be an issue in 2017.

The remaining items are from 2016 and contain updated wording but no substantial change.

This Legislative agenda has been reviewed by Stuart Little and he agrees they are appropriate items to address.

There was some discussion regarding the sales tax reduction on food. The council requested this be added to the Legislative Agenda.

2. Monthly Finance Report.

Finance Director Cindy Ehart presented the Finance Report for the month of December.

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

1. Final presentation and acceptance of the Parks and Recreation Facilities Master Plan.

PROS Consulting, partnering with a team of professionals from Confluence and SFS Architecture, presented the final option for the Parks and Recreation Facilities Master Plan. With the Facilities Master Plan work complete, the preferred concept recommendation for the build new option has been finalized. The build new option is the third of three options for the Community Center and Merriam Aquatic Center. The first option is a “band aid” option to make repairs, the second option is a partial demolition and remodel/repair of the community center, and the third option is a build new combined facility for a community center and pool.

Chris Cline, Confluence, reviewed the process that was taken over the past few months to get to the final product.

Brian Garvey, SFS Architects presented a proposed design for a combined Community Center/Aquatic Center that includes indoor and outdoor aquatics.

Chris Cline reviewed the anticipated costs to construct a new combined facility which is approximately \$30 million. A comparison of the current community center to the proposed new facility depicted

approximately 33,000 square feet at the current center with only about 13,500 square feet of useable space for programs. This results in a 40% space utilization. Because the current community center was originally a school and not designed for community center programs much of the space cannot be utilized appropriately. In addition, due to failing systems and infrastructure at the community center, some spaces aren't being utilized. The proposed new combined facility would have 65,000 square feet with 49,000 square feet of useable space for programs, this results in a 75% space utilization.

Leon Younger, Pros Consulting, reviewed the pro forma operations comparison. This illustrated the cost recovery and required city subsidy, which is the difference between revenue generated by the facilities and the cost to operate the facilities. The current facility has a 26% cost recovery, which requires a subsidy of \$814,045. A new facility would generate a 66% cost recovery with only a \$679,697 subsidy for the first year. At year 6 of a new facility the cost recovery increases to 71% with a subsidy of \$627,409.

A timeline for a new facility from design to opening is approximately 33 months. This is similar to other community center projects that Pros Consulting has completed in the area.

Councilmember Weems commented that 75% of the public and Steering Committee selected the build new option with both indoor and outdoor aquatics. Were the cost estimates for each of the three options presented?

Mr. Cline responded that the cost estimates for each of the three build new options always showed the estimated costs.

Councilmember Pape asked if the \$30 million estimate includes equipment, furnishings etc. to operate the facility.

Mr. Cline answered yes, the estimate includes hard and soft costs. It includes everything needed to open and operate the facility.

Councilmember Frisby asked about energy savings options for the new facility.

Mr. Cline answered that they would look at all options for solar and many other energy saving options through the process. As well there may be some design elements that would help reduce energy costs.

Brian Garvey, SFS Architects commented that the indoor aquatic feature has many opportunities for energy costs savings as that option is typically the largest energy user. In addition, natural light and smart design features will give an opportunity for energy savings.

Sam Matier, 8515 W. 57<sup>th</sup> St. commented that he questions the statistically valid survey of 522 responses in a city of 11,000 residents. He does not understand how this represents what the residents want. Mr. Matier read comments he received from 7 residents regarding the new community center at a cost of \$30 million.

Mr. Matier asked if the citizens would get to vote on the issuance of bonds for the community center. He understands that they will get to vote if there is a sales tax for generating revenue to pay for the bonds but the council could charter out of the statute for the bond issuance.

Mayor Sissom commented that the state law requires the citizens to vote on the bond issue.

Mr. Matier asked the Mayor if the city is going to charter out of the statute requiring a vote on the bond issuance.

Mayor Sissom asked the City Administrator if he has received a request from the Mayor or council to charter out of the statute requiring the public vote.

Mr. Engel responded, no, he has not.

Mayor Sissom asked the council if anyone has any desire to charter out of the statute requiring a public vote. They responded no.

Mayor Sissom commented about the survey conducted that Mr. Matier feels is not valid or correct. The Mayor indicated that the company that conducted the survey, ETC. Institute is a nationally recognized company that conducts surveys nationwide; they have a criteria that determines what a statistically valid survey is. The City of Merriam and many other cities have used this company to conduct surveys and it is their profession to perform these services.

Delia Garcia, 6339 Robinhood Dr. commented that she supports the recreation facilities and realizes they are needed for a good community. While she does not have any children and does not utilize the recreation facilities she understands that they are important to a community.

Larry Ciseneros, Parks and Recreation Steering Committee member, thanked the Mayor for allowing him to serve on the Committee. He uses the community center every day. He used to work out down there but now it is more of a social outlet for him. He commented that Director Slocum has done a fantastic job with the center since becoming the director and he tells as many folks as possible about the center and renting out rooms for birthday parties and other events. He feels the center is important to not only Merriam residents but for folks all over the area as anyone can use the gym, workout facilities and rent rooms for parties and other events.

**COUNCILMEMBER HUPP MOVED THAT THE COUNCIL ACKNOWLEDGE ACCEPTANCE OF THE PARKS AND RECREATION FACILITIES MASTER PLAN. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

Mayor Sissom asked the City Administrator about the next steps regarding the vote for the bonds and/sales tax to fund a new community center.

Mr. Engel responded that there would be two elections, one for the issuance of bonds and another if the city decides to pay for the bonds with sales tax revenue. Budget discussions will determine the timeframe for those votes. Depending on which budget cycle the council decides to hold the elections and work with the election commission on dates available for an election.

2. CIP Update.

Public Works Director Kevin Bruemmer provided the following CIP updates:

Farley is now open to local traffic. The installation of the sidewalk on 70<sup>th</sup> St. is still being determined as to the best layout for the extension of the sidewalk.

Residential Street Group V will be bid in February. There have been three public meetings and the residents response has been favorable toward the project.

The Sidewalk Infill Project is progressing. Staff plans to bring forward a recommendation at a future meeting on where the first phase of the project will begin.

**VII. STAFF ITEMS**

**IX. NEW BUSINESS**

**X. EXECUTIVE SESSION**

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL RECESS INTO EXECUTIVE SESSION PURSUANT TO THE KANSAS OPEN MEETINGS ACT EXCEPTION FOR PRELIMINARY DISCUSSIONS RELATING TO THE ACQUISITION OF REAL PROPERTY. PRESENT WILL BE THE GOVERNING BODY, CITY ADMINISTRATOR AND CITY ATTORNEY. THE MEETING WILL RECONVENE IN THE COUNCIL CHAMBERS AT 8:55 PM. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

*The meeting reconvened at 8:55 pm.*

**COUNCILMEMBER HANDS MOVED THAT THE COUNCIL RECESS INTO EXECUTIVE SESSION PURSUANT TO THE KANSAS OPEN MEETINGS ACT EXCEPTION TO DISCUSS MATTERS RELATED TO NON-ELECTED PERSONNEL, TO PROTECT THE PRIVACY OF SUCH PERSONNEL. PRESENT WIL BE THE GOVERNING BODY. THE MEETING WILL RECONVENE IN THE COUNCIL CHAMBERS AT 9:05 PM. COUNCILMEMBER HUPP SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

*The meeting reconvened at 9:05 pm.*

**XI. ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL, COUNCILMEMBER PAPE MOVED TO ADJOURN AT 9:08 PM. COUNCILMEMBER FRISBY SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.**

Approved: January 23, 2017

Respectfully submitted,

*Juliana Pinnick*

Juliana Pinnick  
City Clerk