

**MERRIAM CITY COUNCIL MINUTES
CITY HALL
9001 WEST 62ND STREET
April 8, 2019
7:00 P.M.**

I. CALL TO ORDER - PLEDGE OF ALLEGIANCE

Council President Christine Evans Hands called the meeting to order at 7:00 pm.

II. ROLL CALL

Scott Diebold
Al Frisby
Chris Evans Hands
Nancy Hupp
Brian Knaff
David Neal
Bob Pape

Mayor Ken Sissom was absent.

Staff present: Chris Engel, City Administrator; Meredith Hauck, Assistant City Administrator; Nicole Proulx Aiken, City Attorney; Todd Allen, Acting Police Chief; Anna Slocum, Parks and Recreation Director; Cindy Ehart, Finance Director; Jenna Gant, Communication and Public Engagement Manager; Bryan Dehner, Fire Chief; Jim MacDonald, Public Works Superintendent 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.***

Becky Fast, 4918 Juniper, commented that she is the newly elected County Commissioner representing Merriam in District 1. Ms. Fast provided the council with her contact information and encouraged them to contact her if they need anything. The County Commission is working on their budget and priority list, which includes mental health, solid waste, and housing affordability.

Pat Hanson, 9928 W. 65th Pl., West Vernon Place neighborhood, commented that she has concerns regarding the sidewalk project coming this summer. She has been talking with her neighbors who are not in support of the project. Her house is a corner lot and she is concerned that she will have sidewalks on all sides of her property. Because she spends her summers at a different home, she will not be around when the project is going on. She has an irrigation system and has

concerns about that during the construction. She is aware of the public meeting coming up.

Zach Clary, 6509 Mastin, commented that he recently purchased a home in West Vernon Place on a corner lot. He is concerned about loss of his property when the sidewalks go in. He went out last week and spoke with his neighbors about the project. He commented that no one he spoke with indicated that the City has ever asked them if they wanted sidewalks in their neighborhood and only one person he spoke with was supportive of the project. Because the neighborhood has no through streets and is mostly cul-de-sacs, he does not feel sidewalks are necessary. While he appreciates the city wanting to improve the neighborhood, there are other concerns with the neighborhood that could be addressed which he feels are a higher priority than sidewalks. Mr. Clary provided a list of signatures from the neighbors who do not support the sidewalk project. Removal of snow and ice from these sidewalks in the winter may be a problem for some residents in the neighborhood due to their age and abilities. He would like to see the project put on hold or re-directed to another improvement project within the neighborhood.

Derold Edmonds, 6516 Mastin, commented that he feels the sidewalk project for West Vernon Place is not a good idea. He feels that no one from the City ever talked to anyone in the neighborhood about if they wanted the sidewalks. He found out from a city employee who contacted him about eliminating the triangle island on Mastin and 67th St. for the sidewalk project. The neighborhood islands are an issue for them as the Homes Association is completely voluntary and no one in the neighborhood can maintain those islands. There are problems with the islands and drainage in the neighborhood that he feels should be addressed before sidewalks that no one wants. He has contacted city staff and his council representative about the drainage and islands. There are two islands in the neighborhood that keep getting damaged by trash trucks and he feels that they should just be removed.

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 March 25, 2019.

COUNCILMEMBER HUPP MOVED THAT THE COUNCIL APPROVE CONSENT AGENDA ITEM 1. COUNCILMEMBER FRISBY SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

V. MAYOR'S REPORT

1. Stuart Little - Legislative Update.

The city's lobbyist, Stuart Little, provided the legislative update.

The session is done until May when the legislature comes back for their wrap-up session. The Medicare expansion and Budget bills are likely to be addressed during the wrap-up session.

Legislation of particular interest to cities includes SB 105 which allows cities to install newly elected councilmembers between December 1 and the second Monday in January. This was a cleanup bill from the legislation that moved elections from April to November. Other election changes include a standard filing deadline of June 1st and a county option to allow folks to vote at any polling location.

The education committee has resolved the school funding issue with a bill that will go before the Supreme Court and should resolve the Gannon Lawsuit issue.

SB 68 which prohibits cities from requiring a valid contract franchise ordinance for the provision of wireless telecommunications services included removing a reference to the term "franchise related obligation"; allows a city to use a small cell facility deployment agreement to govern access to the public right-of-way; references the Wireless Siting Act for the definitions of "authority" and "utility pole"; and creates a definition for "small cell facility deployment agreement." has passed both the House and Senate and is awaiting action by the Governor.

2. Fire Department Annual Report.

Fire Chief Bryan Dehner presented the 2018 Fire Department Annual Report.

This year the department will celebrate 100 years of fire service. The department currently has six fire stations, one squad house with an additional squad house being added this year. In 2018 the average response time was 4 minutes and 43 seconds. The total calls for service in 2018 was 22,358 with 18,261 of those calls being emergency medical services and 4,059 fire related calls. Chief Dehner encouraged the Council to check out the 2018 Fire Department Report online where they can find videos related to personnel, public education, and human interest stories related to the fire department.

3. National League of Cities report - Councilmember Neal

Councilmember reported that last month he attended the National League of Cities (NLC) Conference in Washington, D.C. He represented the City of Merriam as a member of the Information Technology & Communications Committee (ITC).

Councilmember Neal also visited seven members of the Kansas congressional delegation. He met with local federal representatives Sen. Pat Roberts, Sen. Jerry Moran, and Rep. Sharice Davids. Merriam specific discussions with Rep. Davids, Sen Roberts and Sen. Moran's Legislative Director, included a request for their assistance in helping to move forward with the funding for the Upper Turkey Creek Flood Control Project. Hopefully that discussion opened up a channel of communication with each of them regarding the importance of moving the project forward since it seems now to be under more active budgetary consideration by the Corp of Engineers.

VI. COUNCIL ITEMS

A. Finance and Administration

1. Consider approval of an ordinance authorizing the sale, consumption and possession of alcoholic liquor during the Merriam Drive Live Special Event.

COUNCILMEMBER HUPP MOVED THAT THE COUNCIL APPROVE AN ORDINANCE AUTHORIZING THE SALE, CONSUMPTION AND POSSESSION OF ALCOHOLIC LIQUOR DURING THE MERRIAM DRIVE LIVE SPECIAL EVENT. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS APPROVED. COUNCILMEMBERS FRISBY AND KNAFF VOTED NAY.

2. Consider approval of an ordinance renewing the franchise with Unite Private Networks. (first reading)

City Attorney Nicole Proulx Aiken provided the background for this item.

On June 8, 2015, the governing body approved Ordinance 1732, which granted Unite Private Networks, LLC (UPN) a contract franchise to construct, operate, and maintain a telecommunications system in the City of Merriam. That contract franchise is about to

expire. This Ordinance, drafted by the city attorney, repeals Ordinance 1732 and grants UPN a new contract franchise so the company may continue to construct, operate, and maintain a telecommunications system in the city.

State law requires the Governing Body consider franchises on a competitively neutral and nondiscriminatory basis. The City can deny a request for a franchise only after reasonable notice and opportunity to be heard, and then only if the Governing Body reasonably determines denial is necessary to protect the public health and safety of the public. This is the first reading of the ordinance.

3. Community Center Update.

Assistant City Administrator Meredith Hauck presented the monthly Community Center Update.

4. Monthly Finance Report.

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

B. Community Development/Public Works/CIP

1. CIP Update.

Public Work Superintendent, Jim MacDonald presented the following CIP updates:

2018 Storm Drain Repairs- The contractor has started backfilling, asphalt wedging and restoring around the curb inlets. Staff is working on a punch list for the contractor to complete before final payment and acceptance is provided.

Residential Sidewalk Infill-There is a Public Meeting scheduled for May 19th. Staff anticipates the job going out for bid in May, with construction to begin in June.

CARS 67th Street Improvements-The preliminary design is nearly complete. Staff anticipates receiving the preliminary design from the engineer for review in late April.

Switzer Mill and Overlay-The inter-local agreement with Shawnee is complete. The project will extend from 47th St. to 55th St and 69th St. to 75th St. The current construction schedule will begin on the north portion in June. The south portion is anticipated to begin in August.

VII. STAFF ITEMS

City Administrator Chris Engel reminded the Council that the 5701 Meriam Drive Committee will meet tomorrow night in the South Park Room of the Community Center. As well, the first public input meeting on the future of 5701 Merriam Drive will be held on April 29th at the Community Center.

Mr. Engel also reminded the Council that the CIP tour will be on April 19th. There will be a small presentation, lunch and then board the bus for the tour.

VIII. NEW BUSINESS-there was no new business.**IX. EXECUTIVE SESSION**

COUNCILMEMBER HUPP MOVED THAT THE COUNCIL RECESS INTO EXECUTIVE SESSION TO DISCUSS POSSIBLE STAFF EMPLOYMENT STATUS CHANGES AS JUSTIFIED BY K.S.A. 75-4319(B)(1), WHICH ALLOWS THE CITY COUNCIL TO RECESS INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS OF NON-ELECTED PERSONNEL. PRESENT WILL BE THE CITY ADMINISTRATOR, ASSISTANT CITY ADMINISTRATOR, CITY ATTORNEY AND GOVERNING BODY. THE OPEN MEETING WILL RESUME IN THE COUNCIL CHAMBERS AT 8:35 PM. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

The meeting reconvened at 8:35 pm.

X. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL, COUNCILMEMBER FRISBY MOVED TO ADJOURN AT 8:35 PM. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

APPROVED: April 22, 2019

Respectfully submitted,

Juliana Pinnick

Juliana Pinnick
City Clerk