

**MERRIAM CITY COUNCIL AGENDA
CITY HALL
9001 WEST 62ND STREET
MARCH 14, 2016
7:00 P.M.**

<p>If you require any accommodation (i.e. qualified interpreter, large print, reader, hearing assistance) in order to attend this meeting, please notify the Administrative Office at 913-322-5500 no later than 24 hours prior to the beginning of the meeting.</p>

I. CALL TO ORDER - PLEDGE OF ALLEGIANCE

II. ROLL CALL

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 February 22, 2016.
2. Consider approval of the purchase of One (1) John Deere Backhoe/Loader in the amount of \$118,578.
3. Consider approval of an additional transfer of \$1,500,000 to the Capital Improvement (CIP) Fund from the General Fund for 2015.
4. Consider approval of a bid award to AmeriFence in the amount of \$54,560.35 for various fence projects.

V. MAYOR'S REPORT

1. Swearing in of Police Officer Matthew Hirsch.

VI. COUNCIL ITEMS

A. Finance and Administration

1. Merriam Visitors Bureau Annual Report.
2. Consider approval of proposed changes to Chapter 5-192 (Caterers Issuance of License) of the Merriam Code of Ordinances, waiving the license tax associated with the application of a caterer's license for City coordinated and funded special events.
3. Consider approval of an ordinance amending Chapter 8 (Animals) of the Merriam Code of Ordinances.(recommend waiving the first reading)
4. Monthly Finance Report.

B. Community Development/Public Works/CIP

1. Executive Session-Real Estate acquisition.
2. Consider approval of an ordinance authorizing and providing for the acquisition of lands or interests therein by condemnation for the purpose of street improvements in the vicinity of Farley Ave. between 67th and 69th Streets. (first reading).
3. Consider approval of the purchase of materials for the construction and installation of a shelter at Brown Park.
4. CIP Update.

VII. STAFF ITEMS

1. School District TIF Policy update.
2. Discussion regarding mental health co-responder program.
3. Update on Council Goals and Objectives.

VIII. NEW BUSINESS

1. Discussion regarding request from Infiniti of Kansas City to enter, clear and potentially purchase city property located at 69th and W. Frontage Rd.

X. EXECUTIVE SESSION

XI. ADJOURNMENT

Respectfully submitted,

Juliana Pinnick

Juliana Pinnick
City Clerk

MERRIAM CITY COUNCIL MINUTES
CITY HALL
9001 WEST 62ND STREET
FEBRUARY 22, 2016
7:00 P.M.

If you require any accommodation (i.e. qualified interpreter, large print, reader, hearing assistance) in order to attend this meeting, please notify the Administrative Office at 913-322-5500 no later than 24 hours prior to the beginning of the meeting.

I. CALL TO ORDER - PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

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

Staff present: Phil Lammers, City Administrator; Mike Daniels, Police Chief; Bryan Dyer, Community Development Director; Michelle Daise, City Attorney; Kevin Bruemmer, Public Works Director 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.**

Lou Ferlo, 9897 W. 70th St. addressed the council regarding concerns over the proposed improvements to W. 70th St and Farley Ln. His major concern with the proposed improvements is that traffic and the speed of the traffic going down 70th St. to Farley will increase. Currently the road has been reduced to one-way traffic which has reduced the traffic going through the area. He voiced concerns over the proposed drainage changes and he feels that the drainage will go into Turkey Creek much faster than it does currently.

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.

Council items:

V. MAYOR'S REPORT

VI. PLANNING COMMISSION

VII. COUNCIL ITEMS

A. Finance and Administration

1. Approval of the minutes of the City Council Meeting held February 8, 2016.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE THE MINUTES OF THE FEBRUARY 8, 2016 CITY COUNCIL MEETING. COUNCILMEMBER WEEMS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

B. Community Development/Public Works/CIP

1. Community Development Update.

Community Development Director Bryan Dyer provided the following updates:

The Community Development Department is continuing to work with the software vendor CitizenServe to get the forms and letters finalized for the Landlord Licensing and Code Enforcement portion of the program.

Staff has met and is working on a Neighborhood Outreach plan to get citizens engaged with addressing issues in their neighborhoods.

Baron BMW has received approval for their final development plan. The plan is to enclose the southeast portion of the building. The finished product will have a smooth white finish and will add a square element to the building. This is a corporate change to the look of the dealership.

The City Planner has been busy scanning CIP and building plans in an effort to reduce the paper copies of plans.

The Landlord licensing program is finishing up the renewals for 2016. 330 landlords have renewed; only 2 licenses remain to be renewed. The program is very successful with regard to keeping the properties in good condition through our inspections.

Councilmember Weems asked if Merriam's Landlord Licensing program is similar to what Overland Park is now beginning to implement.

Mr. Dyer responded that many other cities have contacted Merriam inquiring about our Landlord Licensing program. Overland Park is currently only conducting exterior inspections.

VIII. STAFF ITEMS

1. Discussion regarding changes to Animal Control regulations.

Police Chief Mike Daniels provided the background for this item.

In late 2015 the city received information from Great Plains SPCA that they were contemplating changes to their organization that would impact our contract for animal impound services. As of this Friday the facility on 67th Street will no longer be housing animals. Further conditions requested by Great Plains SPCA are that we reduce the required number of days they keep impounded dogs from 5 to 3 days (state law only requires the animals to be held for 3 days), that we no longer impound cats (unless they are sick or injured) and they will no longer quarantine animals in bite cases. The Police Department has been working towards not impounding cats for several years now and has implemented a good process to deal with any potential cat problems.

Due to these changes in Great Plains operation, staff had several meetings and have been able to work out most of the concerns from both sides to allow us to continue to contract our main animal impound services with Great Plains SPCA however, a supplemental contract with Unleashed Pet Rescue and Adoption may be needed to impound any animals that Great Plains will not accept, specifically cats and animals that need to be quarantined for the required 10-day rabies bite observation.

These negotiations have prompted a need for some changes in our operations that will require changes to Chapter 8 Animals of the Merriam Municipal Code.

Code changes would include changes to match state law requiring Great Plains to hold impounded animals for a minimum of 3 days before putting them up for adoption.

Other code changes forthcoming would be to remove the Special Pet Permit process. Currently if a citizen wants to have more than 2 dogs or 3 cats they are required to obtain a Special Pet Permit. To obtain the permit the CSO's are required to conduct an investigation into the condition of the home, the ability to harbor the additional animal and to speak with each neighbor to find out if they have any objections. Staff would prefer to remove this process and allow citizens to have up to 3 dogs and 3 cats per household without any additional permits or costs above the annual pet license.

2. 2015 Year in Review video.

The 2015 Year in Review video was played for the council and audience.

City Administrator Phil Lammers commented that staff has been meeting with folks from the Shawnee Mission School District regarding TIF incentives on development projects and the impact of those TIF's on the School District. The School Board is having a meeting tonight and will be reviewing a proposed TIF policy that the district plans to adopt. Merriam has sent to staff members to the meeting to speak on this item.

IX. NEW BUSINESS

1. Discussion regarding increasing the legal age to purchase tobacco products.

Councilmember Al Frisby commented that at the last council meeting he indicated a desire to explore the possibility of increasing the legal age to purchase tobacco products from 18 to 21. Many surrounding cities in Missouri and now Prairie Village has passed legislation to this effect. As a former smoker and educator, Councilmember Frisby feels this is the right thing to do as many smokers start smoking before the age of 21. Peer pressure from other teens to use tobacco products is widespread and anything the city can do to possibly prevent someone from smoking or using tobacco products is important.

Councilmember Pape commented that he did some quick research on this issue and found that there is an organization that is suing some cities in California that have changed the sale from 18 to 21 because it conflicts with the state law in California which allows tobacco sales at age 18. His

concern is that more of these lawsuits will come forward as cities change their local laws that don't match state law.

Councilmember Wymer commented that he feels that if the state wants to make that change to the law he would support it, but does not feel that the city should take on this issue.

Councilmember Weems commented that as a nurse he sees the effects of smoking on patients. While he feels this is a good thing however, he agrees with Councilmember Wymer that this issue should be addressed by the state as the possession of tobacco products by folks under 21 will not be illegal; it will only make the sale to those under 21 illegal.

Councilmember Hands commented that even if the city were to change the law on the sale of tobacco she feels that teenagers will find a way to get these products anyway. And she would be concerned for potential lawsuits.

Councilmember Hupp agreed that this appears to be a state issue and not a local legislative issue.

Councilmember Diebold commented that while he agrees that this change in the law would be good he is not sure if the impact will be that high on reducing young smokers and tobacco users.

Mayor Sissom commented that there does not appear to be council support for this item to move forward with this item.

X. EXECUTIVE SESSION

COUNCILMEMBER FRISBY MOVED THAT THE COUNCIL RECESS INTO EXECUTIVE SESSION PURSUANT TO THE KANSAS OPEN MEETINGS ACT EXCEPTION FOR CONSULTATION WITH LEGAL COUNSEL. PRESENT WILL BE THE GOVERNING BODY, CITY ATTORNEY AND CITY ADMINISTRATOR. THE MEETING WILL RECONVENE IN THE COUNCIL CHAMBERS AT 8:10 PM. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

The meeting reconvened at 8:10 pm.

XI. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL. COUNCILMEMBER HUPP MOVED TO ADJOURN AT 8:11 PM. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

Respectfully submitted,

Juliana Pinnick

Juliana Pinnick
City Clerk

DRAFT

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider approval of the purchase of One (1) John Deere Backhoe/Loader

Department: Public Works

Background/Description of Item:

For several years the City has purchased vehicles in cooperation with the Mid-America Council of Public Purchasing (MACPP). We have an opportunity through MARC to use the Houston-Galveston Area Council's (HGAC) which is their off-road equipment affiliate.

Municipalities save money on vehicle purchases through MACPP and/or HGAC due to large volume purchasing. The MACPP and HGAC are established chapters of the National Institute of Governmental Purchasing, Inc. This association has developed cooperative relationships with many governmental agencies in the Kansas City Metro Area to develop efficient purchasing methods and practices in governmental procurement. They also encourage maintenance of ethical standards in buying and selling, and they promote uniform public purchasing laws and simplified standards of specifications. The use of MACPP or HGAC ensures quantity bid pricing along with standardization in equipment purchasing. It has also seriously reduces staff time.

Using the MARC/HGAC process, Murphy Tractor had the lowest/best bid. Therefore, staff recommends purchase of a John Deere Backhoe/Loader from Murphy Tractor & Equipment Co. in the amount of \$118,578; the 2016 budget has \$120,000 for this purchase which is under the budgeted amount by \$1,400.

Funding Source: Equipment Reserve Fund, Public Works line item 222.3010.430.7420.

Funding Source Reviewed by: Cindy Ehart

Recommendation: Approve the purchase one backhoe/loader in the amount \$118,578

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider approval of an additional transfer of \$1,500,000 to Capital Improvement Fund from General Fund for 2015

Department: Finance/Administration

Background/Description of Item:

The goal of Merriam's Capital Improvement Program (CIP) is to provide funding for repair and replacement of worn out and antiquated facilities and infrastructure. The current 5-year CIP contains a full schedule of street, stormwater and other projects. Additionally, the 2016 needs assessment may lead City Council to authorize major renovations or replacement of the community center and pool. The recent mechanical and structural review for the community center estimated that costs will range from \$6 million to \$15 million, depending on the scenario. As currently programmed, the 5-year CIP will require additional funding sources for this project.

General Fund has ended 2015 with a strong fund balance of \$7.6 million (preliminary/ unaudited) as compared to the 2014 balance of \$6.77 million. The increase provides an opportunity to strengthen the Capital Improvement Fund (fund #301) with an additional transfer of \$1,500,000. The transfer will not affect compliance with City's fund balance policy. Post-transfer fund balance for combined General and Risk Management Funds will be 42% of operating revenues, exceeding the target range 30%-35%.

Because the transfer is not based upon General Fund sales/use tax collections and it exceeds transfer levels specified by policy, City Council authorization is requested.

Related Ordinance, Statute or Policy: KS 12-1,118 (multi-year CIP funds); Council Policies No. 116 Capital Improvement Funding, No. 102 Budget Amendments, and No. 127 Fund Balance/ Reserve Policy

Recommendation: Staff recommends transfer of an additional \$1,500,000 to Capital Improvement Fund (fund #301) from General Fund for 2015.

Prepared by: Cindy Ehart, Finance Director

Date: March 10, 2016

City of Merriam, KS
General Fund
12/31/2015
Unaudited - Preliminary

	Year to date		Over/(Under) Estimated	
	Actual	Estimated	Amount	%
<i>Beginning Fund Balance</i>	\$ 6,770,394	\$ 6,770,394	-	
<i>Revenues:</i>				
1% City Sales Tax	7,449,269	7,556,450	(107,181)	-1%
City Use Tax	536,426	650,000	(113,574)	-17%
County Sales Taxes - All	1,719,594	1,682,881	36,713	2%
Property/Motor Vehicle Taxes	3,539,499	3,505,325	34,174	1%
Franchise Fees	1,459,194	1,472,500	(13,306)	-1%
Court Fines	1,208,506	1,100,000	108,506	10%
Licenses/Fees/Permits	570,716	345,800	224,916	65%
Charges for Service	306,337	231,587	74,750	32%
All Other Revenues	254,944	236,600	18,344	8%
<i>Total Revenues</i>	\$ 17,044,485	\$ 16,781,143	\$ 263,342	2%
<i>Expenditures:</i>				
Salaries and Benefits	\$ 7,168,078	\$ 7,463,860	\$ (295,782)	-4%
OP Fire Services	2,000,517	2,076,255	(75,738)	-4%
Utilities	428,140	424,120	4,020	1%
Legal	69,181	91,585	(22,404)	-24%
Property Maint	541,104	658,114	(117,010)	-18%
Specific Contractual	211,152	222,704	(11,552)	-5%
Other Contractual	615,295	725,160	(109,865)	-15%
Gasoline/Diesel Fuel	110,300	222,222	(111,922)	-50%
Other Commodities	519,996	571,588	(51,592)	-9%
CIP/Equip Reserve Transfers	4,431,919	4,508,225	(76,306)	-2%
All Other	102,220	64,838	37,382	58%
<i>Total Expenditures</i>	\$ 16,197,902	\$ 17,028,671	\$ (830,769)	-5%
<i>Ending Fund Balance</i>	\$ 7,616,977	\$ 6,522,866	\$ 1,094,111	17%
less proposed CIP Transfer 3/14/2016	(1,500,000)			
Post-transfer Fund Balance	\$ 6,116,977			

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider bid award for the 2016 Fence Repair Program.

Department: Public Works

Background/Description of Item:

In the CIP for 2016 there is allowance for the replacement of approximately 1,710 linear feet deteriorated wood privacy fence along the Streamway Park Trail from 75th St to Chatlain Park and approximately 1058 linear feet chain link fence. Also included are repairs to chain link fence in various locations around the City. On March 8, 2016 the City Clerk opened bids from two fence contractors:

AmeriFence	\$54,560.35
Guier	\$72,580.00

Staff has checked the bids for accuracy and found no errors. Staff has also checked references for AmeriFence and found them to be positive. Therefore, staff recommends the bid of AmeriFence as the lowest/best bid in the amount of \$54,560.35; the 2016 budget has \$72,050.00 for this project which is under the budgeted amount by \$17,489.65.

Funding Source: General CIP Projects 301.0000.519.4510

Funding Source Reviewed by: Cindy Ehart

Recommendation: Approve the bid of AmeriFence for a total cost of \$54,560.35.

Prepared by: Kevin Bruemmer

Date: 3/9/16

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider modifying City Code Sec. 5-192 Issuance of license, waiving the license tax associated with the application of a caterer's license for City coordinated and funded special events.

Department: Parks & Recreation

Background/Description of Item:

At the January 11, 2016 City Council meeting, staff sought direction on investigating the possibility of allowing the sale of alcoholic beverages at the Merriam Marketplace during select Parks and Recreation special events. At that time, with limited investigation, staff believed that there were three options available. Upon further investigation into City Code and State statutory provisions, staff determined that a different option could be a better fit for this type of event.

City Code Section 5-4(c) allows beer, wine and champagne to be sold and consumed on certain City-owned property, including the Merriam Marketplace, so long as the sale and serving of such alcoholic liquor occurs pursuant to a state and local caterer's license. The current local license tax for a City caterer's license is \$500 every two years. Staff would like for Council's input regarding the possibility of waiving such local license tax for caterers who sell alcoholic liquor at special events coordinated and funded by the City of Merriam.

The purpose of waiving the fee for these events is to entice vendors to participate in events without having to incur an additional expense that may not be cost effective otherwise. Alcohol vendors, like other food truck vendors, will pay a fee to participate in the event and would still be required to maintain all applicable local and State requirements and licensures. Because a caterer's license is required, this could limit the involvement of local businesses in the food truck event, but it could provide the opportunity to feature local brewers and wineries which would fit perfectly with the Wednesday Market mission.

The Parks and Recreation Advisory Board unanimously supported this recommendation at the February 2016 meeting.

If the Council is supportive of staff's recommendation to allow for waiver of the local license tax for caterers at City coordinated and funded special events, staff will proceed with drafting an ordinance amending Sec. 5-192 for Council consideration at a future meeting.

Staff Recommendation: Staff recommends drafting revisions to City Code Sec. 5-192 regarding the option to waive the local license tax associated with the issuance of a caterer's license in order to accommodate the sale of alcoholic liquor by State licensed caterers at City coordinated and funded events.

AGENDA ITEM INFORMATION FORM

Agenda Item: Merriam Municipal Code changes to Chapter 8 Animals of the

Department: POLICE

Background/Description of Item:

In late 2015 we received information from Great Plains SPCA that they were contemplating changes to their organization that would impact our contract for animal impound services. We have had several meetings and have been able to work out most of the concerns from both sides to allow us to continue to contract our main animal impound services with Great Plains SPCA and a supplemental contract with Unleashed. These negotiations included some changes in our operation that will require some changes to Chapter 8 Animals of the Merriam Municipal Code.

The conditions requested by Great Plains SPCA are that we reduce the required number of days they keep dogs from 5 to 3 days as required by state law, that we no longer impound cats (unless they are sick or injured) and they will no longer quarantine animals in bite cases. We have established working relationship with Unleashed Pet Rescue and Adoption to allow them to impound any animals that Great Plains will not accept, specifically cats and animals that need to be quarantined for the required 10-day rabies observation.

To meet these conditions I would like to change our city ordinance to match state law and require the companies we contract with to hold impounded animals for a minimum of three days before putting them up for adoption.

We would also like to remove our Special Permit process. Currently if a citizen wants to have more than 2 dogs or 3 cats we require them to obtain a permit. To obtain the permit the CSO's are required to conduct an investigation into the condition of the home, the ability to harbor the additional animal and to speak with each neighbor to find out if they have any objections. I would like to remove this process and allow citizens to have up to 3 dogs and 3 cats per household without any additional permits or costs above the annual pet license.

Related Ordinance or Statutes: Chapter 8 - Animals

Recommendation: Adopt the suggested changes to Chapter 8 – Animals

Funding Source: N/A

ORDINANCE NO. _____

AN ORDINANCE RELATING TO ANIMALS, AMENDING CERTAIN SECTIONS OF CHAPTER 8 OF THE CODE OF ORDINANCES OF THE CITY OF MERRIAM, KANSAS, RELATING TO THE MAXIMUM NUMBER OF DOGS AND CATS ALLOWED; SPECIAL PERMIT PROVISIONS; AND REVISIONS TO THE IMPOUNDMENT PERIOD AT ANIMAL SHELTERS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MERRIAM, KANSAS THAT:

SECTION 1. Section 8-130 of the Code of Ordinances of the City of Merriam, Kansas, is hereby amended to read as follows:

Sec. 8-130. – Confinement of animal; alternative confinement on owner's premises; notice to owner.

- (a) Upon receipt of notification that an animal bite incident has occurred, or when an animal is suspected of having rabies, the community services officer shall make reasonable effort to contact the owner of the animal involved in the incident or report, if known, and advise the owner to place the animal immediately with a regularly licensed and practicing veterinarian of the owner's choice for a confinement period of a minimum of ten days from the time of the occurrence of the bite. The exact period of confinement may be longer than ten days at the discretion of the veterinarian selected. If the owner fails to comply with the provisions of this section within 24 hours of notification, the owner shall be deemed in violation of this division and the community services officer shall take such animal into custody and commit it for the above described confinement period. The owner shall be liable for all costs incurred as a result of confinement.
- (b) As an alternative to subsection (a), the community services officer may authorize the confinement of the animal on the owner's premises if, at the time of the bite, the owner produces a rabies vaccination certificate showing that the animal has been vaccinated with a vaccine currently in effect or the vaccination currently in effect can be otherwise be verified by the community services officer. The expiration date of the rabies vaccination shall be recorded on the vaccination certificate along with positive identification of the animal for which such certificate is issued. The owner of the animal must agree to keep the animal confined as directed by the community services officer and further agree to allow the animal to be examined periodically to determine its physical condition during the confinement period. The animal must be confined as directed by the community services officer.
- (c) In the event that an owner of a biting animal or animal that is suspected of having rabies cannot be located, the community services officer shall take such animal into custody and impound the animal at an animal shelter or veterinary premises for a period of not less than ten days from the time of the occurrence of the bite. If the owner seeks to claim the animal during the confinement period, the provisions of subsection (a), or in the discretion of the community services officer the provisions of subsection (b), shall govern the confinement of the animal.

SECTION 2. Section 8-154 of the Code of Ordinances of the City of Merriam, Kansas, is hereby amended to read as follows:

Sec. 8-154. - Dogs; maximum number allowed.

- (a) Owning or harboring more than three dogs older than six months of age upon any one premises or property, or in any dwelling or living quarters of any type, within the city without a license for the operation of a kennel, is unlawful and shall constitute a nuisance per se.
- (b) Exception. The provisions of this section shall not apply to the owning or harboring of the following:
 - (1) Assistance dogs;
 - (2) Police dogs;
 - (3) Dogs owned or harbored by:
 - a. A licensed veterinarian upon veterinary premises;
 - b. A research facility;
 - c. A person designated and authorized as an animal rehabilitator by the state department of wildlife and parks;
 - d. An animal shelter licensed by the state animal health department for the purpose of impounding, sheltering or caring for animals;
 - e. A pet shop licensed by the state animal health department; or
 - f. An individual or business entity that possesses a city occupational permit that temporarily harbors animals for grooming purposes.

SECTION 3. Section 8-155 of the Code of Ordinances of the City of Merriam, Kansas, is hereby amended to read as follows:

Sec. 8-155. - Cats; maximum number allowed; exceptions.

- (a) Owning or harboring more than three cats older than six months of age upon any one premises or property, or in any dwelling or living quarters of any type, is unlawful and shall constitute a nuisance per se.
- (b) Exceptions. The provisions of this section shall not apply to cats owned or harbored by the following:
 - (1) A licensed veterinarian upon veterinary premises;
 - (2) A research facility;
 - (3) A person designated and authorized as an animal rehabilitator by the state department of wildlife and parks;
 - (4) An animal shelter licensed by the state animal health department for the purpose of impounding, sheltering or caring for animals;
 - (5) A pet shop licensed by the state animal health department; or

- (6) An individual or business entity that possesses a city occupational permit that temporarily harbors animals for grooming purposes.

SECTION 4. Section 8-221 of the Code of Ordinances of the City of Merriam, Kansas, is hereby amended to read as follows:

Sec. 8-221. - False or incomplete information.

Providing false or incomplete information on any application for license or registration required or provided for in this chapter is unlawful and may result in the denial of the applied for license or registration.

SECTION 5. Section 8-274 of the Code of Ordinances of the City of Merriam, Kansas, is hereby amended to read as follows:

Sec. 8-274. - Authority to impound.

- (a) The community services officer is authorized to take up and impound any animal running at large in violation of the terms of this chapter, any animal that has bitten a person or another domestic animal, or any animal suspected of having a disease transmittable to human beings.
- (b) Those animals specified herein may be taken up or impounded even though no citizen makes a complaint and even though the community services officer issues no notice to appear. The community services officer, upon picking up or receiving any animal for impoundment, shall make a complete record entering the breed, color, description and gender of such animal, and the number of the license tag if the animal is licensed.
- (c) It is further provided that if any animal taken up pursuant to this article is unacceptable by the city-designated animal shelter due to serious injury or due to such animal being infected with a communicable disease, the city may dispose of such animal.
- (d) Notwithstanding the above, if an animal is impounded pursuant to a report that any person or other animal has been bitten by that animal, it shall be held as set forth in section 8-130 or 8-132.

SECTION 6. Section 8-276 of the Code of Ordinances of the City of Merriam, Kansas, is hereby amended to read as follows:

Sec. 8-276. - Impoundment period.

An impounded animal shall be confined in the city-designated animal shelter for a period of three days from the date such animal is impounded. If the owner does not reclaim his animal during the three-day period, or if the community services officer is unable to locate and notify the owner after making a good faith effort to do so within the three-day period, then the animal shall become the property of such city-designated animal shelter.

SECTION 7. Repeal. Section 8-132 and sections 8-213 through 8-220 of the Code of Ordinances of the City of Merriam, Kansas, are hereby repealed.

SECTION 8. Repeal. Sections 8-154, 8-155, 8-221, 8-276 of the Code of Ordinances of the City of Merriam, Kansas as they existed prior to the above amendment are hereby repealed.

SECTION 9. Existing Sections. Those sections of Chapter 8 of the Code of Ordinances of the City of Merriam, Kansas not heretofore repealed or repealed hereby shall remain in full force and effect.

SECTION 10. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance and the Governing Body hereby declares that it would have passed the remaining portions of this Ordinance if it would have known that such part or parts thereof would be declared invalid.

SECTION 11. Take Effect. This ordinance shall be in full force and effect from and after its passage, approval, and publication in the official city newspaper, all as provided by law.

PASSED BY THE City Council the _____ day of _____, 2016.

APPROVED BY THE Mayor this _____ day of _____, 2016.

Ken Sissom, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM

Juliana Pinnick, City Clerk

Michelle D. Daise, City Attorney

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider approving the Ordinance (First reading) to begin the eminent domain process to acquire easements associated with the Farley Avenue Improvement Project.

Department: Capital Improvements

Background/Description of Item:

The 2016 Capital Improvement Plan includes the Farley Avenue Street Improvement Project. The project includes a twenty-four foot wide asphalt street, curb and gutter, storm sewer drainage facilities, and a six-foot wide ADA accessible sidewalk along the west side of the roadway.

BHC-Rhodes Inc. has completed approximately ninety-five percent of the final design. CIP Staff has held two public meetings on the project with an average of twenty citizens attending each night. Discussion at the meetings has been spirited and mixed both for and against the project. Areas of concern include: one-way versus two-way street design; the speed of cars on new roadway once complete; and increased traffic through the neighborhood also after the project is complete. A third and final public meeting will occur this spring following the selection of a contractor to construct the project.

The project is adjacent to seventeen properties. The current plan impacts fourteen of those properties and necessitates the need to acquire temporary and permanent easements from them. Permanent easements are necessary for the retaining walls on both ends of the project as well as storm sewer infrastructure. Temporary easements are mostly needed to “match in” the new grade to the existing topography. To date, Mr. Amrein, The Land Company, has successfully acquired easements from six properties and he will continue to work on acquiring more of them. Every attempt will be made to amicably acquire all easements by negotiation before the second reading of this ordinance occurs.

The following is a schedule of events to keep the project on track to be substantially complete before next winter:

Jan. 11 th –	Resolution declaring intent to condemn passed
March 14 th –	Ordinance with formal authorization and provision for condemnation (1 st reading).
March 28 th –	Project advertised
	Ordinance with formal authorization and provision for condemnation (2 nd reading)
Mid-April –	Condemnation District Court hearings scheduled
April 25 th	Project bid award
Mid-May –	Final condemnation determination by District Court
May 16 th	Notice to Proceed
Nov. /Dec.	Project substantially complete

Attachment: Ordinance

Related Ordinance(s) or Statute(s): Eminent Domain Pre-court Procedure (K.S.A. 26-201 et seq.)

Recommendation: Staff recommends that the Council consider the first reading of the ordinance providing for the condemnation of easements necessary for the Farley Avenue Improvement Project.

Funding Source: Special Sales Tax

Prepared by: Gerry Vernon, CIP Director

Date: March 10, 2016

**CITY OF MERRIAM
ORDINANCE NO. _____**

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF LANDS OR INTERESTS THEREIN BY CONDEMNATION FOR THE PURPOSE OF STREET IMPROVEMENTS IN THE VICINITY OF FARLEY AVENUE BETWEEN 67TH AND 69TH STREETS IN THE CITY OF MERRIAM, KANSAS.

WHEREAS, the Governing Body of the City of Merriam, Kansas, by Resolution No. 869, which was published on January 19, 2016, declared the necessity for acquiring interests in private property and authorized a survey and description of lands or interests therein to be condemned by the City for the following purpose:

Residential street improvements located in the vicinity of Farley Avenue between 67th and 69th Streets to re-establish a fully functional two-way residential street designed with a twenty-four foot wide asphalt street, curb and gutter, storm sewer drainage facilities, and a six-foot wide ADA accessible sidewalk along the west side of the roadway, and including all other work necessary and incidental thereto, which are collectively referred to as the "Improvements;" and

WHEREAS, said survey and descriptions of land or interests therein has been made and filed with the City Clerk of the City of Merriam, Kansas.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MERRIAM, KANSAS THAT:

SECTION 1. It is hereby authorized and provided that the land or interest hereinafter set forth be acquired by condemnation pursuant to K.S.A. 26-201 for the purpose of construction of the Improvements:

Tract No.	Situs Address	Parcel Number	Owner	Property Interest*		
				PDE	AE	TCE
5	6821 Wedd Street	JP25000003 0005	Ventura Lobato Lorena Lobato			847
7	6800 Farley Avenue	JF241213-2006	Jarrod L. Ousley Heather M. Ousley			12894
8	6760 Farley Avenue	JF241213-2005	Luke Jacobs Sara Jacobs			1750
9	6700 Farley Avenue	JP25000003 0041	Chadwick Avila Katherine Avila	945		481
10	9825 W. 67th Street	JF241213-2011	67th Street Holdings, LLC	1200	625	13487
11	6801 Farley Avenue	JF241213-2012	Dierk W. VanKeppel Lori E. Jones			1433
14		JF241213-2027	Dierk W. VanKeppel, Trustee Lorie Elizebeth Jones, Trustee			400
15	9897 W. 70 th Street	JF241213-2004	Louis D. Ferlo Beverly A. Ferlo	1408		7083
Total Square Footage				3553	625	38375

- * **PDE** Permanent Drainage Easement
AE Access Easement (Permanent)
TCE Temporary Construction Easement

SECTION 2. It is further authorized and provided that as soon as practical, after enactment of this Ordinance, action be initiated to exercise the power of eminent domain in accordance with K.S.A. 26-501, et seq., the Eminent Domain Procedure Act, to condemn all land and/or property interests hereinbefore described.

SECTION 3. This Ordinance shall take effect and be in full force and effect from and after publication in an official City newspaper as provided by law.

PASSED by the Governing Body this _____, 2016.

APPROVED by the Mayor this _____, 2016.

ATTEST:

KEN SISSOM, Mayor

Juliana Pinnick, City Clerk

APPROVED AS TO FORM:

Michelle Daise, City Attorney

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider approval of the purchase of materials for the construction and installation of a shelter at Brown Park.

Department: Parks & Recreation

Background/Description of Item:

As part of the 2016 Capital Improvement Project budget, \$90,000 was approved for installation of a shelter at Brown Park. The items included in the project scope are: Poligon shelter, picnic tables, drinking fountain with hose bib, grill, recycling containers, and brick enclosures for a dumpster and port-a-potty.

Staff solicited designs from five playground manufactures however only two submitted bids: Little Tykes/Poligon, and Landscape Structures. Little Tykes/Poligon submitted the lowest bid for the structure with installation and is the recommended vendor for purchase and installation. They have also been the vendor for the Vavra and Chatlain shelter projects.

The proposed site of the pavilion is where the tennis courts are currently located. This project will be a joint effort between Public Works and Parks and Recreation. Public Works will be responsible for:

- soil testing needed for piers
- removal of fence surrounding tennis court
- site preparation for the concrete pad and piers to be installed over the existing tennis court
- removal of excess tennis court surfacing
- oversight of the pouring of concrete pad and piers
- trenching electric service from KCPL power source to shelter
- installation of grill, recycling containers, relocation of existing trash containers and reseeded of grass and/or sod after the shelter is installed

Parks and Recreation Department will coordinate:

- purchase and installation of the shelter with Little Tykes/Poligon
- installation of brick enclosures
- installation of electricity to the shelter
- purchase and installation of new drinking fountain with hose bib
- purchase of site amenities (picnic tables, recycling containers, and grill)

The costs associated with the various components of this project are:

Poligon Shelter with installation	\$28,305	Little Tykes/Poligon
Concrete Pad / Footers & Electric	\$26,131	Bartec Construction McDonald Electric
Port-a-potty / Dumpster Enclosures	\$20,791	Becerra Masonry
Site Amenities	\$13,008	Pilot Rock
Contingency	\$1,765	
Total Project	\$90,000	\$90,000

Funding Source: General CIP, project #GM1605 Brown Park Pavilion

Staff Recommendation: Staff recommends approval of the purchase of materials for the construction and installation of a shelter at Brown Park.

Prepared by: Dave Smothers, Assistant Director of Parks & Recreation
 Reviewed by: Anna Slocum, Director of Parks & Recreation

Date: March 14, 2016

**CITY OF MERRIAM
INTEROFFICE MEMORANDUM**

TO: MAYOR AND THE CITY COUNCIL
FROM: GERRY VERNON, CAPITAL IMPROVEMENTS DIRECTOR
SUBJECT: MARCH CIP UPDATE
DATE: MARCH 14, 2016

Highlights:

- **Capital Program Development** – Staff has initiated development of the five year capital improvement program. Preliminary key dates are as follows:
 - March 11th – Staff internal kick-off
 - April 12th – Financial discussion review, last call for project updates
 - April 19th – Final draft for City Administrator review
 - April 21 – Packet ready for City Council distribution
 - April 22nd – CIP Tour
 - April 25th – CIP work session following regular Council meeting

- **Farley Avenue** – Easement acquisition continues and several of the utilities are organizing to relocate their infrastructure. Water One plans to mobilize next week and start relocating the water line on the north half of the project on March 21st. The water line work will occur in the right-of-way as the relocated water line will be under the new street. Farley will be closed intermittently during the construction that is expected to last two weeks. Water One will be sending a letter to the Farley Avenue residents and we will be informing others by posting on the web site and through the Farley Avenue email distribution list created for the project. The current project schedule is as follows:
 - March 28, 2016 Start Advertising
 - April 18, 2016 Open Bids
 - April 19, 2016 Prepare Bid Tab and Make Recommendation
 - April 20, 2016 Provide City Bid Tab and Recommendation
 - April 25, 2016 Award Contract
 - May 16, 2016 Notice to Proceed for Construction



- **SMP Bridge over BNSF Railroad** – I mentioned last month that KDOT plans to add roadway maintenance between the bridge and I-35. In discussing the project with the Public Works Director, it would be advantageous for the City to complete road maintenance on SMP west of the bridge to the City limits at the same time. Traffic control will be coordinated to minimize the impact of the maintenance but it will be fantastic to have SMP maintained from I-35 to the city limits in one fell swoop.
- **Meyer Creek** – VF Anderson is back on the project to complete any remaining and “punch list” repair items. We are retaining 10% of the original contract amount to ensure that all items are complete. It is expected that they should wrap the project up in the next few weeks.

Capital Improvement Active Project List

Last Updated 3/9/2016

PROJECT NAME	FUNDING SOURCES	BUDGETED PROJECT COST	ACTUAL PROJECT COST	STATUS	DESIGN CONSULTANT	PUBLIC MEETING #1	PUBLIC MEETING #2	PUBLIC MEETING #3	ENGINEER'S ESTIMATE	BID OPENING	AWARD AT COUNCIL	CONTRACTOR	CONTRACT AMOUNT	NOTICE TO PROCEED	PROJECTED SUBSTANT COMPLETION DATE
2015															
Residential Streets Group IV (54 St, 55 Ter/56 St, Garner, Hayes, Carter and Grant)	Special sales tax-Street/stormwater	\$2,705,000	\$2,540,561	Accepted 11/09/2015	Affinis	7/10/13	11/20/13	6/25/14	\$2,462,306.60	6/3/14	6/9/14	Kansas Heavy	\$2,161,517.55	7/7/14	10/30/15
Meyer Creek Improvement (Sherwood and Connell Dr.)	SMAC/Special Sales Tax	\$3,348,700		Construction	Affinis	11/12/13	4/15/14	2/24/15	\$3,408,621.00	2/3/15	2/9/15	VF Anderson	\$2,755,019.50	2/25/15	4/30/15
Antioch Street Overlay 67th to 75th Street	CARS/Special Sales Tax	\$280,000		Complete	Overland Park	N/A	N/A	N/A				O'Donnel & Sons		5/11/15	11/30/15
2016															
Farley Ave - 67th to 69th St	Special sales tax-Street/stormwater	\$1,872,500		Easement Acquisition	BHC-Rhodes	6/17/15	11/19/15								
Shawnee Mission Pkwy Bridge over BNSF Rail Road	Special sales tax-Street/stormwater	\$2,844,950		Design	GBA										
Antioch Road Improvement W. 67th Street to Johnson Drive	CARS/Special Sales Tax	\$1,095,487		Design	BHC-Rhodes										
Corrugated Metal Pipe Replacement 47th/Eby/Antioch	General CIP	\$1,100,000		RFQ	TBD										
Residential Infill: 51st St., Merriam Lane, Campbell Lane	Special sales tax-Street/stormwater	\$2,326,500		RFQ	TBD										
West Frontage Road Improvements	I-35 Redevelopment	\$1,220,000		RFQ	TBD										
2017															
Sidewalk Infill	General CIP	\$1,815,000		RFQ	TBD										
Turkey Creek	General CIP/SMAC	\$5,740,750		Agency Review	USACE	7/25/01	10/19/11	8/14/13							

MEMO

TO: Mayor and City Council

FROM: Phil Lammers, City Administrator
Chris Engel, Assistant City Administrator

DATE: March 10, 2016

SUBJECT: Response to SMSD TIF policy

Due to the uncertainty surrounding school funding in Kansas, our local school board has recently begun to change their position related to certain long-standing economic development practices. The attached TIF Policy was created to address their belief that city-wide gains created by the judicious use of Tax Increment Financing (TIF) are actually harmful to their interests. This policy is concerning due to the veiled threat the school board will begin to exercise their statutory ability to veto the establishment of any TIF District they believe will have an “adverse effect” on their interests. To protect those interests, this policy attempts to insert school officials directly into the center of the economic development process traditionally conducted between developers and city leaders. Further, it attempts to dictate the terms to which cities and developers should conform if they are to be allowed to conduct business within the school district boundaries. As requested by the superintendent, city staff has formulated the following relevant points to address the TIF Policy and seeks City Council approval to incorporate them into a letter to the superintendent and school board president. A Resolution adopting this response can be prepared for the next council meeting.

Points to consider:

- Communities in the school district area are aging, that’s why redevelopment is more prevalent now. Redevelopment is usually costly and difficult. Additionally, in order to get significant economic development projects, public/private partnerships are critical.
- Traditionally the school district has been viewed as an investing partner in these projects along with the county, community college, park district and library. The state-imposed inability for the school district to fully realize the immediate financial gains of these partnerships ignores the traditional belief that “all boats rise in high tide”.
- The policy suggests the City will have to have the entire Project defined at the District phase. This is contrary to the process contemplated by and set out in the statutes. At the District step, the statutory process is to define the boundaries and make findings whether the area meets the blight/conservation criteria.
- The policy states: “...provide that excess revenue is to be captured to pay debt, with the TIF retired as early as possible.” Since most cities finance “pay go” TIF’s it would be helpful to clarify that this only applies when bonds are issued.

- The policy states that SMSD will get their analysis done in a timely manner. Many projects are working on tight timelines and cities have very specific schedules established in statute. It is concerning the school district could derail a project that is on a planned timeline.
- The policy acknowledges the school district “may employ consultants” to assist in their understanding of a project or process. Economic development is part of what city leaders and developers do on a regular basis and both routinely employ consultants. The hiring of additional consultants could be viewed as counterproductive or redundant if the stated reason is to save the school district money.
- The Policy is crafted under the assumption that economic development and the quality-of-life improvements it creates would happen in the absence of TIF or with an artificial limit of fifty percent or less. In reality, this limit will eliminate the economic feasibility of most projects. They will go to other areas that are friendlier to development.



Shawnee Mission School District

Office of the Superintendent

McEachen Administrative Center • 7235 Antioch • Shawnee Mission, Kansas 66204 • Phone (913) 993-6401 • Fax (913) 993-6230 • www.smsd.org

February 23, 2016

Mr. Phil Lammers
City Administrator
Merriam City Hall
9001 West 62nd Street
Merriam, KS 66202

Dear Mr. Lammers:

The SM board of education held a first reading at the February 22 board meeting of Board Policy DL, attached. The intent of this policy is to provide guidelines to the Shawnee Mission School District administration and board of education in reviewing tax increment financing proposals within the boundaries of the school district.

Please review the policy and provide written feedback no later than Friday, March 18. I am requesting that the written feedback be provided by one individual from your city representing the governing body and administration. One response from each entity will help us better streamline the process and help us understand the official position of your city. If you would like to discuss these guidelines, please either contact Dr. Southwick or myself.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Hinson", written in a cursive style.

Jim Hinson
Superintendent

cc: Mayor Ken Sissom



Book SMSD Policies
 Section D: Fiscal Management
 Title Tax Increment Finance (TIF) Review
 Number DL
 Status First Reading
 Legal

This policy describes the manner in which the Shawnee Mission School District will review proposals made by developers to establish redevelopment districts within the boundaries of the School District that rely on tax increment financing (TIF).

In conducting this review, the School District will be guided by K.S.A. 12-1771, which provides, in pertinent part, "No privately owned property subject to ad valorem taxes shall be acquired and redeveloped ... if ... the board of education levying taxes on such property determines by resolution adopted within 30 days following the conclusion of the hearing for the establishment of the redevelopment district ... that the proposed redevelopment district ... will have an adverse effect on such ... school district." The School District, by its board of education, will make an independent determination as to whether such a resolution should be adopted under the statute.

As a matter of policy, the School District is committed to (1) supporting economic development initiatives in the fourteen municipalities that make up the School District; (2) acting in partnership with the county, cities, and other taxing entities on economic development initiatives; and (3) ensuring that the tax base of the School District is not adversely impacted in the long term by the establishment of TIF redevelopment districts in a manner not contemplated by statute. To ensure the best possible review, the Shawnee Mission School District encourages a dialogue between the School District, the developer, and the host municipality commencing in the earliest stages of the TIF proposal process.

In conducting the review contemplated by statute, the School District will consider a variety of factors, including those set forth below.

1. An in-depth description of the TIF redevelopment district proposal, including all documents and supporting materials submitted to the municipality, should be submitted by the developer to the School District, in a timely manner.
2. The School District will review TIF redevelopment district proposals in light of applicable statutes and the policy underlying those statutes.
3. The School District will review the financial impact, short term and long term, of the TIF redevelopment district proposal on the School District and on its ad valorem tax base, and will encourage the submission of material that addresses those issues.
4. The School District will consider proposals made to ameliorate the financial impact of the TIF redevelopment district on the School District.
5. The School District will more favorably consider TIF redevelopment district proposals that (a) contain a sunset provision; (b) specify an ad valorem tax impact of fifty percent or less; (c) rely on sales tax rather than ad valorem taxes; or (d) provide that excess revenue is to be captured to pay

debt, with the TIF retired as early as possible.

6. The School District will subject TIF proposals that involve residential areas to greater scrutiny in light of the potential for increased service requirements on the district.
7. The School District will establish a committee to conduct the review described in this policy and to make recommendations regarding each TIF proposal to the board of education. The committee will include the superintendent, the deputy superintendent, the chief financial officer and a board member. The committee may employ consultants to gather information that will assist the School District and the board in conducting the review contemplated by statute and by this policy.

Last Modified by Terry Wintering on February 22, 2016

Merriam Police Department

MEMO

To: City Council
From: Chief Mike Daniels
CC: Phil Lammers
Date: March 10, 2016
Re: Discussion of Co-Responder

In 2015 the Northeast area police chiefs started a discussion about the problems related to Mental Health calls for service. We had been watching both Olathe and Overland Park benefit from a partnership with Johnson County Mental Health to provide a Mental Health Co-Responder for their agencies. We wanted to explore the possibility of providing this service to our officers and citizens.

We are proposing a partnership between Johnson County Mental Health and the 7 Northeast Police Departments (Merriam, Mission, Westwood, Roeland Park, Fairway, Prairie Village and Leawood) to provide a Mental Health Co- Responder, to be shared in the Northeast.

What is a Co-Responder?

- A Master Degree level mental health professional employed by Johnson County Mental Health, providing community based interventions and assessments for individuals coming into contact with law enforcement for mental health and/or substance abuse related calls for service

What is a Co-Responders Role?

- Respond with officers to the scene of calls involving individuals experiencing a mental health/substance abuse crisis
- Review police reports of calls they were not able to respond to and provide outreach
- Referral and care coordination for treatment

Benefits

- Higher quality of service with face to face intervention
- Right intervention at the right time
- Fewer people going to jail, who don't really belong there
- More efficient use of law enforcement time
- Build stronger relationships with law enforcement

I am here to answer any questions or concerns that you might have with our attempt to work this out between Johnson County Mental Health and the 7 Northeast agencies.

MEMO

TO: Mayor and City Council
FROM: Phil Lammers, City Administrator
DATE: March 10, 2016

SUBJECT: Proposed auto dealership and the sale of surplus city property

In the southern part of Merriam Pointe there is a large draw that carries surface water from Quail Creek and much of the impervious surface water to the north (see drawing attached). The draw is between Infiniti of Kansas City and the Hyundai Dealership. The land in question is labeled "Tract B" on the Merriam Point subdivision plat.

Richard Webb, Executive Manager for Infiniti, owns the back parcel of Tract B and the City of Merriam owns the frontage (about one acre). Staff is not clear on how or why we acquired our portion of Tract B. In general, the entire tract is a tortured piece of eroded land that has never been included in a Project Area for the Redevelopment District. Apparently, no developer viewed the land as having any commercial value. In fact the County Appraiser has it assessed at \$0. Richard and his partners think it can be redeveloped (see letter attached).

Mr. Webb will be present at the next City Council meeting to do two things:

- (1) Mr. Webb wants to purchase the city parcel. On Monday he will announce his interest in acquiring the city-owned frontage and explain to the council his plans to address the liabilities on the tract to build a new dealership, and
- (2) Ask the council if he can enter onto the city-owned property to clear and grub that property prior to any formal consideration of his offer to purchase the property. Clearing the entire tract now has the potential of saving him what might be a construction season.

Because his property borders ours to the west and north, it would be consistent with city practice to sell it to him after a surplus declaration and a value has been established.

Mr. Webb has been working with the principles of Merriam Investors, LLC. Merriam Investors developed, or co-developed Toyota, Lexus and Infiniti through a TIF Project Plan in the I-35 TIF District. At some point in the near future this partnership plans to submit a TIF Application and Project Plan for the tract.



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O F K A N S A S C I T Y

6960 W Frontage Road | Merriam, Kansas 66203 | p: (816) 941-0770 | f: (816) 410-3428

W W W . I N F I N I T I O F K C . C O M

March 7, 2016

To Whom It May Concern:

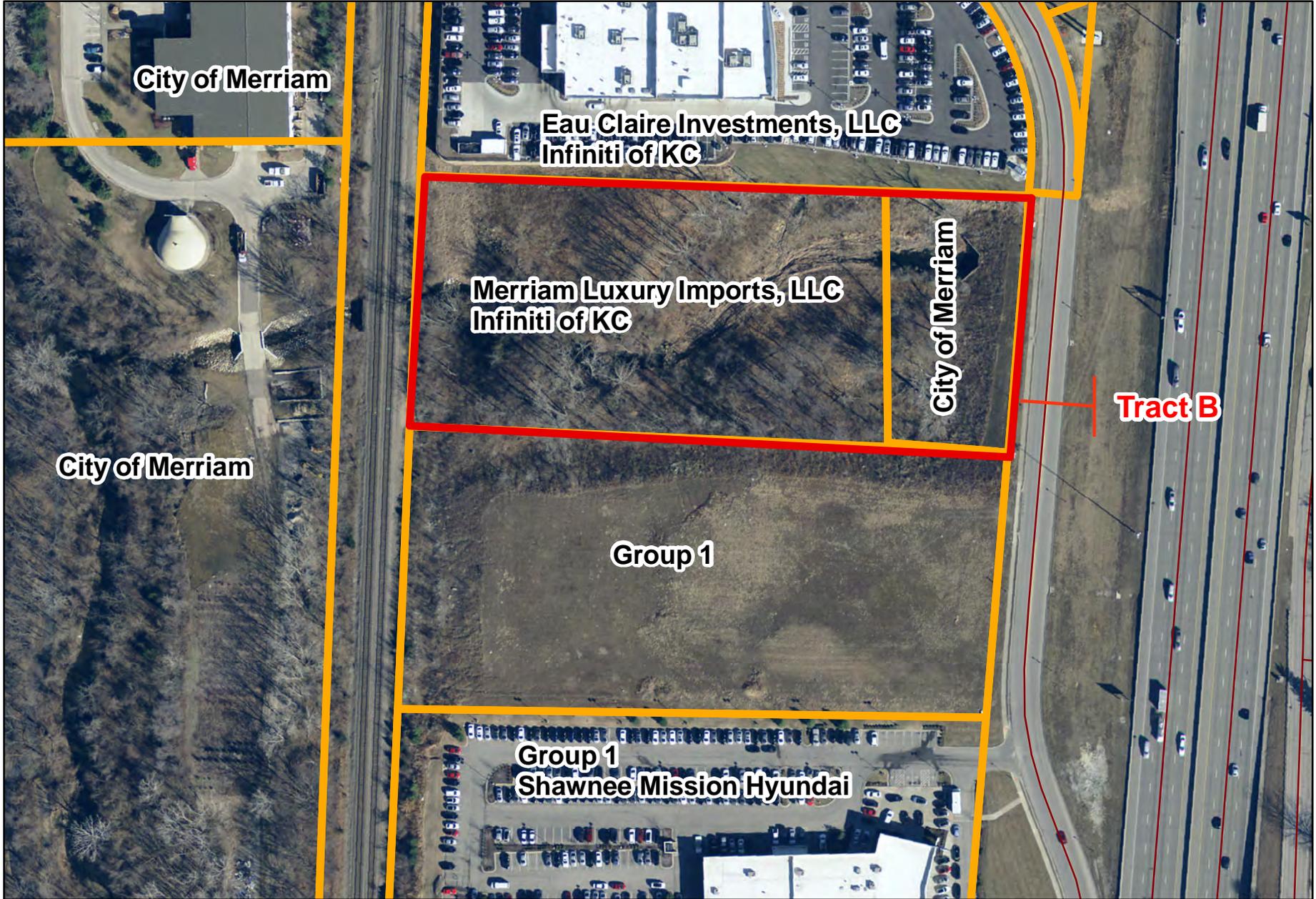
We're preparing to move forward with the beginning steps to expand our operation by developing "Tract B" (JP49000000 0T0B) south of Infiniti of Kansas City. The first step is to remove trees and brush. We would like to request a license to enter and permission to extend the clearing and removal of brush to the city-owned acre of land (JF241213-4024) east of "Tract B" adjacent to Frontage Road.

Since we own the property north and west of the county's acre, we would like to make an offer to acquire the remaining acre. We could then develop "Tract B" in its entirety and complete the Auto Complex in Merriam. Thank you in advance for your direction and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Webb". The signature is fluid and cursive, with a large initial "R" and "W".

Richard Webb
Executive Manager



City of Merriam

Eau Claire Investments, LLC
Infiniti of KC

Merriam Luxury Imports, LLC
Infiniti of KC

City of Merriam

Tract B

City of Merriam

Group 1

Group 1
Shawnee Mission Hyundai

CONSENT AGENDA

1. Move that the council approve Consent Agenda items 1-4.

MAYOR'S REPORT

1. No motion.

FINANCE AND ADMINISTRATION

1. No Motion.
2. Move that the council direct staff to draft an ordinance incorporating proposed changes to Chapter 5 of the Merriam Code of Ordinances related to caterers fees for city coordinated and funded special events.
3. Move that the council waive the customary first reading of an ordinance amending Chapter 8, Animals of the Merriam Code of Ordinances.
- 3a. Move that the council approve an ordinance amending Chapter 8, Animals of the Merriam Code of Ordinances.
4. No Motion.

COMMUNITY DEVELOPMENT/PUBLIC WORKS

1. Move that the council recess into Executive Session pursuant to the Kansas Open Meetings Act Exception to discuss matters related to property acquisition. Present will be the Governing Body, City Administrator, Assistant City Administrator, and CIP Director. The meeting will reconvene in the council chambers at _____pm.
2. No motion (first reading).
3. Move that the council approve the purchase of materials for the construction and installation of a shelter at Brown Park.
4. No motion.

STAFF ITEMS

1. Move that council direct staff to draft a resolution adopting the city's response to the Shawnee Mission School District's proposed TIF Policy.
2. No motion.
3. No motion.

NEW BUSINESS

- 1. Move that the council authorize staff to allow Infiniti of Kansas City to enter and clear city property located at 69th and W. Frontage Rd.**
- 2. Move that the council authorize city staff to negotiate and draft a real estate purchase agreement between the City of Merriam and Infiniti of Kansas City for property located at 69th & W. Frontage Rd.**

EXECUTIVE SESSION

Possible Executive Session:

Move that the council recess into Executive Session pursuant to the Kansas Open Meetings Act Exception to discuss matters related to property acquisition. Present will be the Governing Body, City Administrator and Assistant City Administrator. The meeting will reconvene in the council chambers at _____pm.