### MERRIAM CITY COUNCIL AGENDA CITY HALL 9001 WEST 62<sup>ND</sup> STREET April 26, 2021 7:00 P.M.

# CIP Budget Work Session immediately following This is a virtual meeting. The public may participate by joining the meeting at:

https://us02web.zoom.us/j/87121805375?pwd=czJGZ1QrT3JyK0xUOHZhTmxFSWhsUT09

Passcode: 861705

1-346-248-7799 Webinar ID: 871 2180 5375 Passcode: 861705

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

II. ROLL CALL

### 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 <a href="mailto:jpinnick@merriam.org">jpinnick@merriam.org</a> 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.

### 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 April 12, 2021.

### V. MAYOR'S REPORT

### VI. PLANNING COMMISSION

- Consider approval of rezoning from I-1 and C-2 to PUD-G and the associated preliminary development plan for the property located at 5519 and 5501 Merriam Dr. (DS Bus Lines)
- 2. Consider the acceptance of dedicated easements and right-of-way shown on the Merriam Kincaid 2<sup>nd</sup> Plat.

### VII. COUNCIL ITEMS

- 1. Presentation on Permanent and Temporary Weather Shelter and Food Pantry.
- 2. Community Development Update.
- 3. Monthly Finance Report.
- Consider approval of a Professional Services Agreement (PSA) with Affinis for design engineering services for West Frontage Rd. from Turkey Creek Dr. to 75<sup>th</sup> St.

### VIII. STAFF ITEMS

- IX. EXECUTIVE SESSION
- X. ADJOURNMENT

Respectfully submitted, *Juliana Pinnick*City Clerk

# MERRIAM CITY COUNCIL MINUTES CITY HALL 9001 WEST 62<sup>ND</sup> STREET April 12, 2021 7:00 P.M. This was a virtual meeting.

### 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

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; Jim MacDonald, Public Works Director; Jenna Gant, Communication and Public Engagement Manager; Darren McLaughlin, Police Chief; Stephanie Thompson, Human Resource Manager; Bryan Dyer, Community Development Director; Donna Oliver, Finance Director; Anna Slocum, Parks and Recreation Director; Bryan Dehner, Fire Chief and Juli Pinnick, City Clerk.

### III. PUBLIC ITEMS

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Todd Boyer, 5800 Mackey commented, When Lee Jeans left Merriam over a year ago we lost one of our best corporate citizens and a generous supporter of various public & private initiatives. They will, rightfully, be remembered with admiration and respect. But just as Lee Jeans moved on, so should Merriam.

This is a request for Staff and/or the Council to consider retiring "Lee Drive" from the roadway surrounding their former headquarters and returning it to Eby and/or Slater. When Lee Jeans lost Merriam as their headquarters - they also lost the honor of having a street named after them. Merriam's support for local businesses in the form of renaming streets like IKEA Way and Carmax Drive is understandable. However, the benefit of such a gesture shouldn't live past the beneficiary.

I understand renaming streets isn't a high-priority and comes with costs to building tenants and the City. But those street signs are now, at best, tributes without meaning. At worst, they're negative reminders of what we've lost. Merriam deserves to look to the future versus dwelling on the past. Even though Lee Jeans was a good business, it's time for Merriam to move on. Thanks for at least considering it.

### 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 March 22, 2021.
- 2. Consider approval of the purchase of one E26 R-Series Bobcat Compact Excavator.

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

### V. MAYOR'S REPORT

1. 1st Quarter 2021 Employee Service Awards.

Mayor Sissom announced the following service awards:

25 Years of Service - Todd Allen - Police Department

5 Years of Service - Matthew Hirsch - Police Department

2. Proclamation declaring May 2021 as Bike Month.

Mayor Sissom read the Proclamation declaring the month of May as "Bike Month".

3. Confirm the appointment of Shawn McConnell to the Planning Commission for the term expiring December 31, 2023.

COUNCILMEMBER PAPE MOVED THAT THE COUNCIL CONFIRM THE APPOINTMENT OF SHAWN MCCONNELL TO THE PLANNING COMMISSION FOR THE TERM EXPIRING DECEMBER 31, 2023. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

4. Confirm the appointment of Jennifer Jones-Lacy as Assistant City Administrator.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL CONFIRM THE APPOINTMENT OF JENNIFER JONES-LACY AS ASSISTANT CITY ADMINISTRATOR. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

5. Fire Department Annual Report.

Fire Chief Bryan Dehner presented the Police Department Annual Report.

### VI. COUNCIL ITEMS

1. ETC Business Survey Presentation.

City Administrator Chris Engel presented the Business Survey results.

2. Consider approval of an agreement with Johnson County for Enforcement of County Health Order.

City Administrator Chris Engel presented the background for this item.

On November 13, 2020, the Board of County Commissioners (BOCC), sitting as the Johnson County Board of Public Health, adopted Johnson County Board of Public Health Order No. 002-20 (the "Original Health Order"). Among other things, the Original Health Order established certain social distancing requirements and limitations on gatherings for individuals, businesses, and activities. The Original Health Order became effective in all of Johnson County on November 16, 2020, and remained in effect through March 31, 2021.

The Original Health Order was issued by the County pursuant to statutory authority and would generally be enforced by the district attorney. But, there has been concern over the DA's ability to enforce such rules given the backlog of cases pending in district court. However, the BOCC does have the power to enforce certain "resolutions" by prosecution in the Johnson County Codes Court. So, on November 19, 2020, the County adopted Resolution No. 108-20 establishing noncompliance with health orders as a violation of County Code.

However, due to the city's home rule authority, there is question as to whether the County can enforce its own resolutions in Johnson County Codes Court, absent an agreement with the city to allow for that enforcement. Accordingly, the County requested cities approve an agreement allowing for County enforcement of the Original Health Order. That Agreement (the "Original Agreement") was approved by City Council on December 14, 2020.

On March 25, 2021, the County issued a new Public Health Order of the Johnson County Local Health Officer (the "New Health Order"). The New Health Order does not contain a mass gathering limitation, but does include social distancing requirements and also includes a face-mask requirement. The New Health Order is effective through April 30, 2021, unless otherwise amended, revoked or replaced.

As the Original Agreement only allowed for County enforcement of the Original Health Order, a new agreement as to the New Health Order is presented tonight to the City Council for consideration and approval (the "New Agreement"). The New Agreement is substantially similar to the Original Agreement, and merely updates the Original Agreement to reflect the terms of the New Health Order.

As with the Original Agreement the following still apply:

The County, and not the City, will be responsible for enforcement of the New Health Order within the City limits. The City agrees to reasonably cooperate with the County in the sharing of information related to enforcement, and to also assist in educating its citizens as to the requirements of the New Health Order.

The New Agreement is limited only to the New Health Order. No other orders would be covered by this New Agreement (there are not currently any in effect, but if there should be, the County and the City could amend the New Agreement appropriately).

Either party can terminate the New Agreement at any time, if deemed in the best interests of the City or County.

COUNCILMEMBER PAPE MOVED THAT THE COUNCIL APPROVE THE GOVERNMENT ENFORCEMENT SERVICES AGREEMENT FOR JOHNSON COUNTY LOCAL HEALTH ORDERS AND COUNTY BOARD OF HEALTH

# ORDERS. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

### 3. CIP Update.

Public Works Director Jim MacDonald provided the following CIP Updates:

The 2021 Street Improvements Program, which includes E. Frontage Rd.-67<sup>th</sup> to 75<sup>th</sup> St.project, 2021 Mill and Overlay, 2021 Sidewalk maintenance/repair program is moving forward. Staff met with the contractor, J,M. Fahey and Affinis, the engineer on March 29<sup>th</sup> to discuss project scope and scheduling. The start date is April 26<sup>th</sup> for the E. Fronrage Rd. portion of the project. There was a public meeting held on April 1<sup>st</sup> for this project.

West Vernon PES Project has issued a Notice to Proceed to BHC Engineering to get that project engineered. As well, staff held a kickoff meeting on March 29<sup>th</sup> to deliver past engineering studies and discuss project objectives.

The 2018 Johnson Drive project is coming close to the end of the 2-year maintenance bond, so staff walked the project and compiled a list of items to be repaired including replacement of cracked sidewalk along Johnson Dr. west of I-35.

### STAFF ITEMS

### VII. EXECUTIVE SESSION

COUNCILMEMBER PAPE MOVED THAT THE COUNCIL RECESS INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER REGARDING NON-ELECTED PERSONNEL, 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 GOVERNING BODY, CITY ATTORNEY, CITY ADMINISTRATOR, AND HUMAN RESOURCE MANAGER. THE OPEN MEETING WILL RESUME IN THE REGULAR ZOOM SESSION AT 8:35 PM. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

(The meeting resumed in the regular Zoom session at 8:38 pm)

#### VIII. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL, COUNCILMEMBER PAPE MOVE TO ADJOURN AT 8:40 PM.

# COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

Respectfully submitted, *Tuliana Pinnick*City Clerk





**AGENDA ITEM:** 

### AGENDA ITEM INFORMATION FORM

Consider approval of a request for rezoning of 5519 and 5501 Merriam Drive from

C-2 (Retail Commercial) District and I-1 (Light Industrial) District to PUD-G (Planned

Unit Development – General) District with the use restricted to vehicle storage lot

for the storage of operable buses with associated office, service, or other support facilities and the associated preliminary development plan. (RZ21-000001/PUD21-

000002)

**Merriam Planning Commission** 

**SUBMITTED BY:** Bryan P. Dyer, Community Development Director

MEETING DATE: April 26, 2021

### PROJECT BACKGROUND/DESCRIPTION:

The applicant, Kincaid Group, is requesting approval of a preliminary development plan and re-zoning for the DS Bus Lines parking lot expansion. Currently, the subject property is developed with a school bus transportation facility that includes offices and maintenance buildings related to the transportation facility's operations. The purpose of this proposal is to facilitate a parking lot expansion and improve campus operations.

The applicant is requesting that the subject property be rezoned from I-1 (Light Industrial) District and C-2 (Retail Business) District to Planned Unit Development - General (PUD-G) District. Rezoning to Planned Unit General (PUD-G) District will allow for consistent zoning, while maintaining flexibility in regard to setbacks and design standards.

Per county records, the southern portion of the subject property was developed in 1960 and has been used as a school bus storage and operation facility for decades. In 1996 and 1997 the bus facility submitted site development plans for the original office building construction (SD-3-96 and SD-1-97). These plans were subsequently approved by the Planning Commission. In 2019, a site development plan for an approximately 3,200 square foot office building addition to the existing 4,300 square foot building was submitted (SDP19-000001 and SDP19-000002) and approved by the Planning Commission. The office building expansion is complete. There are two existing buildings on the subject property – 7,500 square foot office building and a 1,200 square foot maintenance building. The remainder of the property west of Turkey Creek is paved parking for employee use and bus parking is east of Turkey Creek with a bridge connecting the two paved areas.

The northern portion of the property has been known as the Wiliker Tow lot for decades and was used for storage of inoperable vehicles. The use of the property preceded city zoning regulations and was considered a legal non-conforming use. The property was sold in 2008. The new property owner continued the tow lot and inoperable vehicle storage use maintaining the property's non-conforming status. In 2018, Kincaid Group purchased the property on a contract for deed and began a significant cleanup of the property. DS Bus Lines is using the property for employee and bus parking.

Additionally, Kincaid Group received city approval to utilize the eastern leg of the W. 55<sup>th</sup> Street and Merriam Drive intersection as a private driveway entrance into the new parking/storage area. Kincaid Group has submitted plans that have been conditionally approved by the city. This preliminary development plan shows the proposed intersection and private driveway improvements.

The proposed parking lot expansion will decrease the subject property's overall impervious surface by 18,000 square feet and provide additional employee and bus parking. The site will be accessed from existing curb cuts from Merriam Drive and the new private driveway from W. 55<sup>th</sup> Street and Merriam Drive.

Rezoning to a PUD-G District allows for the creation of a preliminary development plan for the subject properties. Approval of the preliminary development plan will allow the site to deviate from the C-2 District's required building and parking lot setbacks. In exchange for allowing the deviations, the city gains a higher level of review of the site's current and future uses, layout, aesthetics, and landscaping.

The preliminary development plan includes the existing 7,500 square foot office building, 1,200 square foot maintenance facility, and parking lot. There are no proposed additions or exterior modifications to the existing buildings. This request is only for the new parking lot and the associated fencing and landscaping.

On April 7, 2021, the Planning Commission held a public hearing and based on information supplied by the applicant, as well as the criteria outlined in the Merriam Code and Kansas law as outlined in the Planning Commission Staff Report, unanimously recommended approval of the rezoning and associated preliminary development plan, with the following conditions:

- 1. A Certificate of Occupancy will not be issued until W. 55<sup>th</sup> Street and Merriam Drive intersection improvements and associated private drive are complete.
- 2. Prior to approval of building permits the final plat shall be recorded with Johnson County.
- 3. The PUD-G District uses be restricted to vehicle storage lot for the storage of buses with associated office, service, or other support facilities.
- 4. Revise sheet C2.0 parking calculations.
- 5. Add a note to sheet L1.0 that all sodded areas will be irrigated.
- 6. The Community Development Director can administratively approve the final development plan.

A copy of the Planning Commission Staff Report and associated minutes are included with the agenda materials.

The Governing Body has three (3) options regarding this application:

- 1. Vote to Approve (5 affirmative votes required);
- 2. Vote to Deny (6 affirmative votes for denial required); or
- 3. Refer the Application back to the Planning Commission with Specific Recommendations (majority of those present required).

Staff has provided a draft ordinance for City Council consideration based upon the Planning Commission's recommendation and conditions of approval. The City Attorney has reviewed the ordinance.

CITT COOTIGIE COTTES THIS OBJE	.011420			
Objective 1.4 – Provide supp	ort to existing businesses			
Objective 4.2 – Expand the commercial tax base				
FINANCIAL IMPACT				
Amount of Request/Contract:				
Amount Budgeted:				
Funding Source/Account #:				
•				

### **SUPPORTING DOCUMENTS**

Draft minutes of the April 7, 2021 Planning Commission meeting

Planning Commission staff report

CITY COUNCIL GOALS AND ORIECTIVES

DS Bus Lines preliminary development plan

**Draft Ordinance** 

### **ACTION NEEDED/STAFF RECOMMENDATION**

The City Council concur with the Planning Commission's recommendation for approval, with conditions, of the request for rezoning of 5519 and 5501 Merriam Drive from C-2 (Retail Commercial) District and I-1 (Light Industrial) District to PUD-G (Planned Unit Development – General) District with the use restricted to vehicle storage lot for the storage of operable buses with associated office, service, or other support facilities and the associated preliminary development plan. (RZ21-000001/PUD21-000002) and authorize the Mayor to sign the effectuating ordinance.

# REGULAR PLANNING COMMISSION MEETING CITY OF MERRIAM, KANSAS 9001 W. 62<sup>nd</sup> St. COUNCIL CHAMBERS MINUTES

### April 7, 2021 7:00 P.M. This was a virtual meeting via Zoom

The Regular Planning Commission meeting for the City of Merriam, Kansas was called to order at 7:00 p.m. by Community Development Director Bryan Dyer on Wednesday, April 7, 2021.

### I. ROLL CALL

The following Planning Commissioners were present via Zoom meeting:

Bill Bailey, Secretary
Reuben Cozmyer
Brian Dailey, Chair
Judy Deverey
Mitchell Fowler
Russ Harmon
Leah Ann McCormick, Vice Chair
Cole Stephens

Members Absent:

Also Present via Zoom meeting: Bryan Dyer, Community Development Director, Andrea Fair, City Planner and Nancy Yoakum, Recording Secretary.

### II. CONSIDER SUSPENDING PLANNING COMMISSION BYLAWS

Community Development Director Bryan Dyer stated that since the Planning Commission was meeting via Zoom the commissioners should consider suspending the Planning Commission Bylaws. Mr. Dyer asked if there were any questions and entertained a motion.

LEAH ANN MCCORMICK MOVED THAT DUE TO COVID-19 RESTRICTIONS ON GATHERINGS THE PLANNING COMMISSION SUSPEND THE BYLAWS FOR THE APRIL 7, 2021 MEETING. REUBEN COZMYER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

### III. APPROVAL OF MINUTES OF MARCH 3, 2021

Community Development Director Bryan Dyer stated that the Planning Commission members had received a copy of the March 3, 2021 meeting minutes and asked if there were any corrections or additions.

Hearing no comments, Mr. Dyer entertained a motion.

MITCHELL FOWLER MOVED THAT THE MINUTES OF THE PLANNING COMMISSION MEETING OF APRIL 7, 2021 BE APPROVED. JUDY DEVERY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

#### IV. ITEMS OF BUSINESS

1. RZ21-000001/PUD21-000002 Request for rezoning from I-1 (Light Industrial) District and C-2 (Retail Business) to PUD-G (Planned Unit Development-General) and the associated preliminary development plan for a vehicle storage lot for the storage of operable buses with the associated office, service or other facilities located at 5519 Merriam Drive.

Community Development Director Bryan Dyer stated that the applicant, Kincaid Group, is requesting approval for Rezoning RZ21-000001 and a Preliminary Development Plan PUD21-000002 for the DS Bus Line parking lot expansion. Mr. Dyer stated they also have an application for a Final Plat which is the next item on the agenda. Mr. Dyer stated the property is located at 55<sup>th</sup> Street and Merriam Drive and is approximately 5.22 acres and has spilt zoning. Mr. Dyer stated the applicant is requesting that the subject property be rezoned from I-1 (Light Industrial) District and C-2 (Retail Business) District to Planned Unit Development - General (PUD-G) District. Rezoning to Planned Unit General (PUD-G) District will allow for consistent zoning, while maintaining flexibility in regard to setbacks and design standards.

Mr. Dyer reviewed the surrounding zoning and land uses and recapped the history of previous uses. Mr. Dyer stated that in 2018 the Kincaid Group purchased the property on a contract for deed from Buterin-Zaslavsky Investments, LLC and began a significant cleanup of the property.

Mr. Dyer stated that the Kincaid Group has been working with city staff, the city engineer and city council and received conditional approval to utilize access from the W. 55<sup>th</sup> Street and Merriam Drive intersection as a private driveway into the parking/storage area. Mr. Dyer stated that the private entrance and easement has been reviewed and approved by the City Engineer as well as Johnson County Parks and Recreation. Mr. Dyer stated Kincaid Group plans to do the parking lot and intersection improvements at the same time.

Mr. Dyer stated that the proposed parking lot will decrease the overall impervious surface by 18,000 square feet and provide additional employee and bus parking.

Mr. Dyer highlighted the Golden Factors.

Mr. Dyer stated that the buildings are included in the preliminary development plan. The floodplain is outlined and shows that there will be no vehicle storage or parking in that area, and they will be submitting a floodplain development permit for work in that area.

Mr. Dyer stated that a turning template has been submitted.

Mr. Dyer stated the applicant submitted a documentation showing a reduction in impervious surface. At the request of staff, the applicant will be doing some best management practices in the form of a native grass swell that will take the storm water off the enlarged parking lot to Turkey Creek.

Mr. Dyer stated that the plans were submitted to public utilities and there were no comments received from the utility companies or the Merriam Drainage District.

Mr. Dyer stated that the applicant submitted a photometric plan which demonstrates that the foot candles go to zero.

Mr. Dyer reviewed the landscaping plan and stated that applicant has committed to additional landscaping to the north side by the Turkey Creek Trail as well as the other portions of the property. There will be a slight realignment of the Turkey Creek trail as part of the improvements to the private drive. Mr. Dyer stated that even though it is not part of the development plan he noted that the applicant has committed to additional landscaping to the north of the property to buffer the trail from the property. Mr. Dyer stated there is no interior landscaping due to the bus movement which could hinder the site of the bus drivers as they maneuver through the property. Mr. Dyer stated that in exchange for no interior landscaping the applicant is providing additional landscaping along Merriam Drive and paved cut-throughs between the parking lots for employees. Mr. Dyer stated there is also a landscape screening they applicant is providing along Merriam Dr.

Mr. Dyer stated a Traffic Analysis was conducted and the study found that the proposed improvements would adequately handle the additional traffic generated. Mr. Dyer stated that he received a letter from their engineer confirming the traffic analysis supports the plan.

Mr. Dyer stated the total required parking spaces are 129 and the applicant is providing 254 spaces.

Mr. Dyer stated that the rezoning to a PUD-G district allows for the creation of a preliminary development plan for the subject properties and will allow the site to deviate from the C-2 District's required building and parking lot setbacks. Mr. Dyer stated in exchange, this allows the city to gain a higher level of review on the site's current and future uses. Mr. Dyer stated that a condition of approval is that the uses be restricted to a vehicle storage lot of buses with associated office, service and other support facilities. Mr. Dyer stated that if the property were to sell in the future and a new property owner wanted to change the use, they would need to come before the Planning Commission and City Council to make any changes.

Mr. Dyer stated that this is a public hearing item and he did not receive any public comments.

Mr. Dyer stated that staff recommends approval with the conditions listed in the staff report.

Mr. Dyer stated he would any questions of the Planning Commissioners. Hearing none, he entertained a motion.

BILL BAILEY MOVED THAT THE PLANNING COMMISSION APPROVE APPLICATION RZ21-000001/PUD21-000002 REZONING AND PRELIMINARY DEVELOPMENT PLAN FOR A VEHICLE STORAGE LOT FOR THE STORAGE OF OPERABLE BUSES WITH THE ASSOCAITED OFFICE, SERVICE AND OTHER FACILITES LOCATED AT 5519 MERRIAM DRIVE WITH THE CONDITIONS LISTED IN THE STAFF REPORT AND FORWARD IT TO CITY COUNCIL. MITCHELL FOWLER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

Chair Brian Dailey stated that after 30 years or driving by the site it is great to see some asphalt and that it is a huge improvement.

Austin Lage from BHC Rhodes stated he did not have any additional comments.

Jay Longhauser from the Kincaid Group was appreciative of the comment and stated that the Kincaid Family have been operating on and off the site for a number of years and started operating on the site in 2017. Mr. Longhauser has been working with the Community Development staff

since that time and everyone has been fantastic to work with. Mr. Longhauser stated that the property was not in the condition or standard that their company had envisioned, and since that time they have been working on improvements to be done correctly and will be a nice property and functional bus lot. Mr. Longhauser appreciates the help from Bryan Dyer and his staff and from the city.

### 2. PA21-000001 Final plat of Merriam Kincaid 2<sup>nd</sup> Plat.

Community Development Bryan Dyer stated the applicant, Kincaid Group, is requesting approval of a final plat, Merriam Kincaid 2<sup>nd</sup> Plat application PA21-000001, for 5519 Merriam Drive. The applicant is also requesting approval of a rezoning request to PUD-G (Planned Unit Development – General) District and preliminary development plan for the proposed final plat that was just reviewed and approved. Mr. Dyer states the plat shows the flood plain and perimeter easements and the applicant will be vacating the interior perimeter easement that was done on the first plat. Mr. Dyer states that this plat dedicates right-of-way along Merriam Drive.

Mr. Dyer stated that there has been and update to the final plat since the Planning Commission packet was mailed. Mr. Dyer stated that the plat has been updated by the owner/engineers by the Kincaid Group who purchased the property on contract for deed to include signatures from Buterin-Zaslavsky Investments, LLC.

Mr. Dyer stated he would answer any questions of the Planning Commissioners.

Commissioner Bill Bailey inquired if the floodplain there is any reference to the Army Corps of Engineers.

Mr. Dyer stated that there is a flood statement on the plat.

Mr. Dyer stated he would answer any questions of the Planning Commissioners. Hearing none, he entertained a motion.

COMMISSIONER COLE STEPHENS MOVED THAT THE PLANNING COMMISSION APPROVE APPLICATION PA21-000001, MERRIAM KINCAID 2nd PLAT FOR PROPERTY LOCATED AT 5519 MERRIAM DRIVE AND FORWARD TO THE CITY COUNCIL FOR THE ACCEPTANCE OF RIGHT OF WAY AND EASEMENTS. COMMISSIONER REUBEN COZMYER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

### **BUSINESS FROM THE FLOOR**

- Work is taking place at the old Hen House store and staff is expecting to receive an application for the southern location of the building from a possible national tenant.
- The Merriam Comprehensive Plan 2040 was adopted and approved by the City Council and thanked everyone for their hard work on the project.
- There will be another meeting with MARC for the Downtown Merriam Planning Sustainable Places and the project should be underway shortly.
- Staff has seen an increase in planning inquiries for development in Merriam as well as an increase in building permits vs. last year.

Community Development Director Bryan Dyer stated that there have been some inquiries as to the time frame of returning to live meetings. Mr. Dyer stated that staff has not been given a time frame, so meetings will continue via Zoom for a number of months.

Commissioner Bill Bailey who works for a local hospital stated they have seen an increase in Covid cases over the last two weeks.

Commissioner Mitchell Fowler stated he realizes staff does not have control over the tenants that occupy the Merriam Town Center, but residents from Ward 1 miss having a grocery store.

### V. UNFINISHED BUSINESS

None

### VI. OLD BUSINESS

None

### VII. ADJOURNMENT

With no further business for discussion, Community Development Director Bryan Dyer asked for a motion for adjournment.

MITCHELL FOWLER MOVED FOR ADJOURNMENT. The meeting was adjourned 7:34 p.m.

Respectfully Submitted,

Nancy B. Yoakum Recording Secretary

Approved:

# **Community Development Staff Report Planning Commission – April 7, 2021**

RZ21-000001/PUD21-000002 – Rezoning and Preliminary Development Plan for DS Bus Lines

Application: RZ21-000001/PUD21-000002 - Preliminary development plan and

re-zoning for the DS Bus Line parking lot expansion

**Request:** Approval of a preliminary development plan and re-zoning

**Property Address:** 5519 Merriam Drive

Applicant: Jay Longhauser, The Kincaid Group, Owner's Representative

Current Zoning and Land Use	I-1 (Light Industrial) District and C-2 (Retail Business) District		
Surrounding Zoning and Land Use	BNSF Railroad and I-35 to the east.		
	Parks, Schools, & City Facilities District to the north; developed as a park with the Turkey Creek Streamway trail.		
	I-1 (Light Industrial) District to the west; developed with a used car lot.		
	I-1 (Light Industrial) District to the south; developed with an auto service shop.		
Legal Description	Merriam Kincaid Second Plat		
Property Area	±5.22 acres (227,385 sq. ft.)		
Parking	One space for each 300 square feet of office floor area. Approximately 8,700 sq. ft. office = 29 spaces.  One space per employee per maximum sh – 100		
	129 parking spaces required parking spaces.		
Parking Spaces Provided	177 Standard spaces		
	72 Bus spaces 5 Handicapped spaces		
	254 Total spaces provided		

Related Case Files	
PA19-000001	Merriam Kincaid 1st Plat
	Site Development Plan for the DS
SPD19-000001 & SPD19-000002	Bus Line Building Addition
PA21-000001	Merriam Kincaid 2 <sup>nd</sup> Plat

# Vicinity Map RZ20-000001/PUD21-000002 Preliminary Development Plan – DS Bus Lines



**Aerial View** 



Vicinity Map

### **Staff Comments:**

The applicant, Kincaid Group, is requesting approval of a preliminary development plan and re-zoning for the DS Bus Line parking lot expansion. Currently, the subject property is developed with a school bus transportation facility that includes offices and maintenance buildings related to the transportation facility's operations. The purpose of the proposal is to facilitate a parking lot expansion and improve campus operations.

The applicant is requesting that the subject property be rezoned from I-1 (Light Industrial) District and C-2 (Retail Business) District to Planned Unit Development - General (PUD-G) District. Rezoning to Planned Unit General (PUD-G) District will allow for consistent zoning, while maintaining flexibility in regard to setbacks and design standards.

Per county records, the southern portion of the subject property was developed in 1960 and has been used as a school bus storage and operation facility for decades. In 1996 and 1997 the bus facility submitted site development plans for the original office building construction (SD-3-96 and SD-1-97). These plans were subsequently approved by the Planning Commission. In 2019, a site development plan for an approximately 3,200 square foot office building addition to the existing 4,300 square foot building was submitted (SDP19-000001 and SDP19-000002) and approved by the Planning Commission. The office building expansion is complete. There are two existing buildings on the subject property – 7,500 square foot office building and a 1,200 square foot maintenance building. The remainder of the property west of Turkey Creek is paved parking for employee use and bus parking is east of Turkey Creek with a bridge connecting the two paved areas.

The northern portion of the property has been known as the Wilkier Tow lot for decades and was used for storage of inoperable vehicles. The use of the property preceded city zoning regulations and was considered a legal non-conforming use. The property was sold in 2008. The new property owner continued the tow lot and inoperable vehicle storage use maintaining the property's non-conforming status. In 2018, Kincaid Group purchased the property on a contract for deed and began a significant cleanup of the property. DS Bus Lines is using the property for employee and bus parking.

Additionally, Kincaid Group received city approval to utilize the eastern leg of the W. 55<sup>th</sup> Street and Merriam Drive intersection as a private driveway entrance into the new parking/storage area. Kincaid Group has submitted plans that have been conditionally approved by the city. This preliminary development plan shows the proposed intersection and private driveway improvements.

The proposed parking lot expansion will decrease the subject property's overall impervious surface by 18,000 square feet and provide additional employee and bus parking. The site will be accessed from existing curb cuts from Merriam Drive and the new private driveway from W. 55<sup>th</sup> Street and Merriam Drive.

Rezoning to a PUD-G District allows for the creation of a preliminary development plan for the subject properties. Approval of the preliminary development plan will allow the site

to deviate from the C-2 District's required building and parking lot setbacks. In exchange for allowing the deviations, the city gains a higher level of review of the site's current and future uses, layout, aesthetics, and landscaping.

The preliminary development plan includes the existing 7,500 square foot office building, 1,200 square foot maintenance facility, and parking lot. There are no proposed additions or exterior modifications to the existing buildings. This request is only for the new parking lot and the associated fencing and landscaping.

For the rezoning request, the Planning Commission and City Council must consider the "Golden Factors" and the factors specified in the Merriam Code.

The Kansas Supreme Court has specified in case law (Golden v. Overland Park) that certain factors are to be considered when making rezoning decisions. These factors are:

- Character of the Neighborhood
- 2. Nearby Zoning and Uses
- 3. Suitability of the Property for the Current Zoning
- 4. Extent to which the Requested Zoning Will Detrimentally Affect Nearby Property
- 5. Length of Time the Property has been Vacant as Zoned
- 6. Hardship on the Owner Compared to the Relative Gain to the Public Health, Safety and Welfare
- 7. Conformance with the Master (Comprehensive Plan)
- 8. The Recommendations of the Professional Staff

In addition, Merriam Municipal Zoning Code (Section 50-48(e)) identifies the following items to be considered by the governing body in considering a rezoning request:

- 1. the character of the neighborhood:
- 2. whether the proposed use will result in increasing the amount of vehicular traffic to the point where the capacity of the street network is exceeded;
- 3. whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of adjoining property;
- 4. whether the noise, vibration, dust or illumination that would normally be associated with such use is of such duration and intensity as to create problems for nearby property;
- 5. whether the proposed use would pollute the air, land or water;
- 6. the relative gain to the public health, safety and welfare as compared to the hardship imposed upon landowners;
- 7. whether the proposed use would result in overcrowding of land or overcrowding population;
- 8. the zoning uses of properties nearby;
- 9. the suitability of the subject property for the uses which it has been restricted:
- 10. the length of time the subject property has remained vacant as zoned;
- 11. recommendations of professional staff; and

12. conformance of the requested change to the adopted or recognized master plan adopted by the City.

Staff offers the following comments regarding the Golden Factors and the items listed in (Section 50-48(e)):

### Character of the Neighborhood (Section 50-48(e).1)

The subject property is located at the southeast corner of Merriam Drive and W. 55<sup>th</sup> Street. The neighborhood is commercial in nature with several businesses and a number of automobile related businesses.

<u>Finding:</u> The character of the neighborhood is primarily commercial in nature with a number of automobile related businesses.

### **Nearby Zoning and Uses** (Section 50-48(e).8)

<u>Finding:</u> The subject property is zoned I-1 District and C-2 District. It is developed with an office building and parking lot. The property to the north is zoned Parks, Schools, and City Facilities District and is developed as a local park with the Turkey Creek Streamway Trail. The properties to the south are zoned I-1 District and developed with various businesses. The properties to the west are zoned I-1 District and developed with a used car dealership. The area to the east is zoned I-1 District and is occupied by BNSF Railway and I-35.

<u>Finding:</u> I-1 District zoning is to the south, east and west of the subject property with Parks District to the north. The primary uses are automobile sales, retail commercial, and park uses.

### Suitability of the Property for the Current Zoning (Section 50-48(e).9)

The current zoning of the subject properties is I-1 District and C-2 District which allows for office use and vehicle storage. One of the properties currently has split I-1 and C-2 District zoning. The zoning of the subject property will change to PUD-G District with the recommended uses restricted to storage of operable buses with associated office, service, or other facilities.

Finding: The subject property is suitably zoned for its current use.

# Extent to which the Requested Zoning Will Detrimentally Affect Nearby Property (Section 50-48(e).2, 3, 4, 5, and 7)

Rezoning the property to PUD-G District will not change the use of the subject properties. The use of the subject properties will remain storage of operable buses with associated office, service, or other facilities. Rezoning the property will allow the property and business owners to make improvements to the subject properties.

<u>Finding:</u> Rezoning the subject property to PUD-G District will not detrimentally affect nearby property.

### Length of Time the Property has been Vacant as Zoned (Section 50-48(e).10)

<u>Finding:</u> The south proportion of the subject property was developed as an office in 1960. The northern portion has been an existing legal non-conforming use of an inoperable vehicle storage/tow lot for decades.

# Hardship on the Owner Compared to the Relative Gain to the Public Health, Safety and Welfare (Section 50-48(e).6)

This factor requires the hardship of the applicant if the proposed rezoning is not approved to be weighed against the gain to the general public if the proposed rezoning and development plan are approved. If the application is denied, the property owner would not be able to add additional surface parking, causing a hardship to the applicant/property owners with no relative gain in the public health, safety, and welfare.

<u>Finding:</u> Denial of the request will cause a hardship to the property owner with no relative gain to the public health, safety, and welfare.

### **Conformance with the Master (Comprehensive) Plan (Section 50-48(e).12)**

<u>Finding:</u> The subject property is shown as Office and Industrial Uses on Map 7-3 the Merriam Comprehensive Plan. The proposed change in zoning is in conformance with the City of Merriam Comprehensive Plan.

### 9-103 STANDARDS AND CRITERIA FOR PLANNED DEVELOPMENTS

- A. FOR ALL PLANNED DEVELOPMENTS: A development plan that is consistent with the standards set out in this Section 74-705 or with such general policies or specific rules and regulations for Planned Unit Development Districts as may be adopted from time to time by the Governing Body or the Planning Commission and placed on public record in the Office of the Zoning Administrator shall be prima facie qualified for preliminary approval. No such policies, rules or regulations shall be revised or added to so as to be applicable to a specific proposal for a Planned Unit Development after an application for preliminary approval of a specific development has been filed. A development plan shall be consistent with the following standards for use of land and the use, type, bulk, design and location of buildings, the density or intensity of use, the common open space, the public facilities and the development by geographic division of the site:
- 1. The Planned Unit Development can be substantially completed within the period of time specified in the schedule of development submitted by the developer.

The applicant has indicated that the construction on the proposed improvements will begin in Summer 2021.

2. The Planned Unit Development will not substantially injure or damage the use, value and enjoyment of surrounding property and/or will not hinder or prevent the development of surrounding property in accordance with the recommended Land Use Plan.

The proposed development plan, will not substantially injure or damage the use, value and enjoyment of the surrounding property if properly planned.

3. The site will be accessible from public roads which are adequate to carry the traffic that shall be imposed upon them by the proposed development and the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development. Traffic control signals will be provided without expense to the City when the City Governing Body determines that such signals are required to prevent traffic hazards or congestion in adjacent streets.

The site is accessible from public roads. Access to the lot will be from the existing Merriam Drive curb cuts and a new access point off of W. 55<sup>th</sup> Street. The applicant has been working with the city to make the eastern leg of the W. 55<sup>th</sup> Street and Merriam Drive intersection a private drive to access the subject property. The city has reviewed and approved the plans for the intersection and private drive.

The proposed improvements will not significantly increase the intensity of the existing use. The public roads are adequate to serve the proposed development without any additional public improvements.

4. The development will not impose an undue burden on public services and facilities, such as but not limited to, fire, police protection, streets, and the highway system, stormwater drainage, or sanitary sewers. A stormwater drainage study and/or a traffic study may be required,

The proposed development will not impose any undue burden on the public services. The applicant is constructing a native vegetative swale on the east side of the property that will connect to Turkey Creek.

5. The entire tract or parcel of land to be occupied by the planned development shall be contiguous and held in a single ownership, or if there are two or more owners, the application for such planned development shall be filed jointly by all such owners.

The subject area is under single ownership.

6. The development plan shall contain such proposed covenants, easements and other provisions relating to; the bulk, location and density of residential buildings, nonresidential uses and structures and public facilities as are necessary for the welfare of the planned development and are not inconsistent with the best interests of the area. Such covenants, easements and other provisions, if part of the development plan as finally approved, may be modified, removed or released only with the consent of the Governing Body after a public hearing before and with recommendations by the Planning Commission as provided in Section 74-

707(b)(1) of this Article. All such covenants shall specifically provide for enforcement by the City in addition to that of the landowners within the development. Maintenance of stormwater easements shall be the responsibility of the property owner.

There are no known restrictive covenants on the subject property. Existing easements are shown on the plat.

7. The Planning Commission may designate divisible geographic sections of the entire parcel to be developed as a unit and shall, in such case, specify reasonable periods within which development of each such unit must be commenced. In the case of Residential Planned Unit Development and General Planned Unit Developments which contain residential buildings, the Planning Commission may permit in each Unit deviations from the number of dwelling units per acre established for the entire Planned Unit Development, provided such deviation shall be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire planned development is not affected. The period of time established for the completion of the entire development and the commencement date for each section thereof may be modified from time to time by the Planning Commission, upon the showing of good cause by the developer, provided that in no case shall any extension of time exceed 12 months. The developer shall provide and record easements and covenants, shall make such other arrangements and shall furnish such performance bond, escrow deposit or other financial guarantees as may be determined by the Planning Commission to be reasonably required to assure performance in accordance with the development plan and the City Subdivision Regulations and to protect the public interest in the event of abandonment of said plan before completion.

The applicant has indicated that the construction on the proposed additional surface parking will begin in Summer 2021.

8. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a Planned Unit Development not used for structures, parking and loading areas or access ways, shall be landscaped or otherwise aesthetically improved. A portion of the areas being developed shall be devoted to landscape beautification and natural plant growth. The purpose of this requirement is to improve the appearance, environment and value of the total urban area and to protect nearby properties thereby promoting the public health and general welfare.

The proposed development shows an increase in the amount of landscaping on the subject properties. The applicant has increased the number of plantings and is providing additional landscape screening along the north side of the parking lot. The inside island will be landscaped with native, drought resistant planting. The proposed landscaping meets Merriam Code minimum standards.

This application does not propose alterations to the existing office building.

9. When business or manufacturing structures or uses in a Planned Unit Development district abut a residential district or residential buildings in the same development, screening shall be provided. In no event shall a business or manufacturing structure in a planned development district be located nearer than 100 feet to a residential building outside the development.

This provision is not applicable to this development.

10. Notwithstanding any of the other provisions of this ordinance, when a shopping center is developed as a Planned Unit Development district, such shopping center shall comply with the provisions of Article XII of these Regulations.

This provision is not applicable to this development.

- 11. The specifications for the width and surfacing of streets and highways, alleys, ways for public utilities, for curbs, gutters, sidewalks, street lights, public parks and playgrounds, school grounds, aesthetic considerations, stormwater drainage, water supply distribution, and/or sanitary sewers, as established in the Subdivision Regulations of the City as may be amended from time to time, within the limits hereinafter specified, may be waived or modified by the Planning Commission where the Commission finds that such specifications are not required in the interests of the residents or occupants of the Planned Unit Development and that the waiver or modification of such specifications would not be inconsistent with the interests of the entire City Planning Area. The City should set out:
- a. Any customary public service specifications and platting design controls which it will not modify or waive under any circumstances; and
- b. In cases where it is willing to modify any specifications, the limits of such modifications.

An example of the former might relate to sewer, water and street design construction standards. Examples of the latter might be to modify or totally waive a requirement for sidewalks or a specified reduction in street widths.

The proposed development shows a reduction of 18,000 square feet impervious surface when compared to the subject property's existing conditions. The applicants engineer provided a signed and sealed letter verifying the reduction in impervious surfacing. The preliminary development plan shows plans for an onsite native vegetative swale on the east side of the site connecting to Turkey Creek.

12. Any modifications of the zoning or other regulations that would otherwise be applicable to the site must be warranted by the design of the development plan and the

amenities incorporated in it and must not be inconsistent with the interest of the general public.

It is typical for commercial developments to request a waiver related to the restriction of no parking in the front yard setback.

13. Private streets may be permitted instead of public streets in dedicated right-of-way. Design standards contained in Chapter 59, shall not be modified for private or public street.

The applicant is proposing to utilize the existing access points to the property.

### **Comments from Public Utilities**

As part of the review process, staff provided copies of the proposed site development plan to the public utilities. In addition, staff solicited comments from other city departments.

The applicant has addressed all comments.

### **Lighting Plan**

The applicant has submitted a lighting/photometric plan. Staff reviewed the plan and find it compliant with Merriam Code.

### Traffic Analysis (Sec. 74-87)

The City required the applicant to provide a traffic study as part of their request to construct a private driveway off the eastern leg of the W. 55<sup>th</sup> Street and Merriam Drive intersection. The applicant submitted a Traffic Impact Study dated April 2019 which was completed by BHC. That study found that the proposed improvements would adequately handle the traffic generated by the subject property.

For this submittal, the applicant provided a memo for BHC stating that the proposed preliminary development plan conforms with April 2019 traffic study.

The applicant has submitted a vehicle maneuverability plan to demonstrate small bus circulation.

### Parking Requirements (Section 74-536)

The facility is required to provide one parking space for each 300 square feet of office floor area and one space per employee on a maximum shift. The subject property has approximately 8,700 square feet of office and warehouse space and a maximum shift of approximately 100 employees. This equates to a total required parking of 129 spaces. There are 177 "standard" parking spaces being provided on the subject property. Additionally, there are 72 bus parking stalls provided on the subject property. There are also five (5) handicap (one (1) van) stalls provided.

The subject property provides more than the required number of parking stalls. Overall, there is adequate parking for employees and buses on the properties controlled by Kincaid.

### **Pedestrian Circulation** (Section 74-709(a)(1)a. of the Merriam Code)

The subject property has sidewalks along Merriam Drive.

The applicant has provided pedestrian walkways through the parking lot island so employees can easily access the office building.

### Landscaping (Section 74-85 and 74-87)

Section 74-85 contains minimum landscaping requirements (trees) for front and other yards. Section 74-706(a)(8) further stipulates that any area not used for structures or any parking, loading area or access ways shall be landscaped or otherwise aesthetically improved. In addition, it states that "a portion of the areas being developed shall be devoted to landscaping beautification and natural plant growth."

Many communities have adopted specific landscaping requirements for both parking lots and perimeter (required set back) areas. Given that the PUD provisions were adopted to provide flexibility in design elements while still achieving planning methods which will advance and promote the growth and welfare of the city, the city has not adopted specific language outlining landscaping requirements for PUDs but has chosen to review each development plan on a case-by-case basis.

The applicant submitted a landscaping plan for the proposed development. The lack of interior landscaping is to maximize parking and avoid creating limited visibility. Additionally, interior landscape islands would be subject to abuse and damage from the bus traffic. The applicant has provided significant landscaping around the site exterior. Staff have reviewed the landscape plan and find that the additional perimeter landscaping offsets the lack of interior parking lot landscaping.

### **Stormwater Management/Grading Issues** (Chapter 26 of the Merriam Code)

The proposed development will result in 18,000 square foot reduction in impervious surface when compared to existing site conditions. Because the reduction in impervious surfacing a stormwater management plan is not required. The applicant has submitted a grading plan and will be required to submit a Stormwater Pollution Prevention Plan that meets city requirements.

The area of the site to be impacted by the proposed improvements currently contains approximately 169,500 square feet of impervious surface. After the parking lot improvements are made, the site will contain approximately 151,500 square feet of impervious surface. This will result in a decrease in impervious surface of approximately 18,000 square feet.

In order to adhere to stormwater best management practices the city has requested that a water quality treatment device be included. The applicant has proposed a native vegetative swale on the east side of the site.

The native vegetative swale will extend north onto Johnson County property before connecting to Turkey Creek. Johnson County Parks and Recreation has provided a statement that they have reviewed the plans and approve of the swale crossing their property.

Parking Requirements (Article VII and Article XV of the Merriam Code Chapter 74)

Zoning Code Parking Calculations	One parking space for each 300 square feet of office building space plus on space for each employee per maximum shift.
	8,900 sq. ft/300 = 29 spaces 100 employees = 100 spaces
Parking Spaces Required	Total parking spaces required = 129 spaces.
Parking Spaces Provided	Total parking spaces provided = 254 spaces.

The proposed parking meets Merriam Code requirements.

### **Elevation Drawings**

Architectural elevations of the existing office building are attached to the staff report to document current conditions.

### **Sign Scheme** (Chapter 53 of the Merriam Code)

The preliminary development plan does not propose any building or site signage changes.

Any proposed alterations or additions to the building or site signage must meet city sign coded standards or approval of a Sign Scheme package in a PUD-G District.

### Summary

This rezoning and preliminary development plan request, as well as, the final plat that is on this Planning Commission agenda, is for a number of improvements to the subject properties including landscaping, enlarged parking lot, and improved stormwater management.

Approval of this preliminary development plan will approve a reduction from the required building and parking setbacks and landscape requirements. Additionally, a recommended condition of approval is that the PUD-G District uses be restricted to the existing use of storage of operable buses with associated office, service, or other facilities.

Staff received no comments from the adjacent property owners.

### **Staff Recommendation:**

Staff recommends approval of RZ21-000001/PUD21-000002 with the following stipulations:

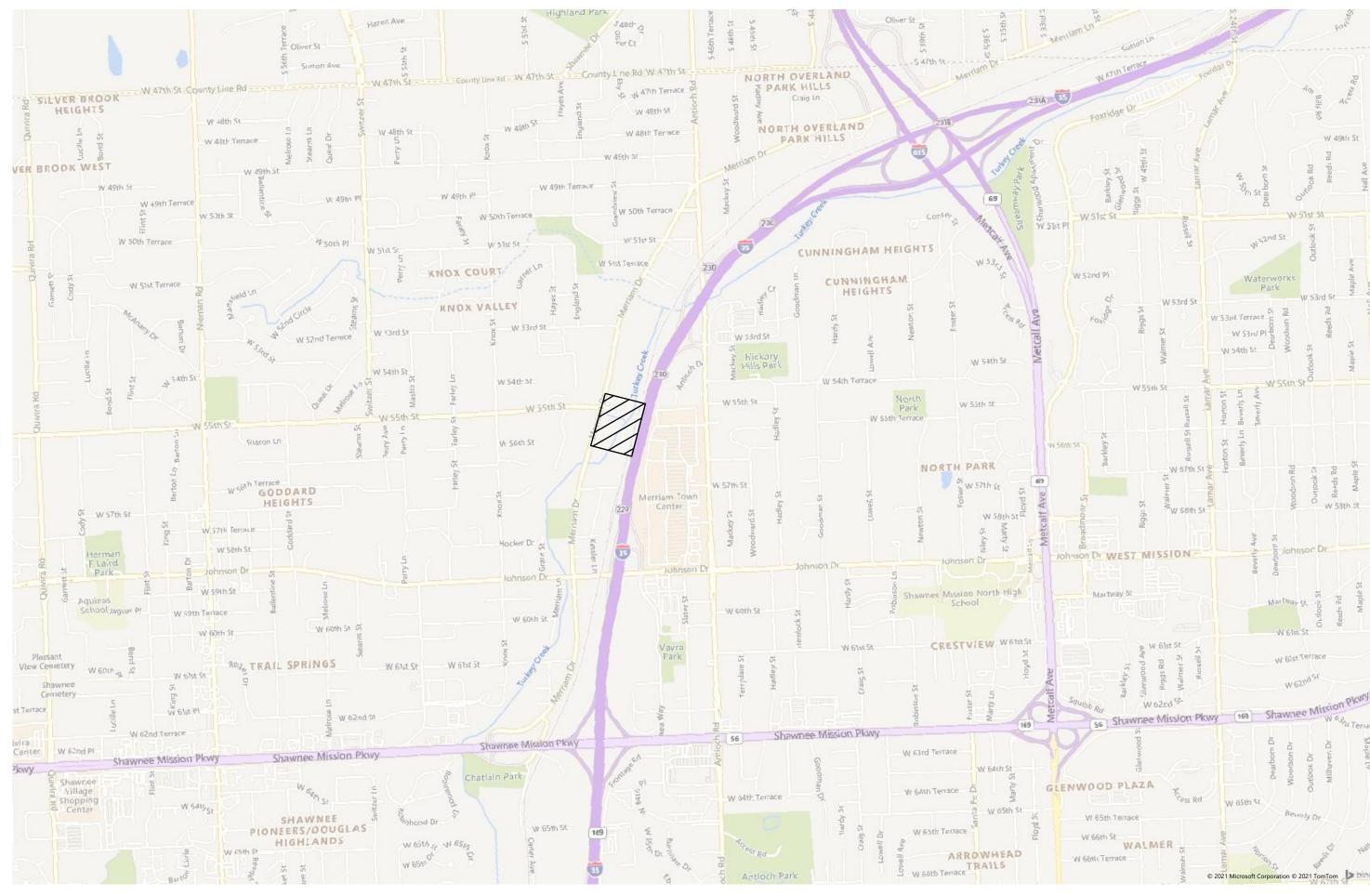
- 1. A Certificate of Occupancy will not be issued until W. 55<sup>th</sup> Street and Merriam Drive intersection improvements and associated private drive are complete.
- 2. Prior to approval of building permits the final plat shall be recorded with Johnson County.
- 3. The PUD-G District uses be restricted to vehicle storage lot for the storage of buses with associated office, service, or other support facilities.
- 4. Revise sheet C2.0 parking calculations.
- 5. Add a note to sheet L1.0 that all sodded areas will be irrigated.
- 6. The Community Development Director can administratively approve the final development plan.

\_\_\_\_\_

Bryan P. Dyer, AICP Community Development Director April 7, 2021

# MERRIAM, KS 66202

5501 MERRIAM DR.



**VICINITY MAP NOT TO SCALE** 



# **UTILITY CONTACTS**

Fax (913) 715-8501

Phone (913) 207-5232

9444 Nall, 1st Floor

Office (913) 383-6948

for private development)

E-Mail: bb8757@att.com

9444 Nall, 1st Floor

E-Mail: jennifer.harder@jcw.org Lonnie Ponder, Field Inspection

Richard Pearl (New facilities)

E-Mail: richard.l.pearl@att.com

Overland Park, Kansas 66207-2516

Bryan Babcock (Relocation of facilities

Overland Park, Kansas 66207-2516

E-Mail: william.ahrens@onegas.com

Virginia Pennington 19950 Newton Street Stilwell, Kansas 66085 Office (913) 681-7334 Fax (913) 894-3086

E-Mail: virginia.pennington@kcpl.com Melody DaMour 8221 W. 119th St.

Overland Park. Kansas 66213 Office (913) 643-1930 Fax (913) 312-0014 E-Mail: melody.damour@twcable.com

Water District No. 1 Chris Anderson 10747 Renner Blvd. Lenexa, Kansas 66219 Office (913) 895-5754 Fax (913) 895-5607 E-Mail: canderson@waterone.org

Consolidated Communications Clarence Griffin 9701 Lackman Road Lenexa, Kansas 66219 Office (913) 322-9619 Fax (913) 541-8716 Email: dgriffin@consolidated.com

All existing utility locations shown are approximate only and are not guaranteed to be accurate or all inclusive. Contractor shall be responsible for contacting all utility companies and verifying the actual field locations of all utilities prior to any construction activity. Contractor shall keep all utility locations current. Utilities damaged through the negligence of the contractor to obtain the proper field locations shall be the responsibility of the contractor to repair or replace at their expense and at the direction of the utility company. The contractor shall pothole and survey all utility crossings prior to construction of any portion of storm sewer, sanitary sewer laterals, underdrains, conduit and any other subsurface element of the project. The survey information shall be forwarded to the project engineer for review. The contractor shall not begin construction on any subsurface element on the project without the approval of the project engineer. Utility coordination, potholing/surveying shall be subsidiary to other bid items.



## **BENCHMARKS**

BHC CONTROL POINT BENCHMARK BENCHMARK NUMBER: 1 *ELEVATION* = *906.93* 

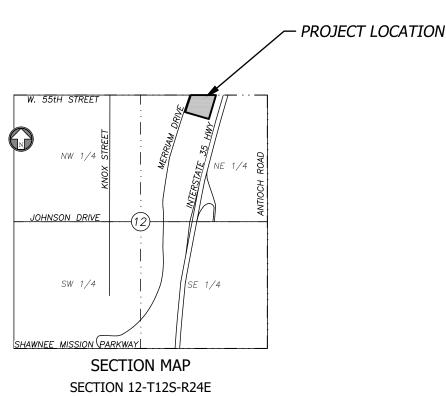
CHISELED SQUARE CUT IN THE SOUTHERLY CORNER OF A CONCRETE CURB INLET LOCATED IN THE SOUTHWEST QUADRANT OF THE INTERSECTION OF 55TH STREET & MERRIAM DRIVE.

BHC CONTROL POINT BENCHMARK BENCHMARK NUMBER: 2 *ELEVATION*= *905.88* 

CHISELED SQUARE CUT IN THE SOUTHWEST CORNER OF A CONCRETE CURB INLET LOCATED ON THE WEST SIDE OF MERRIAM DRIVE, ±300' SOUTH OF THE INTERSECTION OF 55TH STREET AND MERRIAM DRIVE.

JOHNSON COUNTY VERTICAL CONTROL POINT BENCHMARK BENCHMARK NUMBER: 827 ELEVATION= 907.91

BERNSTEN ALUMINUM DISK STAMPED BM 827. LOCATED AT THE SOUTHEAST CORNER BRIDGE IN CONCRETE WALK ON THE EAST SIDE MERRIAM DRIVE



Choot	<u>.</u>		
Sheet	Sheet Title	Sheet Title	
Number			
C0.0	COVER SHEET		
	SURVEY 1 OF 2		
	SURVEY 2 OF 2		
C1.0	DEMO PLAN		
C2.0	SITE PLAN		
C2.1	VEHICLE MANEUVERABILITY		
C3.0	GRADING PLAN		
C4.0	LIGHTING PLAN		
L1.0	LANDSCAPE PLAN		

### **DEVELOPER**

313 E. FRONT ST BONNER SPRINGS, KS 66203 913.707.3470 **CONTACT: JAY LONGHAUSER** 

# **CIVIL ENGINEER**

7101 COLLEGE BOULEVARD, SUITE 400 **OVERLAND PARK, KANSAS 66210** P (913) 663-1900 CONTACT: AUSTIN.LAGE, P.E. AUSTIN.LAGE@IBHC.COM

### **SURVEYOR OF RECORD**

712 STATE AVE. KANSAS CITY, KANSAS 66101 P (913) 663-1900 CONTACT: JOE MCLAUGHLIN JOE.MCLAUGHLIN@IBHC.COM

### **PREPARED & SUBMITTED BY:**

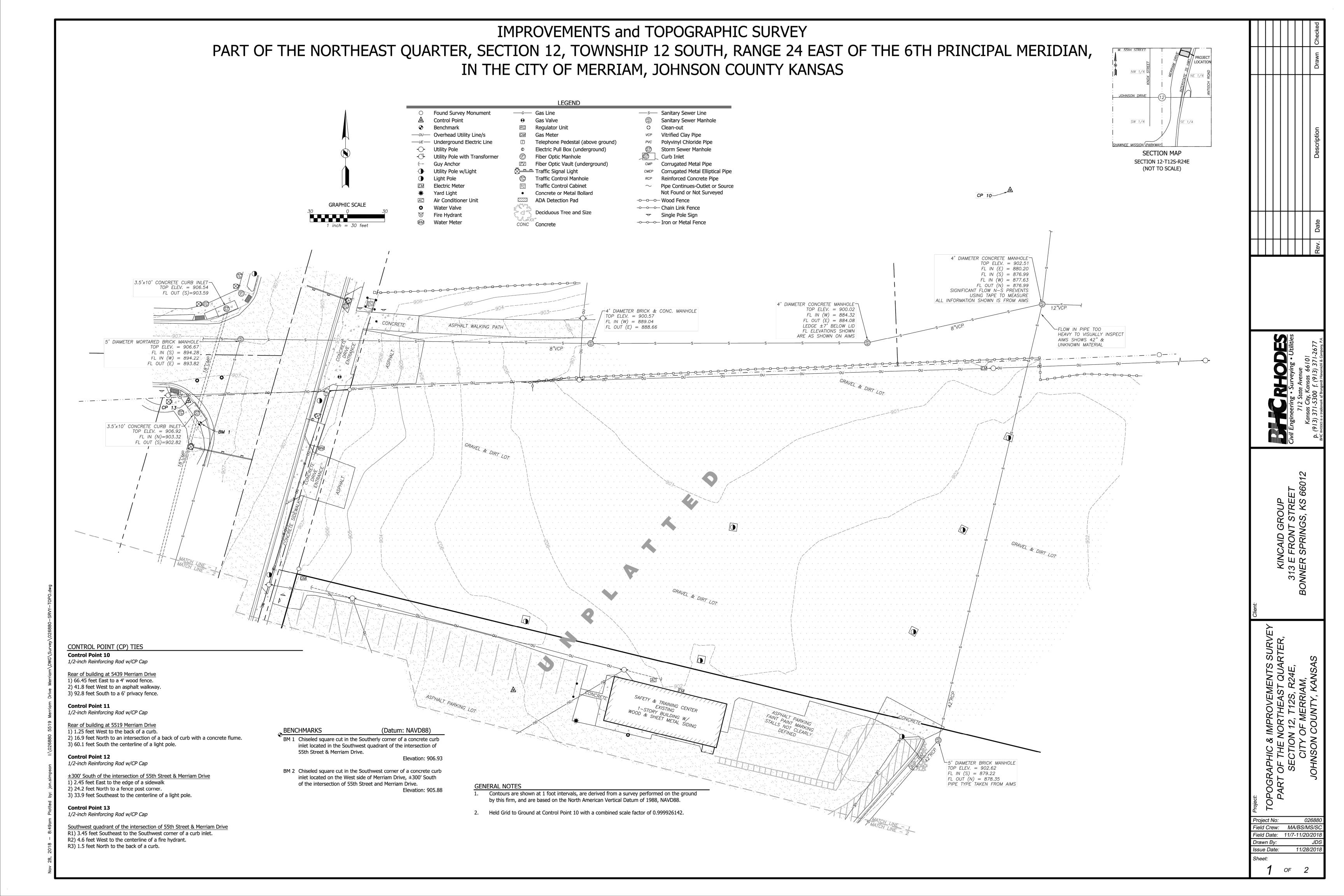
BHC

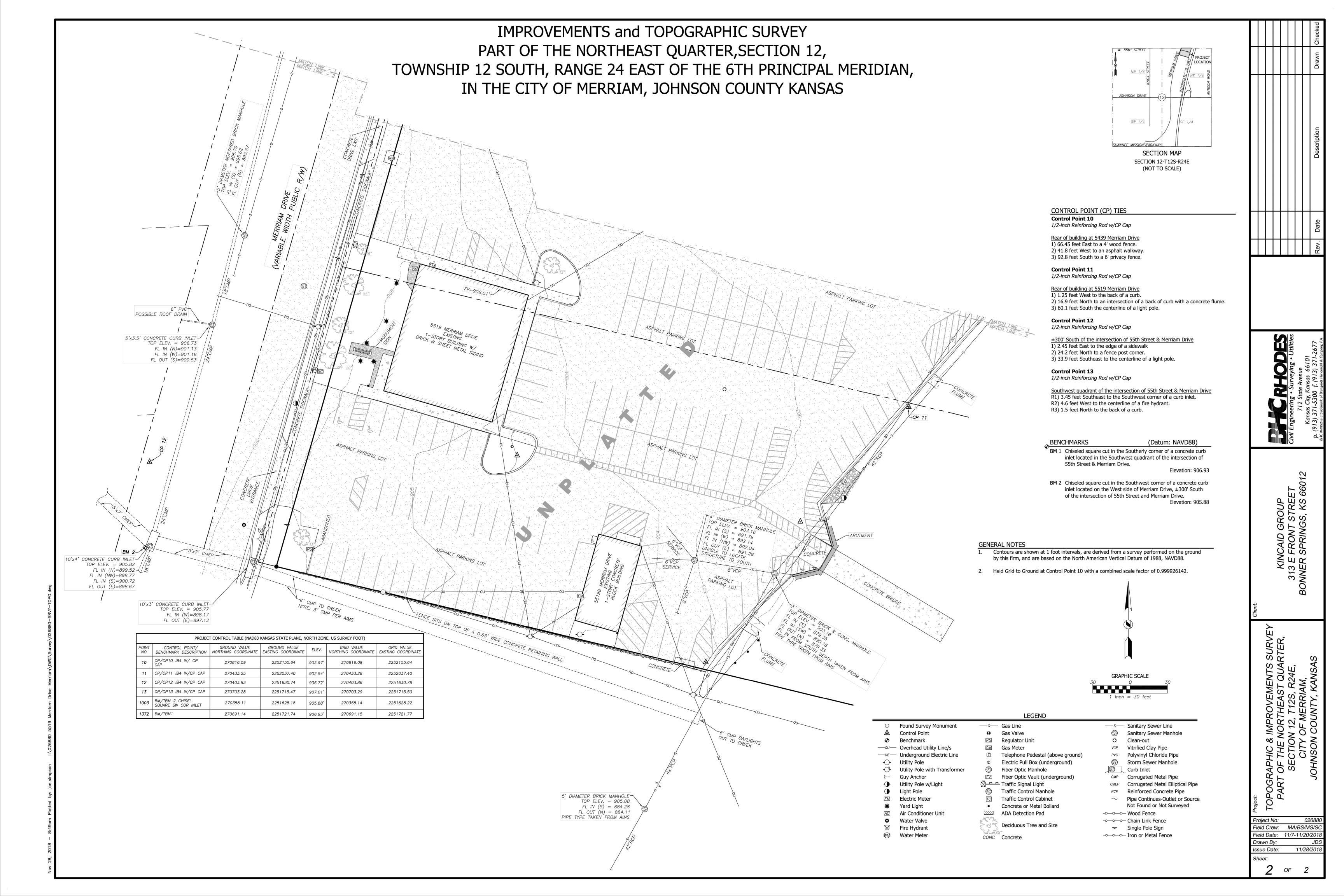
Overland Park, Kansas

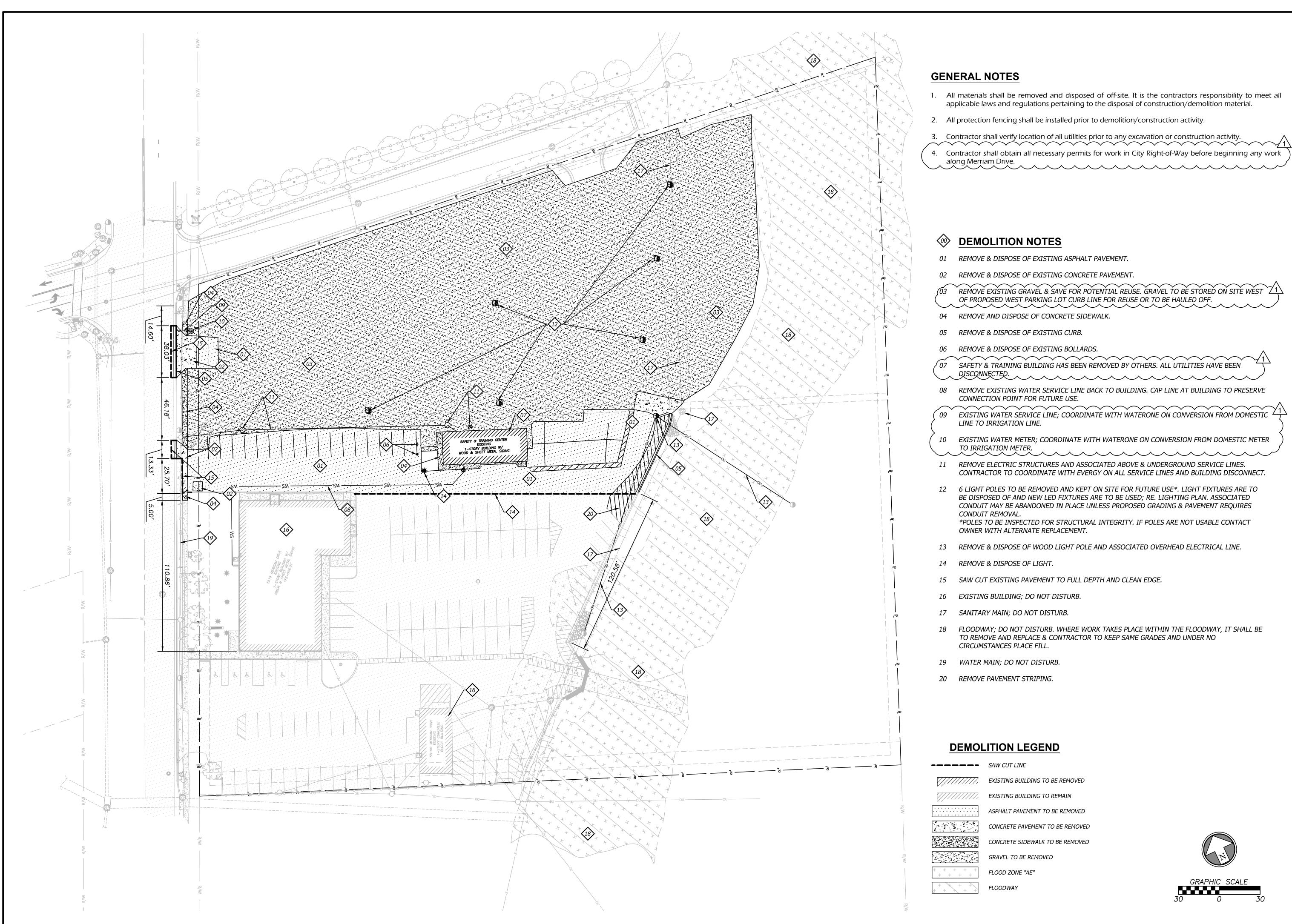
Austin Lage, P.E - Project Engineer Kansas P.E. No. 28006

PRELIMINARY DEVELOPMENT PLAN DS BUSLINE PARKING EXPANSION MERRIAM, KS 66202

Design: AKL Drawn: AKL ssue Date: 03/03/202 oiect Number: 026880.







CITY COMMENTS

Description

L ENGINEERING / SURVEYING / UTILITIES
7101 College Blvd., Suite 400
0 verland Park, Kansas 66210

JAY LONGHAUSER
313 E. FRONT ST.
MERRIAM, KS 66202

THE KINC,

JAY LON,

313 E. FI

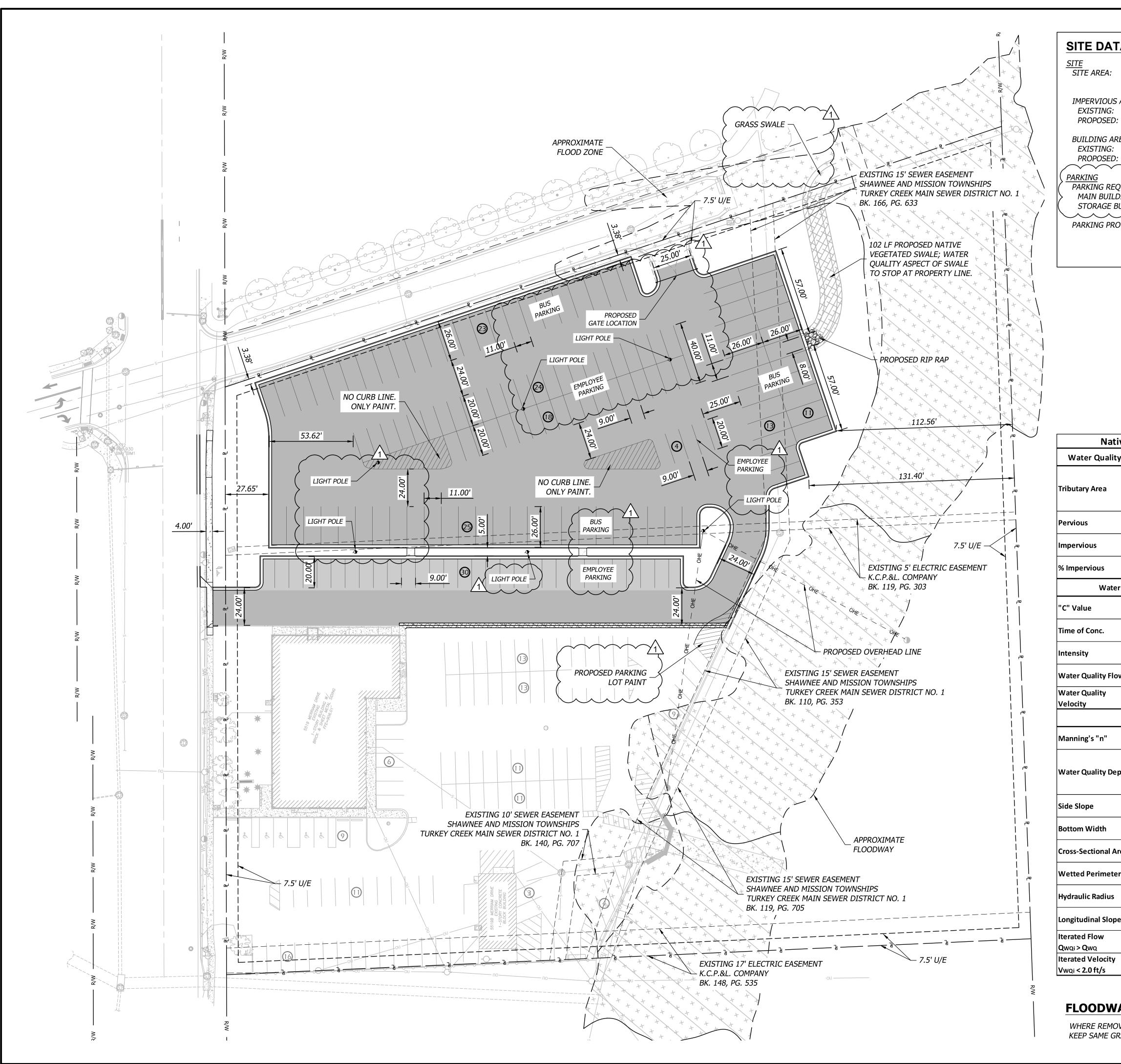
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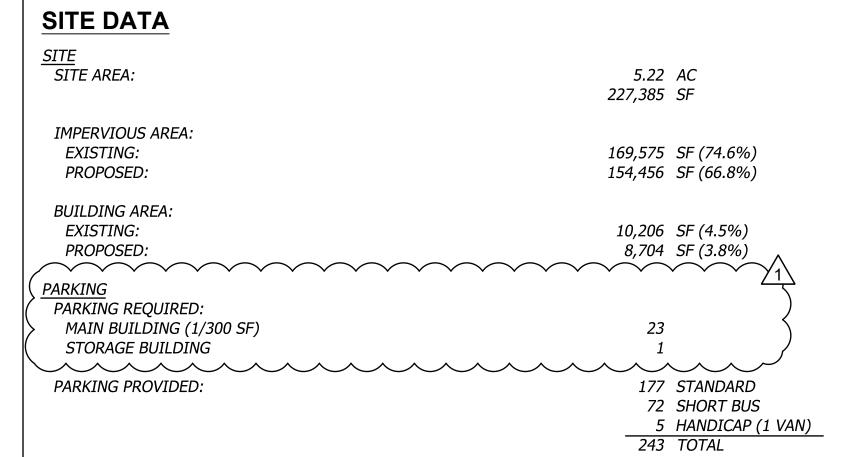
RRIAM, KS 66202

PRELIMIN DS BUSI

Design: AKL Drawn: AK
Checked: KA
Issue Date: 03/03/202
Project Number: 026880.0

C1.0





Native \	/egetati	ve S	wale
Water Quality Rai	nfall Eve	nt Pe	ak Flow Check
Tuibutam: Assa	Ат	=	59470 ft²
Tributary Area	Ат	=	1.37 ac
Pervious	Ра	=	6980 ft²
Impervious	la	=	52490 ft²
% Impervious	%I	=	88.3 %
Water Qua	lity Flow a	and V	elocity
"C" Value	С	=	0.83
Time of Conc.	Tc	=	5.00 min
Intensity	i	=	1.90 in/hr
Water Quality Flow	<b>Q</b> wq	=	2.15 ft <sup>3</sup> /s
Water Quality Velocity	<b>V</b> wq	=	1.58 ft/s
Swa	ale Size C	heck	
Manning's "n"	n	=	0.09
Mator Quality Danth	<b>D</b> wq	=	4.0 in
Water Quality Depth	Dwq	=	0.33 ft
Side Slope	m:1	=	3:1
Bottom Width	Wв	=	8.00 ft
Cross-Sectional Area	Ах	=	3.00 ft <sup>2</sup>
Wetted Perimeter	Pw	=	10.11 ft
Hydraulic Radius	Rн	=	0.30 ft
Longitudinal Slope	SL	=	1.5 %
Iterated Flow Qwqi > Qwq	<b>Q</b> wqi	=	2.7 ft <sup>3</sup> /s
Iterated Velocity	Vwqi	=	0.9 ft/s

## **ZONING**

EXISTING: I-1: LIGHT INDUSTRIAL C-2: RETAIL COMMERCIAL

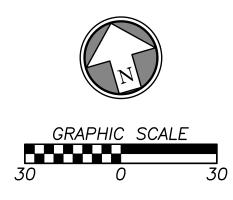
PROPOSED: PUD-G: PLANNED UNIT DEVELOPMENT GENERAL

## **PLAT**

MERRIAM KINCAID 2ND PLAT

# SITE LEGEND

PARKING STALL COUNT EXISTING BUILDING LIGHT DUTY ASPHALT PAVEMENT MEDIUM DUTY ASPHALT PAVEMENT MEDIUM DUTY PCC PAVEMENT STANDARD CURB & GUTTER CONCRETE SIDEWALK CONCRETE VALLEY GUTTER FLOOD ZONE "AE" FLOODWAY



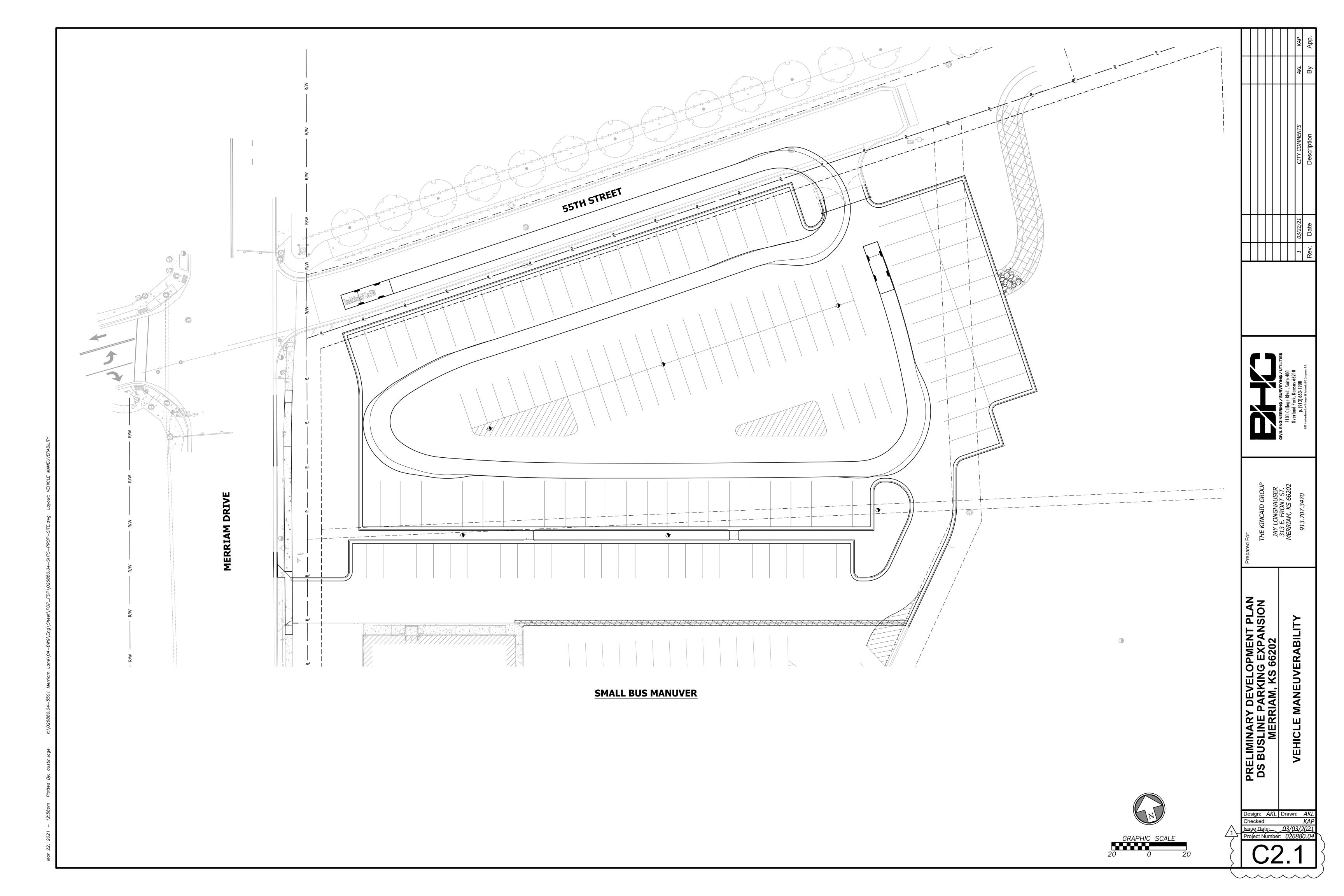
### **FLOODWAY NOTES:**

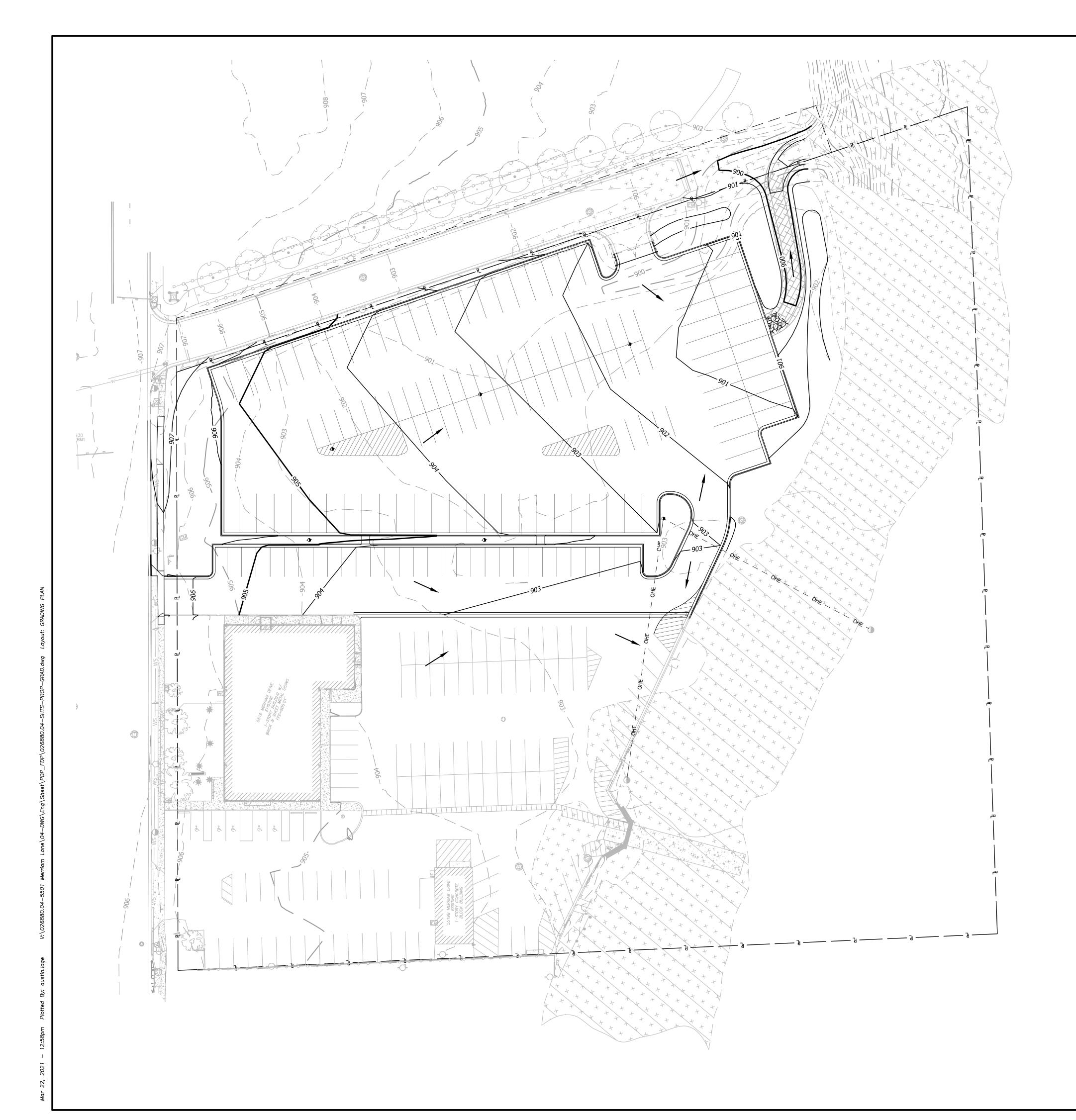
WHERE REMOVE AND REPLACE TAKES PLACE WITHIN THE FLOODWAY, CONTRACTOR TO KEEP SAME GRADES AND UNDER NO CIRCUMSTANCES PLACE FILL.

AKL				
CITY COMMENTS Description				
03/22/21 Date				
1 Rev.				

PRELIMINARY DEVELOPMENT PLAN DS BUSLINE PARKING EXPANSION MERRIAM, KS 66202

Design: AKL Drawn: AK roject Number: 026880.0





# **GRADING NOTES**

- 1. Contractor shall obtain a copy of the <u>Geotechnical Services Report</u> for the project and be familiar with the existing conditions and recommendations contained in the report if such a report has been prepared.
- 2. Owner &/or Contractor is responsible for any over excavation of existing unsuitable soils will be required under building and pavement areas. Contractor shall perform over excavation of unsuitable soils as a part of this work.
- 3. Contractor shall obtain soils suitable as structural fill from off-site sources. All borrow materials must be tested and approved by the Geotechnical Engineer prior to importing the soils to the project site.
- 4. Contractor shall operate under the terms and permits included in the Stormwater Pollution Prevention Plan (SWPPP) prepared for this project and permitted through the State of Kansas. Contractor shall employ a qualified person to conduct regular inspections of the site erosion control measures and document such inspections in the SWPPP document maintained by the Contractor.
- 5. All topsoil, vegetation, root structures, and deleterious materials shall be stripped from the ground surface prior to the placement of embankments. Contractor shall obtain the on-site geotechnical representative's acceptance of the existing ground surface materials and the proposed fill material prior to the placement of fill.
- 6. All proposed contour lines and spot elevations shown are finish ground elevations. Contractor shall account for pavement depths, building pads, topsoil, etc when grading the site.
- 7. All disturbed areas that are not to be paved (green spaces) shall be finish graded with a minimum of six inches of topsoil.
- 8. All excavation and embankments shall comply with the recommendations provided by the geotechnical engineer.
- 8. Prior to placing any concrete or asphalt pavement the contractor shall perform a proof roll of the pavement sub-grade with a fully loaded tandem axle dump truck. The proof roll shall be conducted in the presence of the on-site geotechnical representative. Areas that display rutting or pumping that are unsatisfactory to the geotechnical representative shall be re-worked and a follow-up proof roll shall be conducted prior to acceptance of the sub-grade for paving. The contractor may, at its own expense, stabilize the sub-grade using Class C fly ash or quicklime, as approved by the geotechnical engineer.
- 9. Finished grades shall not be steeper than 3:1.
- 10. All grading work shall be considered unclassified. No additional payments shall be made for rock excavation. Contractor shall satisfy himself as to any rock excavation required to accomplish the improvements shown hereon.
- 11. A 2.0% maximum cross slope shall be maintained on all pedestrian sidewalks and paths.
- 12. No grading with in the Floodway shall occur unless it is to remove and replace. All grades within the floodway shall match existing when project is completed.

# FLOOD STATEMENT

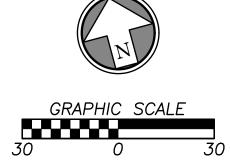
A portion of the subject property (identified on this plat) lies within the Floodway Areas within Zone "AE" (Base Flood Elevations determined). The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increase in flood heights. While the remaining area of the subject property lies within Flood Zone "X" (Areas determined to be outside the 0.2% chance floodplain.), as shown on the Johnson County, Kansas and Incorporated Areas Flood Insurance Rate Map (F.I.R.M.).

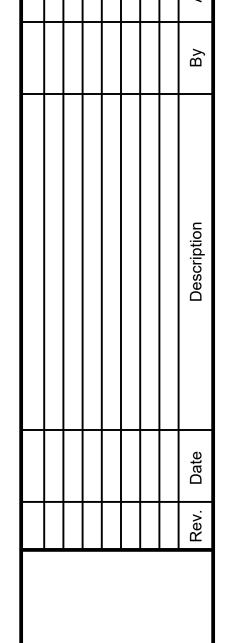
Map Number: 20091C0022G
Panel No: 22 of 161
Map Revised Date: August 3, 2009

**NOTE:** This statement is provided for informational purposes only and shall in no way constitute a basis for a flood certificate. No field work was performed to establish the boundaries of this zone. The information was derived by scaling the subject property on the above referenced map.

# **GRADING LEGEND**

980 ———	FINISH GRADE MAJOR CONTOURS
982 ———	FINISH GRADE MINOR CONTOURS
980	EXISTING GRADE MAJOR CONTOUR
	EXISTING GRADE MINOR CONTOUR
	PROPERTY LINE
R/W	RIGHT-OF-WAY LINE
	DRAINAGE DIRECTION
+ + + + + + + + + + + + + + + + + + + +	FLOOD ZONE "AE"
+ + + +	FI OODWAY





CIVIL ENGINEERING / SURVEYING / UTILITIES
7101 College Blvd., Suite 400
0verland Park, Kansas 66210
p. (913) 663-1900

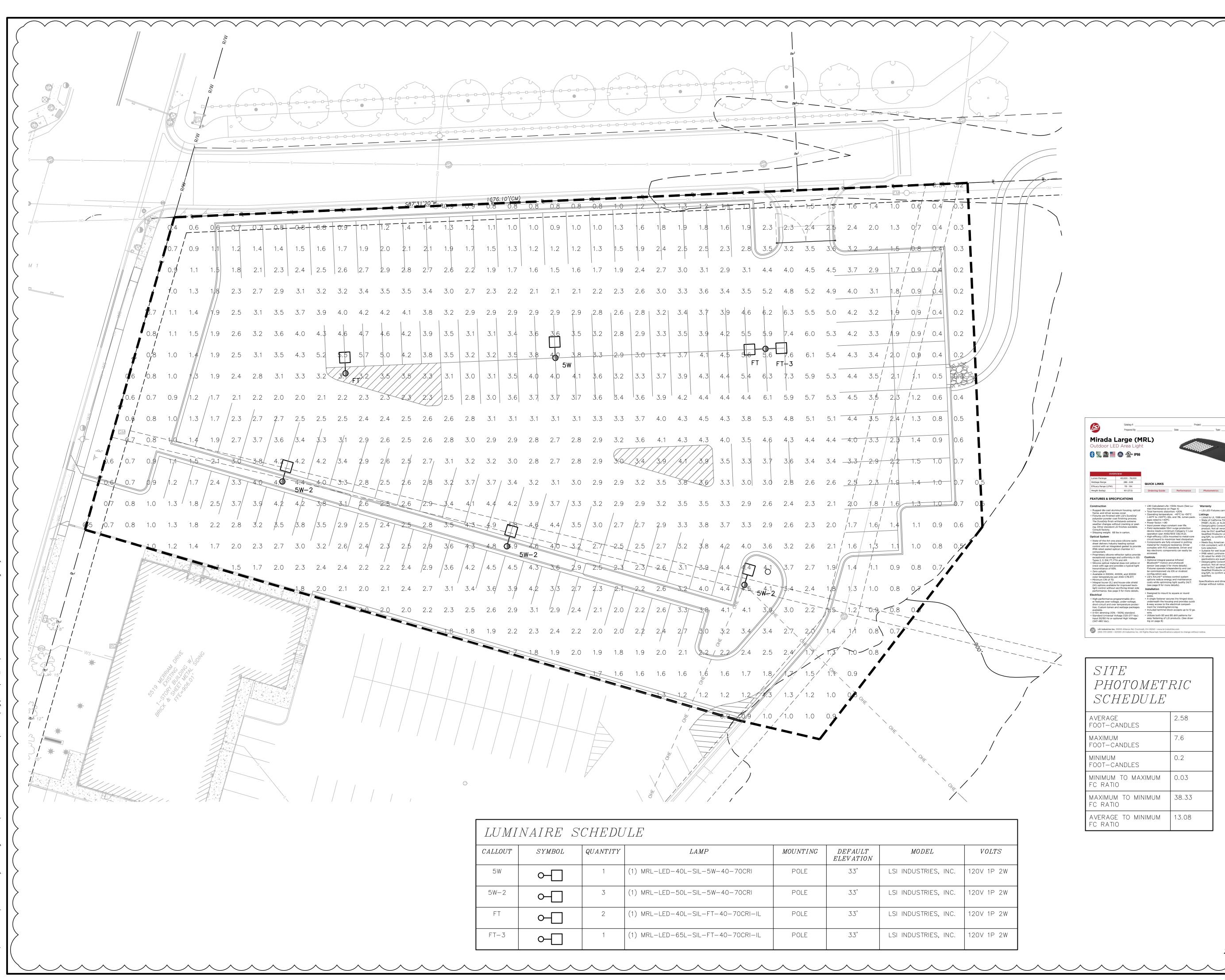
THE KINCAID GROUP JAY LONGHAUSER 313 E. FRONT ST. MERRIAM, KS 66202

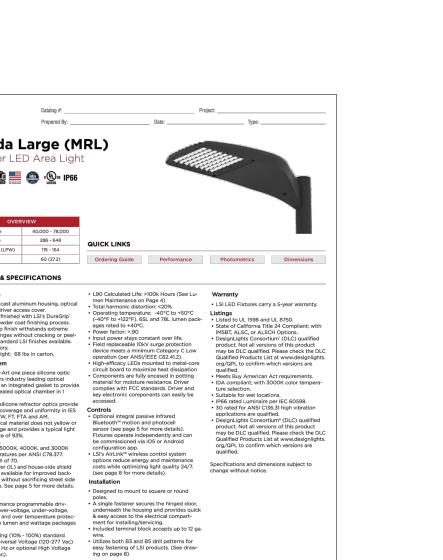
Y DEVELOPMENT PLAN PARKING EXPANSION RIAM, KS 66202

Design: AKL Dr.

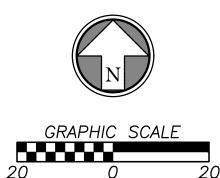
Design: AKL Drawn: AK Checked: KA Issue Date: 03/03/202 Project Number: 026880.0

C3.0





Page 1/8 Rev. 02/08/21 SPEC.1022.A.0420

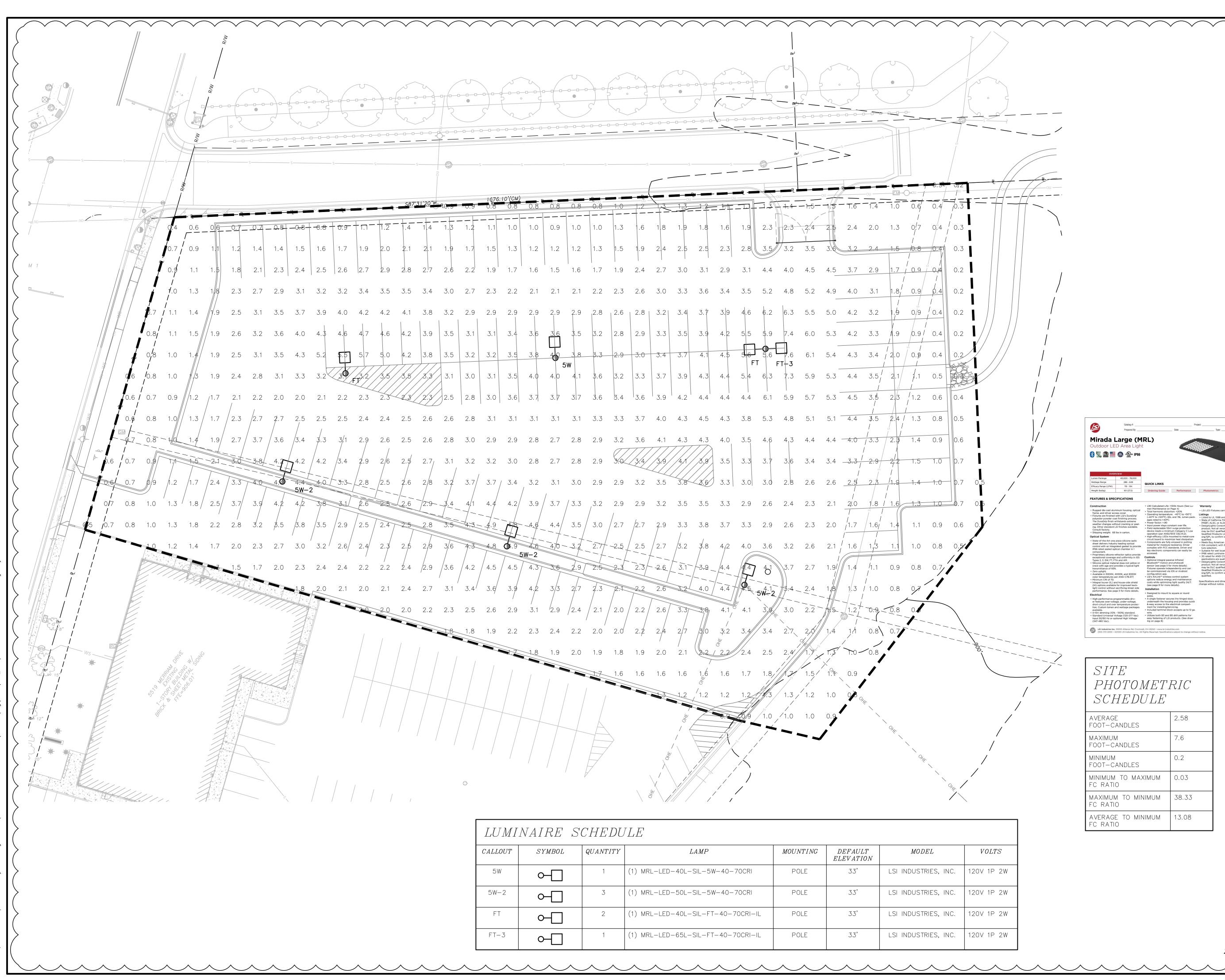


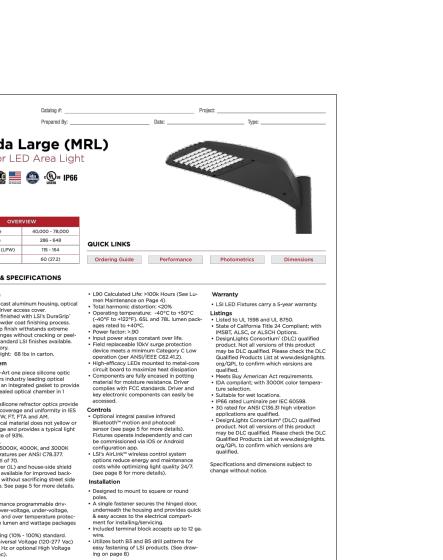
PRELIMINARY DEVELOPMENT PLAN DS BUSLINE PARKING EXPANSION MERRIAM, KS 66202

Design: *AKL* Drawn: *AK* 

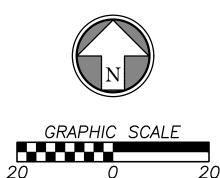
Issue Date: 03/03/202

Project Number: 026880.0





Page 1/8 Rev. 02/08/21 SPEC.1022.A.0420

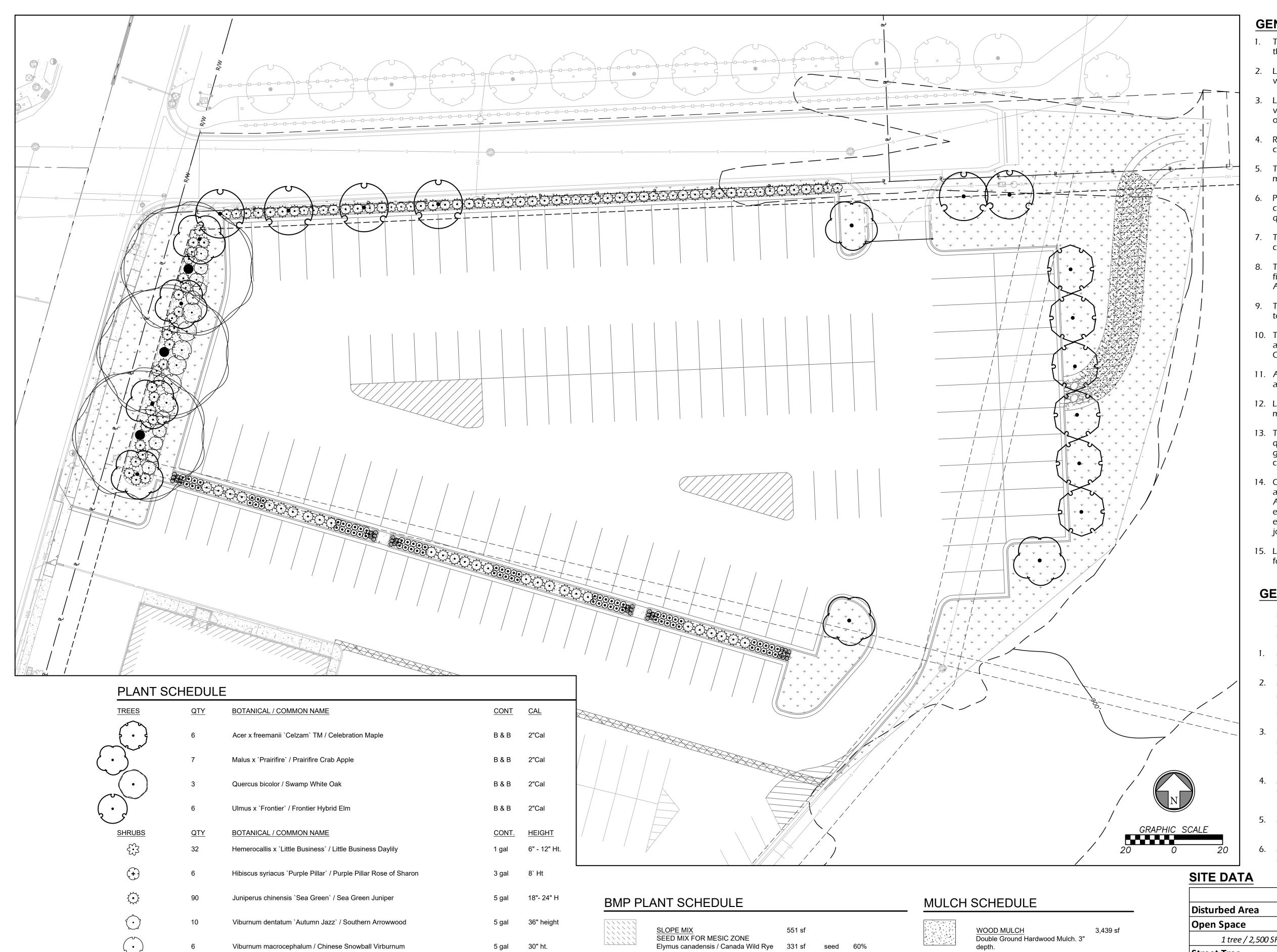


PRELIMINARY DEVELOPMENT PLAN DS BUSLINE PARKING EXPANSION MERRIAM, KS 66202

Design: *AKL* Drawn: *AK* 

Issue Date: 03/03/202

Project Number: 026880.0



# **GENERAL LANDSCAPE NOTES**

- 1. The Contractor shall verify and coordinate all final grades with the Landscape Architect and or design team prior to completion.
- 2. Location and placement of all plant material shall be coordinated with the Landscape Architect prior to installation.
- Location of all utilities are approximate, the Contractor shall field verify locations prior to commencement of construction operations.
- Refer to Civil Drawings for all grading and berming, erosion control, storm drainage, utilities and site layout.
- The Contractor shall arrange and conduct a pre-construction meeting onsite with Landscape Architect prior to work.
- 6. Plant quantities are for information only, drawing shall prevail if conflict occurs. Contractor is responsible for calculating own quantities and bid accordingly.
- 7. The Contractor is to notify Landscape Architect after staking is complete and before plant pits are excavated.
- 8. Tree locations in areas adjacent to drives, walks, walls and light fixtures may be field adjusted as approved by Landscape
- 9. The Contractor shall report subsurface soil or drainage problems to the Landscape Architect.
- 10. The plan is subject to changes based on plant size and material availability. All changes or substitutions must be approved by the City Name/City, State and the Landscape Architect.
- 11. Aluminum landscape edging to be used on all landscape beds adjoining turf areas as noted on landscape plans.
- 12. Landscape Contractor shall be responsible for watering all plant material until the time that a permanent water source is ready.
- 13. The Contractor shall show proof of procurement, sources, quantities, and varieties for all shrubs, perennials, ornamental grasses, and annuals within 21 days following the award of the
- 14. Contractor shall provide full maintenance for newly landscaped areas for a period of 30 days after the date of final acceptance. At the end of the maintenance period, a healthy, well-rooted, even-colored, viable turf and landscaped area must be established. The landscaped areas shall be free of weeds, open joints, bare areas, and surface irregularities.
- 15. Landscape Contractor shall provide rock mulch sample to owner for approval.

# **GENERAL IRRIGATION NOTES**

IRRIGATION PLAN TO BE PROVIDED TO OWNER AND LANDSCAPE ARCHITECT FOR REVIEW BEFORE CONSTRUCTION.

- Irrigation plan to not interfere with any proposed improvements shown.
- 2. Irrigation system design to be based on available psi. Minimum operating pressure for spray heads shall be 30 psi and minimum operating pressure for drip zones shall be 40 psi.
- The contractor shall be responsible for providing uninterrupted, 110 v electrical service to the controller and for all hook-ups. All exposed low voltage wire shall be enclosed in a conduit.
- 4. Place valve boxes 12" minimum from and parallel to curbs and walks, grouped valves to be equally
- 5. Install all mainlines to 1% minimum slope to drain valves located at low points of main system.
- Irrigation controller and rain sensor shall be located in owner approved locations.

seed 40% LP50 99% @ 12" oc Panicum virgatum / Switch Grass 220 sf Panicum virgatum / Switch Grass 567



18"- 24" H

12"-18" H

CONT. HEIGHT

<u>CONT</u>

Viburnum trilobum 'Bailey Compact' / Bailey's Compact American Cranberry Bush

Festuca arundinacea 'Heatwave+ Blend' / Heatwave+ Blend of Tall Fescue

**BOTANICAL / COMMON NAME** 

**BOTANICAL / COMMON NAME** 

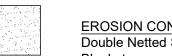
Panicum virgatum `Shenandoah` / Switch Grass

**GRASSES** 

(o)

**GROUND COVERS** 

**BASIN MIX** 739 sf SEED MIX FOR WET ZONE Elymus canadensis / Canada Wild Rye Panicum virgatum / Switch Grass 296 sf Spartina pectinata / Prairie Cordgrass 761



seed 40% LP50 99% @ 12" oc

EROSION CONTROL BLANKET 1,294 sf Double Netted Straw Erosion Control

		Disturbed Are
3,439 sf	Open Space	
ılch. 3"	3,439 31	1 tree / 2
		Street Tree
		Merriam Driv

# | Required | Provided Quantity 84,534.00 16,909.22 13 6.76 2,500 SF of open space 1 tree / 50 LF of street

W 55th St

PLANS UPDATED PER CITY COMMENTS

128

300

2.56

3

PRELIMINARY DEVELOPMENT PLAN DS BUSLINE PARKING EXPANSION MERRIAM, KS 66202

esign: *AKL* Drawn: *AKI* Issue Date: 03/03/202 roject Number: 026880.0

AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO REZONE FROM C-2 (RETAIL COMMERCIAL) DISTRICT AND I-1 (LIGHT INDUSTRIAL) DISTRICT TO PUD-G (PLANNED UNIT DEVELOPMENT – GENERAL) DISTRICT WITH THE USE RESTRICTED TO VEHICLE STORAGE LOT FOR THE STORAGE OF OPERABLE BUSES WITH ASSOCIATED OFFICE, SERVICE, OR OTHER SUPPORT FACILITIES AND THE ASSOCIATED PRELIMINARY DEVELOPMENT PLAN, AS PRESENTED IN CASE NO. RZ21-000001/PUD21-000002, FOR PROPERTY LOCATED AT 5519 AND 5501 MERRIAM DRIVE IN THE CITY OF MERRIAM, JOHNSON COUNTY, KANSAS.

WHEREAS, the owner of the property legally described herein below made application to rezone properties commonly known as 5519 and 5501 Merriam Drive from C-2 (Retail Commercial) District and I-1 (Light Industrial) District to PUD-G (Planned Unit Development – General) District with the use restricted to vehicle storage lot for the storage of operable buses with associated office, service, or other support facilities, as such may be amended from time to time, and for approval of the associated preliminary development plan (RZ21-000001/PUD21-000002);

WHEREAS, all newspaper and mailed notifications were performed and a public hearing was properly held before the City Planning Commission on April 7, 2021, and

WHEREAS, the Planning Commission recommended that the City Council approve the rezoning from C-2 (Retail Commercial) District and I-1 (Light Industrial) District to PUD-G (Planned Unit Development – General) District with the use restricted to vehicle storage lot for the storage of operable buses with associated office, service, or other support facilities, as such may be amended from time to time, and for approval of the associated preliminary development plan (RZ21-000001/PUD21-000002), for the property located at 5519 and 5501 Merriam Drive.

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

**SECTION 1.** That the Governing Body, in making its decision on the rezoning request, considered the evidence forwarded to it by the city's Planning Commission including minutes from the meeting, staff report, and preliminary development plan, as well as the criteria contained in the Merriam Code and as required by Kansas Law.

**SECTION 2.** That the Governing Body, in making its decision on the preliminary development plan, considered the evidence forwarded to it by the City Planning Commission, as well as the criteria contained in the City's Zoning Regulations including Chapter 74, Article XV.

Ordinance No. \_\_\_\_\_ Case No. RZ21-000001/PUD21-000002 Page 2 of 3

**SECTION 3.** The Governing Body hereby approves the rezoning and the associated preliminary development plan set forth in Case No. RZ21-000001/PUD21-000002 relating to the following property located in the City of Merriam, Johnson County, Kansas:

Legally Described as:

Lot 1, Merriam Kincaid 1st Plat

and

12-12-24 PT NE1/4 BG INTERSECT E/L SOUTHWEST BLVD (MERRIAM DR) & N/L NE1/4 E 537' TO W/L RR SW 246.77' NW 535.61' TO E/L ST NE 99.71' TO POB 2 ACS M/L MEC 28 - JF241212-3036

Commonly Known as:

5519 and 5501 Merriam Drive

**SECTION 4.** The Governing Body has reviewed application documents, which include the staff report and Planning Commission minutes, which are hereby incorporated by reference. The Governing Body places the following conditions on the approval:

- 1. A Certificate of Occupancy will not be issued until W. 55<sup>th</sup> Street and Merriam Drive intersection improvements and associated private drive are complete.
- 2. Prior to approval of building permits the final plat shall be recorded with Johnson County.
- 3. The PUD-G District uses be restricted to vehicle storage lot for the storage of buses with associated office, service, or other support facilities.
- 4. Revise sheet C2.0 parking calculations.
- 5. Add a note to sheet L1.0 that all sodded areas will be irrigated.
- 6. The Community Development Director can administratively approve the final development plan.

**SECTION 5.** The Governing Body approves the rezoning from C-2 (Retail Commercial) District and I-1 (Light Industrial) District to PUD-G (Planned Unit Development – General) District with the use restricted to vehicle storage lot for the storage of operable buses with associated office, service, or other support facilities, as such may be amended from time to time, and for approval of the associated preliminary development plan.

Case No. RZ21-000001/PUD21-000002 Page 3 of 3	
<b>SECTION 6</b> . This ordinance shall be in full fo and publication in the official city newspaper, a	rce and effect from and after its passage, approval all as provided by law.
PASSED by the Governing Body this 20	6th day of April, 2021.
APPROVED AND SIGNED by the Ma	yor this 26th day of April, 2021.
(Seal)	Ken Sissom, Mayor
ATTEST:	
Juliana Pinnick, City Clerk	
APPROVED AS TO FORM:	
Ryan Denk, City Attorney	



### AGENDA ITEM INFORMATION FORM

AGENDA ITEM: Consider accepting the dedication of easements and right-of-way shown on the

Merriam Kincaid 2<sup>nd</sup> Plat. (PA21-000001)

**SUBMITTED BY:** Merriam Planning Commission

Bryan P. Dyer, Community Development Director

MEETING DATE: April 26, 2021

### PROJECT BACKGROUND/DESCRIPTION:

The applicant, Kincaid Group, is requesting approval of a final plat, Merriam Kincaid 2<sup>nd</sup> Plat, for 5501 and 5519 Merriam Drive. The applicant is also requesting approval of a rezoning request to PUD-G (Planned Unit Development – General) District and preliminary development plan for the proposed final plat. The purpose of the proposal is to facilitate a parking lot expansion and improve campus operations.

The applicant is also requesting a rezoning of the subject area from its current designation of I-1 (Light Industrial) District and C-2 (Retail Business) District to PUD-G (Planned Unit Development – General) District. The applicant has submitted a development plan for the subject properties shown on this plat. The preliminary development plan and rezoning (PUD21-000002 and RZ21-000001) is on this City Council agenda.

The proposed lot meets the minimum bulk and dimension requirements for a PUD-G District.

Currently, the subject property is developed with a school bus transportation facility that includes offices and maintenance buildings related to the transportation facility's operations.

At their April 7, 2021 meeting, the Planning Commission unanimously approved the plat and forwarded it to the City Council for the acceptance of easements with the following conditions:

- 1. A Certificate of Occupancy will not be issued until W. 55<sup>th</sup> Street and Merriam Drive intersection improvements and associated private drive are complete.
- 2. Prior to approval of building permits the final plat shall be recorded with Johnson County.

# CITY COUNCIL GOALS AND OBJECTIVES Objective 1.4 – Provide support to existing businesses Objective 4.2 – Expand the commercial tax base FINANCIAL IMPACT Amount of Request/Contract: Amount Budgeted: Funding Source/Account #: SUPPORTING DOCUMENTS

Planning Commission staff report

Draft minutes of the April 7, 2021 Planning Commission meeting

Merriam Kincaid 2<sup>nd</sup> Plat

### **ACTION NEEDED/STAFF RECOMMENDATION**

City Council accept the dedication of easements and right-of-way shown on the Merriam Kincaid 2<sup>nd</sup> Plat. (PA21 -000001).

# Community Development Staff Report Planning Commission – April 7, 2021 PA21-000001 – Final Plat for Merriam Kincaid 2nd Plat

**Application:** PA21-000001 – Final plat for Merriam Kincaid 2nd Plat

**Request:** Approval of a final plat

**Property Address:** 5519 Merriam Drive

<u>Applicant:</u> Jay Longhauser, The Kincaid Group, Owner's Representative

Current Zoning and Land Use	I-1 (Light Industrial) District and C-2 (Retail						
ŭ	Business) District						
Surrounding Zoning and Land Use	BNSF Railroad and I-35 to the east.						
	Parks, Schools, & City Facilities District to the north; developed with a county park.						
	I-1 (Light Industrial) District to the west; developed with a used car lot.						
	I-1 (Light Industrial) District to the south; developed with an auto service shop.						
Legal Description	Merriam Kincaid 2nd Plat All of Lot 1 Merriam Kincaid 1st Plat, and part of the NE Quarter of Section 12-T12S-R24E, Merriam, Johnson County, Kansas						
Property Area	±5.31 acres (231,257 sq. ft.)						
	ı						

Related Case Files	
PA19-000001	Merriam Kincaid 1st Plat
SPD19-000001 & SPD19-000002	Site Development Plan for the DS Busline Building Addition
PUD21-000002	Preliminary Development Plan for the DS Busline Parking Lot Expansion
RZ21-000001	Rezoning from I-1 (Light Industrial) District and C-2 (Retail Business) District to PUD-G (Planned Unit Development- General) District

# Vicinity Map PA21-000001 Merriam Kincaid 2<sup>nd</sup> Plat



# Aerial View



Vicinity Map

### **Staff Comments:**

The applicant, Kincaid Group, is requesting approval of a final plat, Merriam Kincaid 2<sup>nd</sup> Plat, for 5519 Merriam Drive. The applicant is also requesting approval of a rezoning request to PUD-G (Planned Unit Development – General) District and preliminary development plan for the proposed final plat. The purpose of the proposal is to facilitate a parking lot expansion and improve campus operations.

The applicant is also requesting a rezoning of the subject area from its current designation of I-1 (Light Industrial) District and C-2 (Retail Business) District to PUD-G (Planned Unit Development – General) District. The applicant has submitted a development plan for the subject properties shown on this plat. The preliminary development plan and rezoning (PUD21-000002 and RZ21-000001) is on this Planning Commission agenda.

The proposed lot meets the minimum bulk and dimension requirements for a PUD-G District.

Currently, the subject property is developed with a school bus transportation facility that includes offices and maintenance buildings related to the transportation facility's operations.

### **Comments from City staff and Public Utilities**

As part of the review process, staff provided copies of the proposed plat to the public utilities. In addition, staff solicited comments from other city departments.

The applicant has addressed all comments.

### **Conformance with Development Plan**

The property currently consists of Merriam Kincaid 1<sup>st</sup> Plat, Lot 1 and the unplatted parcel north of Merriam Kincaid 1<sup>st</sup> Plat. Platting this property into one (1) lot (Merriam Kincaid 2<sup>nd</sup> Plat, Lot 1) will bring the property into compliance with the proposed preliminary development plan.

### Floodway/Floodway Fringe (Floodplain)

Turkey Creek passes through a portion of the property, roughly running in a northeasterly direction through the eastern half of the site. The plat notes the boundaries of the floodway and the floodway "fringe" and labels them as Zone "AE".

### **Dedication of Right-of-Way**

The plat dedicates 40 feet of additional right of way on the east side of Merriam Drive.

### **Easements**

The plat dedicates a general 7.5-foot perimeter utility easement to the City of Merriam. The plat vacates an interior 7.5-foot general utility easement that was dedicated by the Merriam Kincaid 1<sup>st</sup> Plat.

The remaining easements shown on the plat are existing.

### Access

Access to the lot will be from the existing Merriam Drive curb cuts and a new access point off of W. 55<sup>th</sup> Street. The applicant has been working with the city to make the eastern leg of the W 55<sup>th</sup> Street and Merriam Drive intersection a private drive to access the subject property. The city has reviewed and approved the plans for the intersection and private drive.

### Lots

Total Area: Approximately ±5.31 Acres (±231,257 sq. ft.)

Lot 1: ±5.31 Acres (±231,257 sq. ft.)

### **Public Utilities**

The subject property has access to all required public utilities.

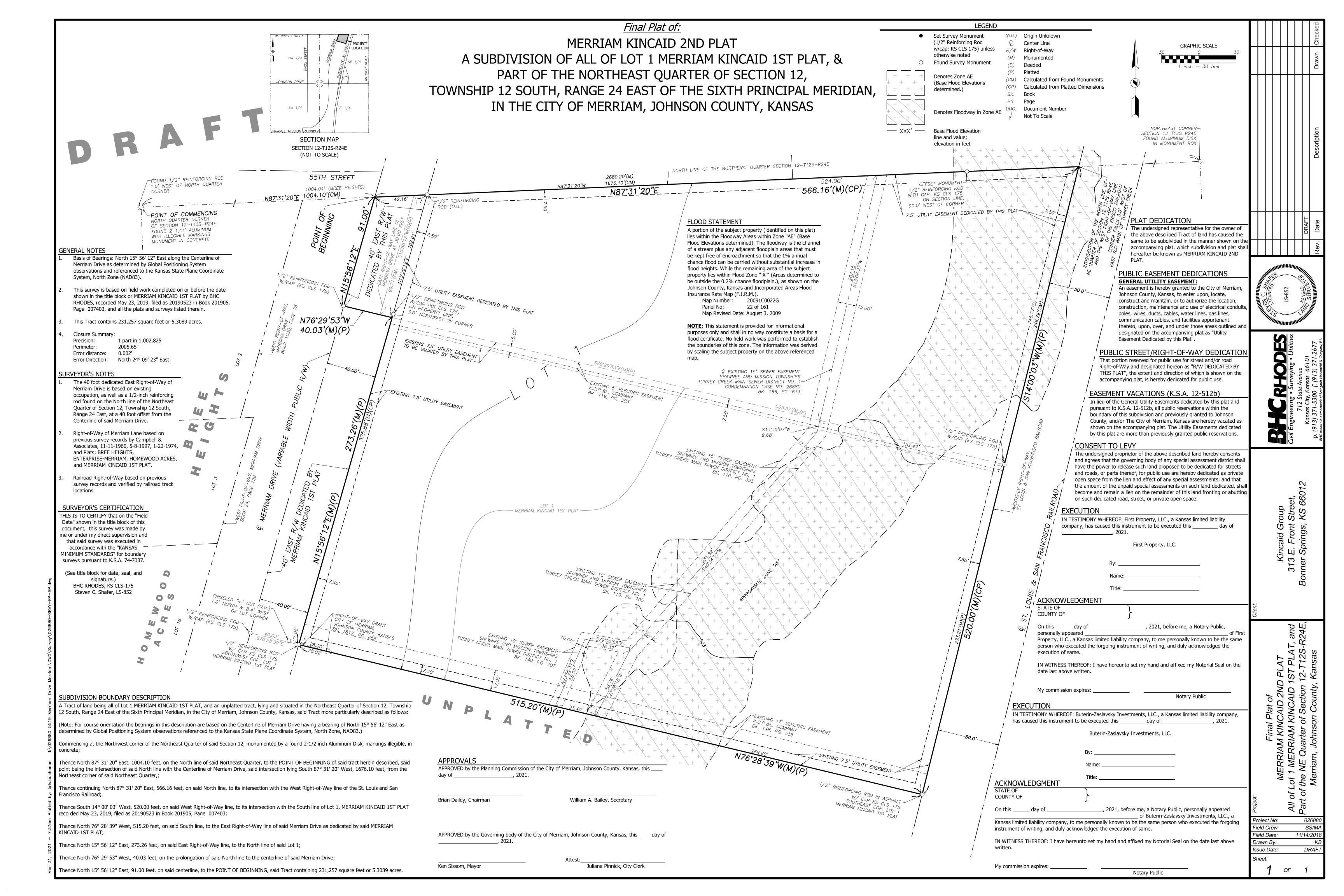
### **Staff Recommendation:**

Staff recommends approval of PA21-000001 with the following stipulations:

- 1. A Certificate of Occupancy will not be issued until W. 55<sup>th</sup> Street and Merriam Drive intersection improvements and associated private drive are complete.
- 1. Prior to approval of building permits the final plat shall be recorded with Johnson County.

\_\_\_\_\_

Bryan P. Dyer, AICP Community Development Director April 7, 2021



# Permanent Shelter Temporary Weather Shelter Food Pantry



# **Permanent Shelter**

Merriam Code outlines standards and process for consideration



# **Zoning Chapter**

Section 74-3 - Definitions

**Group home** means any dwelling occupied by not more than ten persons, including eight or fewer persons with a disability who need not be related by blood or marriage and not to exceed two staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of the State of Kansas or otherwise permitted by law. "Group home" also includes state-licensed home plus adult care residences or facilities.

**Group residence** means a residential facility providing cooking, sleeping, and sanitary accommodations for a group of people, not defined as a family or group home, on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, children's homes, and emergency shelters for the *homeless* and for victims of crime, abuse, or neglect.



# **Group Home**

- Must meet the Definition in Sec 74-3
- Only allowed in all "R" zoning districts
- No zoning or building code review



# **Group Residence**

- Only allowed in "R" (Residential) Zoned areas
- Require a Special Use Permit (SUP) (Chapter 74, Article V. Special Uses)
- Development standards for required parking and parking lot screening
- Public Hearing at Planning Commission
- City Council approval/denial
- First SUP two year term, subsequent renewals for five years



# **Permanent Shelter**

Merriam Code outlines standards and process for consideration

# **Temporary Weather Shelter**

**Process for review and approval** 



# **Temporary Weather Shelter**

- Need quick consideration
- Reviewed on a case-by-case basis
- Merriam Building Official and Overland Park Fire Department must inspect prior to occupancy
- Building owner/operator signs waiver releasing OPFD and City of Merriam from any and all liability associated with the safety of occupants
- Once the weather emergency is over, no longer used as a shelter



# **Permanent Shelter**

Merriam Code outlines standards and process for consideration

# **Temporary Weather Shelter**

**Process for review and approval** 

# **Food Pantry**

Ancillary to primary use or is it the primary use



# **Food Pantry**

# **Ancillary use**

• If ancillary to primary use, minimal city review

# **Primary use**

- If Food Pantry is the primary use, then facility is considered a commercial use – akin to a grocery store and/or warehouse
- Must be located in a commercial zoned area and meet zoning and building code requirements



# Questions?



# CITY OF MERRIAM, KANSAS

# MONTHLY FINANCIAL REPORT

Finance Department



# City of Merriam, KS Monthly Financial Report - Executive Summary March 2021

### Revenues

	Current Month		YTD		YTD		Over/(Under)	
Various Funds:	Actual		Actual		Budget		YTD Budget	
1% City Sales Tax	\$	640,826	\$	640,826	\$	609,800	\$	31,026
1/4% City Sales Tax-Storm/Street		179,143		167,386		152,450		14,936
1/4% City Sales Tax-Rec. Facilities		179,143		167,386		152,450		14,936
City Use Tax		111,571		111,571		63,922		47,650
County Sales Taxes - All		181,820		181,820		168,025		13,794
Real Property Taxes - Gen Fund	\$	246,916	\$	2,665,226	\$	2,317,480	\$	347,746
Transient Guest Tax		-		-		1		-
Franchise Fees		110,370		338,713		328,615		10,098
Court Fines		82,069		242,212		225,000		17,212

### **Expenditures**

General Fund - only:	Current Mo.	Monthly	Over/(Under)	Year to Date	Year to Date	Over/(Under)	
	Actual	Budget	Budget	Actual	Budget	YTD Budget	
Salaries and Benefits	\$ 668,601	\$ 803,650	\$ (135,050)	\$ 2,109,316	\$ 2,410,951	\$ (301,636)	
Contractual Services:							
OP Fire Services	-	237,558	(237,558)	-	237,558	(237,558)	
Utilities	59,004	53,758	5,246	117,653	161,273	(43,620)	
Legal	1,531	5,500	(3,970)	1,531	16,500	(14,970)	
Property Maint	64,117	77,798	(13,681)	190,777	233,395	(42,619)	
Specific Contractual*	29,253	37,554	(8,301)	64,988	112,662	(47,673)	
Other Contractual	56,721	90,549	(33,828)	118,089	271,647	(153,558)	
Commodities:							
Gasoline/Diesel Fuel	9,262	12,954	(3,692)	16,874	38,863	(21,988)	
Other Commodities	51,088	54,544	(3,456)	111,638	163,633	(51,994)	
		·					

<sup>\*</sup>Specific Contractual includes: specific ongoing outside contractors (Judge, Prosecutor, Auditor, prisoner care, Information Services, legislative monitor, payroll processing, and animal care). The City Attorney is included under the Legal line item.

### Comments:

- > Transient Guest Tax collections for 1st quarter 2021 will be received in April.
- January 2021 1% and ¼% City sales tax collections are 16.91% (\$157,232) higher than the prior year.
  - o Auto sales are 23.79% more than prior year actual.
  - o Merriam Town Center/Johnson Drive sales are 12.05% more than prior year actual
  - o Other categories are 11.79% more than prior year actual.

# City of Merriam, KS Monthly Financial Report - Executive Summary March 2021

# Equipment Purchases >\$5,000

Month	Description	Amount
January	Police – trailer	\$7,595
February	Police – thirty-five tasers	\$20,753
March	None	\$0

### **Cash and Investment Balances**

FHLB = Federal Home Loan Bank	\$ 5,835,000	17%
FHLMC = Federal Home Loan Mortgage Corp.	4,650,000	15%
FNMA = Federal National Mortgage Assn.	4,500,000	14%
FFCB = Federal Farm Credit Bank	6,500,000	20%
US Treasury Bills	3,292,000	10%
Municipal Bonds	2,625,000	9%
TD Ameritrade MMA	249,378	2%
Total Investments	27,651,378	87%
US Bank Cash Account	4,156,215	13%
Total Cash plus Investments	\$ 31,807,593	100%

# City of Merriam, KS Monthly Financial Report - Executive Summary March 2021

### FAQ's

Question: What is the City Sales Tax rate effective January 1, 2021?

Answer: 9.475% (6.500% to the State of Kansas; 1.475% to Johnson County; 1.50% to Merriam)

Question: How much does the City owe for general obligation bonds?

Answer: \$1,685,000 is the current balance for the Series 2012 and \$15,390,000 for Series 2018.

Question: What is the City's bond rating?

Answer: S & P Global Ratings rates the City's debt as "AAA (Stable)"

Question: What is the City's current mill levy?

Answer: 27.558 mills (2020 levy supporting 2021 budgets)

Question: What is the City's assessed property valuation?

Answer: \$214 million per Johnson County Clerk as of June 1, 2020

Question: How much of the City's assessed property valuation is for Residential, Commercial, and Other?

Answer: \$91 million or 43% for Residential (including apartments);

\$116 million or 55% for Commercial;

\$7 million or 2% for Other (including vacant land, personal property, utilities)

Question: How many households are in the City?

Answer: 5,224 households (homes and apartments) per the 2010 U.S. Census Bureau

Question: What is the City's "pull factor" and what does this mean?

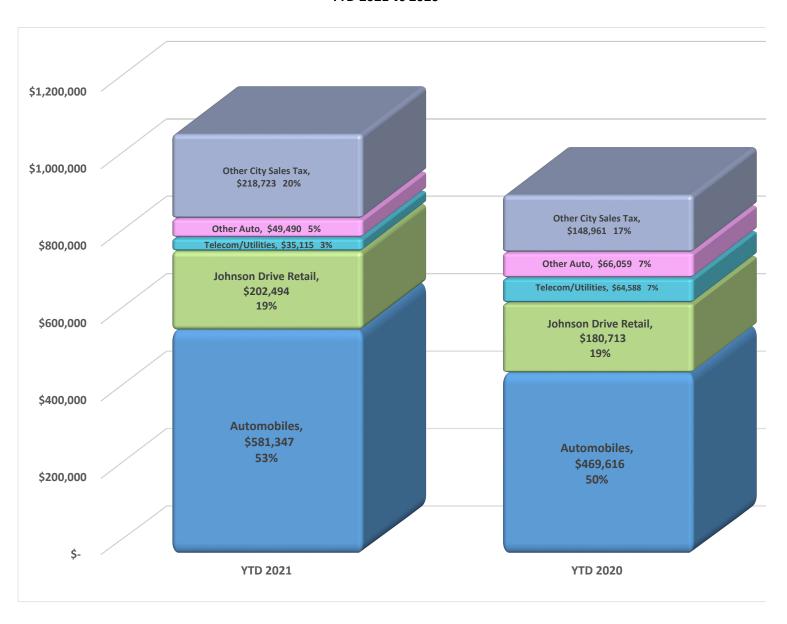
Answer: 4.49 is the City's pull factor per the Kansas Department of Revenue (December 2020 report). The

term refers to how many non-residents a community "pulls" for shopping purposes. A pull factor greater than 1.00 indicates the community attracts more retail sales than it loses when residents

shop outside the city. Merriam's is currently the highest in the State of Kansas.

### City of Merriam Sales Tax Comparison - 1.50%

### YTD 2021 vs 2020



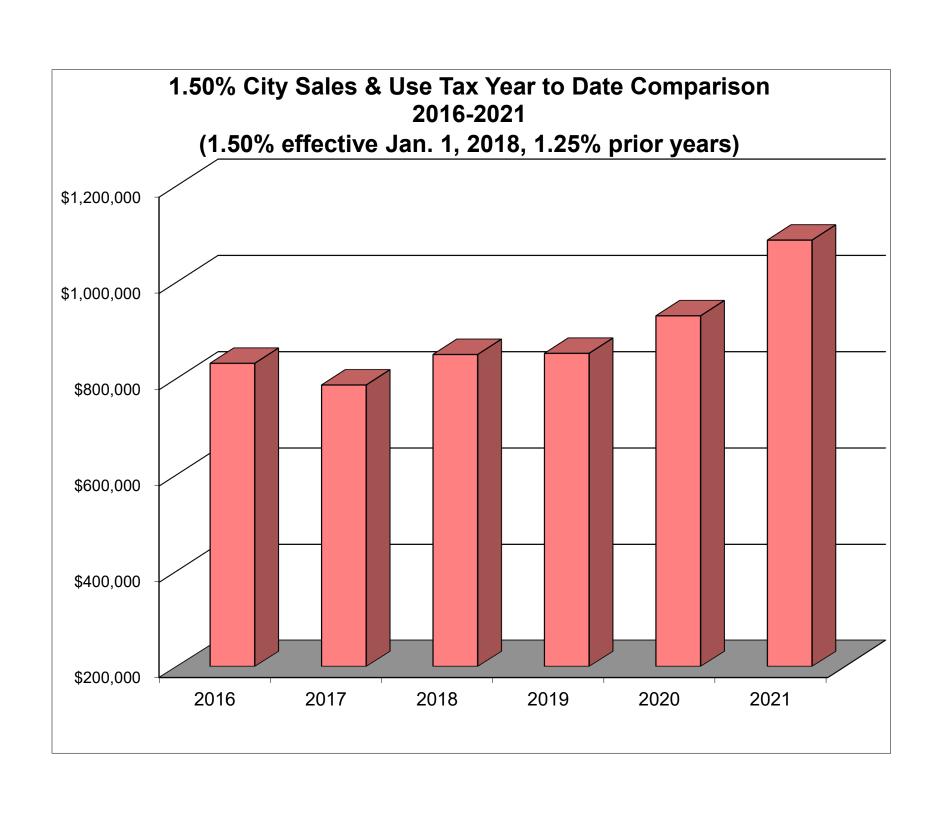
# CITY SALES & USE TAXES \* (Regular 1.50% effective Jan. 1, 2018, 1.25% prior years)

Through: March 2021

Month							Comparison	Average
Collected/Received	2016	2017	2018	2019	2020	2021	2020 and 2021	2016-2020
Jan/Mar	831,320	786,301	849,645	852,037	929,937	1,087,169	157,232	849,848.23
Feb/Apr	773,150	738,462	984,697	815,595	994,443			861,269.54
Mar/May	858,854	868,780	997,674	1,014,294	803,256			908,571.46
Apr/Jun	796,692	750,690	1,079,168	979,825	654,772			852,229.23
May/Jul	931,163	858,245	1,025,175	1,127,238	914,993			971,362.79
Jun/Aug	865,511	895,143	1,088,415	981,803	1,246,100			1,015,394.31
Jul/Sep	927,803	911,673	1,028,566	1,156,685	1,066,462			1,018,237.78
Aug/Oct	923,896	909,599	1,093,553	1,156,528	1,143,388			1,045,392.50
Sep/Nov	863,243	829,752	898,941	1,092,707	1,013,232			939,575.13
Oct/Dec	819,791	887,153	978,915	1,030,482	1,095,142			962,296.84
Nov/Jan	844,545	815,416	947,857	1,041,482	1,027,139			935,287.94
Dec/Feb	943,732	868,102	966,502	1,043,210	1,146,167			993,542.34
Total	10,379,700	10,119,316	11,939,108	12,291,885	12,035,031	1,087,169	157,232	11,353,008
YTD	2016	2017	2018	2019	2020	2021		
March 2021	831,320	786,301	849,645	852,037	929,937	1,087,169		

Average Collections Between 2016-2020	\$ 11,353,008
Budgeted 2021	11,743,464
Estimate Based on Current Collection Rate	12,035,031
Over/(Under) at Current Collection Rate	\$ 291,567

<sup>\*</sup> Kansas imposes a use tax on items purchased outside of Kansas for use in Kansas. The rate is identical to the sales tax rate in effect where the customer takes delivery.



# JOHNSON COUNTY SALES/USE TAX AND PUBLIC SAFETY TAXES \* (Total City Share is 1.25%)

Through: March 2021

Month Collected/Received	2016	2017	2018	2019	2020	2021	Comparison 2020 and 2021	Average 2016-2020
Jan/Mar	130,730	132,558	164,426	147,949	152,833	181,820	28,986	145,699
Feb/Apr	129,905	136,333	149,591	148,168	156,265	101,020	20,000	144,052
Mar/May	145,445	148,999	178,476	167,514	150,945			158,276
Apr/Jun	141,130	157,071	171,127	165,807	153,599			157,747
May/Jul	136,074	168,652	179,056	182,514	164,589			166,177
Jun/Aug	150,786	181,983	185,132	176,338	192,327			177,313
Jul/Sep	150,089	172,667	166,088	181,055	168,081			167,596
Aug/Oct	148,762	176,915	175,932	178,013	187,229			173,370
Sep/Nov	152,714	180,671	164,596	178,770	177,905			170,931
Oct/Dec	140,607	165,159	163,132	176,796	182,813			165,701
Nov/Jan	142,131	171,494	183,409	177,798	180,092			170,985
Dec/Feb	172,005	196,607	189,838	194,792	179,184			186,485
Total	1,740,379	1,989,108	2,070,804	2,075,514	2,045,862	181,820	28,986	1,984,333
YTD	2016	2017	2018	2019	2020	2021		
March 2021	130,730	132,558	164,426	147,949	152,833	181,820		
	Average Collection	ons Between 20	16-2020				\$ 1,984,333	
	Budgeted 2021						2,016,304	
	Estimate Based	on Current Colle	ction Rate				2,045,862	
	Over/(Under) at 0	Current Collection	n Rate				\$ 29,558	

<sup>\*</sup> The County special "courthouse" 0.25% tax, effective April 1, 2017, will expire March 31, 2027. All other County taxes have no sunset date.

# March 2021 REVENUE SUMMARY BY FUND

Fund			YTD	Monthly		YTD %
Number	Revenues	Budget/Est.	Actual	Collections	Balance	Budget/Est.
001	General Fund	\$ 19,577,129	\$ 4,624,429	\$ 1,500,942	\$ 14,952,700	23.62%
201	Special Highway Fund	253,420	219	82	253,201	0.09%
202	Special Alcohol Fund	27,283	5,305	5,300	21,978	19.45%
203	Special Park & Rec	27,283	5,327	5,305	21,956	19.53%
204	Transient Guest Tax	502,750	17,452	6,948	485,298	3.47%
221	Risk Management Reserve	19,985	3,287	46	16,698	16.45%
222	Equipment Reserve Fund	640,000	149,992	49,751	490,008	23.44%
301	Capital Improvement Fund		1,407,415	584,218		
303	I-35 District CIP Fund		475	(23)		
401	Bond and Interest Fund	3,229,038	280,297	179,539	2,948,741	8.68%
403	TIFB-I35 District		2,509,123	24,012		
702	Special Law Enforcement-State/Local		24	-		
704	Grant Fund		-	-		
	TOTAL	\$ 24,276,888	\$ 9,003,345	\$ 2,356,119	\$ 19,190,581	

Average Rate of Sales Tax Collections Should Be:	8.33%
Average Rate of Other Collections Should Be:	25.00%

# March 2021 EXPENDITURE SUMMARY BY FUND

Fund			YTD		Monthly				YTD %
Number	Expenditures	Budget/Est. *	Actual	E	<b>cpenditures</b>	E	Encumbrances	Balance	Budget/Est.
001	General Fund	\$ 19,390,930	\$ 4,055,652	\$	1,389,065	\$	764,403	\$ 14,570,875	24.86%
201	Special Highway Fund	330,000	3,542		(1,545)		2,439	324,019	1.81%
202	Special Alcohol Fund	27,000	16,344		2,121		-	10,656	60.53%
203	Special Park & Rec	60,000	4,893		2,690		-	55,107	8.15%
204	Transient Guest Tax	537,913	107,816		45,194		16,710	413,387	23.15%
221	Risk Management Reserve	30,000	(23,482)		(23,834)		31,715	21,767	27.44%
222	Equipment Reserve Fund	691,093	33,604		-		62,715	594,774	13.94%
301	Capital Improvement Fund		151,281		79,940		2,079,085		
303	I-35 District CIP Fund		31,385		-		2,090		
401	Bond and Interest Fund	3,220,475	400,238		400,238		-	2,820,238	12.43%
403	TIFB-I35 District		646,032		-		-		
702	Special Law Enforcement-State/Local		7,132		-		-		
704	Grant Fund		1,403		1,403		-		
	TOTAL	\$ 24,287,411	\$ 5,435,839	\$	1,895,270	\$	2,959,157	\$ 18,810,823	

Average Expenditure Rate Should Be:	25.00%
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<sup>\*</sup> Excludes budgeted reserves and contingencies

March 2021
EXPENDITURE SUMMARY BY DEPARTMENT
GENERAL FUND - YEAR-TO-DATE

				2021				2020	Act	ual 2021
		Annual	Ye	ear-to-date	% of B	udget	Ye	ar-to-date	Ove	r/(Under)
<u>Department</u>	<u>B</u> ı	udget/Est.		<u>Actual</u>	<u>Use</u>	<u>ed</u>		<u>Actual</u>	<u>Act</u>	ual 2020
City Council	\$	100,691	\$	17,068	1	6.95%	\$	25,829	\$	(8,761)
Administration		1,286,151		295,763	2	3.00%		315,939		(20,176)
Municipal Court		386,354		73,145	1	8.93%		81,745		(8,600)
Info Services		556,966		153,371	2	7.54%		140,314		13,057
General Overhead										
General		496,955		128,114	2	5.78%		82,095		46,020
Utilities		608,200		118,081	1	9.41%		44,932		73,149
Property Maintenance		549,784		99,075	1	8.02%		59,035		40,040
Risk Management		230,000		-		0.00%		-		-
Legal		71,900		2,431		3.38%		9,783		(7,352)
Employee Benefits		61,640		5,366		8.71%		6,824		(1,458)
Fleet Maintenance		296,985		36,166	1:	2.18%		-		n/a
Interfund Transfers		2,701,544		1,302,196	4	8.20%		1,282,081		20,114
Contingency Usage *		25,000		-		0.00%		-		-
Police		4,156,162		960,794	2	3.12%		1,029,432		(68,638)
Fire		2,910,889		(31,744)	-	1.09%		(13,631)		(18,113)
Public Works		2,289,336		477,064	2	0.84%		502,086		(25,022)
Culture & Rec - Parks		52,003		2,932	;	5.64%		35,009		(32,077)
Culture & Rec - Comm Ctr		1,775,571		240,298	1	3.53%		224,399		15,899
Community Dev		800,550		175,532	2	1.93%		204,877		(29,345)
Total General Fund	\$	19,356,681	\$	4,055,652	2	0.95%	\$	4,030,748	\$	(11,263)

Average Expenditure Rate Should Be:	25.00%
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<sup>\*</sup> Excludes budgeted reserves and contingencies

# INVESTMENT REPORT

# Investment Listing by Maturity Date 3/31/2021

Fund	Туре	Location	Purchase Date	Par Amount	Maturity Date	Yield	Monthly Subtotal
301/901	Treasury MMA	TD Ameritrade	09/01/16	249,378	N/A	0.010%	\$ 249,378
301	AGENCY-FNMA	TD Ameritrade	05/29/20	1,500,000	04/13/21	0.154%	
222/301	TBILL	Country Club	01/20/21	1,150,000	04/20/21	0.075%	\$ 2,650,000
301	TBILL	TD Ameritrade	05/29/20	1,552,000	05/20/21	0.169%	\$ 1,552,000
301	AGENCY-FHLB	TD Ameritrade	07/08/20	1,000,000	06/11/21	0.166%	
901	AGENCY-FHLB	TD Ameritrade	03/14/18	250,000	06/14/21	2.509%	\$ 1,250,000
301	AGENCY-FHLB	TD Ameritrade	08/05/20	3,000,000	07/07/21	0.112%	\$ 3,000,000
301	AGENCY-FHLMC	TD Ameritrade	07/08/20	3,000,000	08/12/21	0.167%	
301	AGENCY-FNMA	TD Ameritrade	08/06/20	1,000,000	08/17/21	0.126%	
301	AGENCY-FNMA	Country Club	07/29/19	500,000	08/17/21	1.797%	\$ 4,500,000
901	MUNICIPAL BOND	TD Ameritrade	02/23/21	200,000	09/01/21	0.220%	
901	MUNICPAL BOND	TD Ameritrade	03/25/21	175,000	09/01/21	0.185%	
301	AGENCY-FNMA	Country Club	07/29/19	500,000	09/08/21	1.862%	\$ 875,000
301	AGENCY-FNMA	TD Ameritrade	10/28/20	1,000,000	10/07/21	0.122%	
301	MUNICIPAL BOND	TD Ameritrade	11/05/20	250,000	10/15/21	0.221%	\$ 1,250,000
303	AGENCY-FHLB	TD Ameritrade	02/18/20	340,000	12/10/21	1.400%	
301	AGENCY-FHLB	TD Ameritrade	02/18/20	245,000	12/10/21	1.400%	
301	AGENCY-FHLB	TD Ameritrade	12/16/20	1,000,000	12/16/21	0.092%	
301	TBILL	Country Club	03/31/21	290,000	12/30/21	0.039%	
222	TBILL	Country Club	12/23/20	300,000	12/31/21	0.095%	\$ 2,175,000
901	AGENCY-FFCB	TD Ameritrade	02/03/21	1,000,000	04/27/22	0.100%	\$ 1,000,000
901	MUNICPAL BOND	TD Ameritrade	02/23/21	290,000	09/01/22	0.220%	
901	MUNICPAL BOND	TD Ameritrade	02/25/21	530,000	09/01/22	0.230%	
901	MUNICPAL BOND	TD Ameritrade	03/04/21	500,000	09/01/22	0.370%	
901	MUNICPAL BOND	TD Ameritrade	03/31/21	185,000	09/01/22	0.270%	
901	MUNICPAL BOND	TD Ameritrade	03/31/21	260,000	09/01/22	0.245%	
301	AGENCY-FFCB	TD Ameritrade	12/22/20	1,000,000	09/22/22	0.120%	\$ 2,765,000
301	MUNICIPAL BOND	TD Ameritrade	05/07/20	235,000	12/01/22	1.050%	
222/303	AGENCY-FHLMC	Country Club	06/30/20	650,000	12/29/22	0.350%	\$ 885,000
901	AGENCY-FFCB	TD Ameritrade	01/13/21	500,000	01/13/23	0.160%	
221	AGENCY-FFCB	Country Club	01/30/20	350,000	01/23/23	1.441%	
301	AGENCY-FFCB	Country Club	01/30/20	150,000	01/23/23	1.441%	
301	AGENCY-FHLMC	TD Ameritrade	03/16/21	1,000,000	01/27/23	0.100%	\$ 2,000,000
901	AGENCY-FFCB	TD Ameritrade	02/10/21	2,000,000	02/10/23	0.135%	\$ 2,000,000
301/303	AGENCY-FFCB	TD Ameritrade	03/03/21	1,000,000	03/01/23	0.158%	
901	AGENCY-FFCB	TD Ameritrade	03/10/21	500,000	03/10/23	0.160%	\$ 1,500,000
				We	eighted Yield	0.288%	\$ 27,651,378



#### AGENDA ITEM INFORMATION FORM

AGENDA ITEM: Consider Professional Services Agreement with Affinis, Corp. for the design of

West Frontage Road from Turkey Creek Drive to 75th Street.

**SUBMITTED** 

BY: Jim MacDonald, Public Works Director

**MEETING** 

**DATE:** April 26, 2021

#### PROJECT BACKGROUND/DESCRIPTION:

In April 2021 staff conducted a Request for Qualifications (RFQ) process for 2021-2026 capital projects engineering. There were six projects and engineering firms could submit their interest and qualifications for one or more projects. Eleven firms responded to the RFQ.

An engineering selection team comprised of Jim MacDonald, Todd Veeman, and Randy Fine rated each statement of interest on the following criteria: 1.) Project Understanding; 2.) Project Approach; 3.) Relevant Experience; 4.) Staff and Availability; and 5.) Communication/Public Relations. The highest rated firm was selected by the committee and a project scope meeting was held.

In an effort to maintain continuity while still maintaining a climate of competition, Staff's intention is to follow a similar RFQ process every five years.

Affinis Corporation was selected for the West Frontage Road Project Engineering.

The scope of this construction project includes the installation of new curb and gutter, sidewalk along the west side of the roadway, drainage improvements, 2-inch Mill/Overlay, bridge deck repairs, slope and embankment protection, new pedestrian bridge over Turkey Creek, RR crossing upgrades, replacement of substandard curb/gutters and sidewalk/ADA ramps as required.

The project scope has changed significantly since first budgeted, needed repairs to the bridge deck and footings were discovered after the biennial bridge inspection. Upgrades to the RR crossing and signals along with a pedestrian bridge over Turkey Creek were not part of the original scope of work. This requires more engineering therefore the increased cost. Staff is requesting to use additional TIF funds to cover the overage.

#### **CITY COUNCIL GOALS AND OBJECTIVES**

3.2 Sustain capital improvement efforts.

#### FINANCIAL IMPACT

**Amount of Contract:** \$259,665.00 **Amount Budgeted:** \$100,000.00

Funding Source/Account I-35 Redevelopment District TIF Fund — Acct #301-0000-511-4510,

#: Project #GC1901,

#### **SUPPORTING DOCUMENTS**

Professional Service Agreement executed by Affinis, Corp.

#### **ACTION NEEDED/STAFF RECOMMENDATION**

Recommend that the Council authorize the Mayor to execute the professional services agreement with Affinis Corporation for West Frontage Road from Turkey Creek Drive to 75<sup>th</sup> Street for an amount not exceed \$259,665.00

A	f	finis			We		IT B (For info ad (75th Street	rmation only) to Turkey Cree	k Drive)									Date: Client: Affinis Proj. No.	4/21/2021 Merriam, KS
7 3		corp					Merriam, Ka											Made By:	KEL/SRS/SR
		For 4,700 l.f. of design	Principal	Project Mgr /Sr Eng I		Intern Engineer I	Design Tech. II	Design Tech. I	CADD Tech. II	CADD Tech. I	Land Surveyor III	Land Surveyor II	Survey Crew Member II	Survey Crew Member I	Proj. Related Services I	LABOR COSTS	DIRECT I	EXPENSES COST	TOTAL FEE
Tasks		BASIC SERVICES	\$260.00	\$180.00	\$145.00	\$120.00	\$150.00	\$120.00	\$105.00	\$90.00	\$180.00	\$125.00	\$110.00	\$90.00	\$90.00	C0313	TILIVI	CO31	TEE
1.01		TASK 1. PRELIMINARY DESIGN																	
1.01 A		Data Collection Attend Pre-Design Meeting		2	2	2									1	\$ 980.00			\$ 980.00
В		Review Design Criteria/Prepare Design Memo		2	2	2									1	\$ 380.00			\$ 380.00
C		Schedule & Coordinate Project Activities with City Schedule & Facilitate Pre-design Utility Meeting		2	4										2	\$ 360.00			\$ 360.00
D E		Field Data Collection			4										2	\$ 760.00			\$ 760.00 \$ -
	1.	Establish Land and Section Corners								8	2	8	8	8		\$ 3,680.00			\$ 3,680.00
	2.	Topo Surveys Utility Coord. & Locates								16		8	80	80		\$ 16,000.00 \$ 2,440.00			\$ 16,000.00 \$ 2,440.00
		Basemap Creation								40	8	16	24			\$ 9,680.00			\$ 2,440.00
F		Field Reconaissance (1-13)		8	40	40	16									\$ 14,440.00			\$ 14,440.00
G H		Geotechnical investigation Ownership & Abutting Property Information		2								2		4		\$ 970.00	Subconsultant	\$ 7,000.00	\$ 7,970.00 \$ -
- 11	1.	Obtain Ownership Info (Assume no title work)								8		16		8		\$ 3,440.00			\$ 3,440.00
	2.	Review Record Drawings and Plans									2	4				\$ 860.00			\$ 860.00
1.02		Preliminary Plans																	\$ -
A		Cover Sheet							2							\$ 210.00			\$ 210.00
B C		Typical Sections Plan & Profile Sheets		4	16	40	8		8 64							\$ 2,330.00 \$ 16,960.00	<del> </del>		\$ 2,330.00 \$ 16,960.00
D		Storm sewer			16	40	8		40							\$ 12,520.00			\$ 12,520.00
Е		Intersection Layouts			4		8		24							\$ 4,300.00			\$ 4,300.00
F G		ADA Ramp Layouts Drive Profiles			8	16	8		8							\$ 2,330.00 \$ 3,080.00			\$ 2,330.00 \$ 3,080.00
Н		Retaining Walls			4	16			24							\$ 5,020.00			\$ 5,020.00
I		Preliminary Pavement Marking & Signing		2	4			24								\$ 3,820.00			\$ 3,820.00
1.03		Quality Assurance Review & Revisions	2	4	4	4	4	4								\$ 3,380.00			\$ 3,380.00
		•														,			
1.04		Submit Preliminary Plans to Utility Companies				2									2	\$ 420.00			\$ 420.00
1.05		Develop Opinion of Probable Project Cost (OPPC)			4	16			8							\$ 3,340.00			\$ 3,340.00
1.06		Submit Preliminary Plans & Probable Construction Cost to City			2											\$ 290.00			\$ 290.00
1.07		Project Progress Meetings with City (4)		8	8										2	\$ 2,780.00			\$ 2,780.00
1.08		Field Check		4	8	4									2	\$ 2,540.00			\$ 2,540.00
1.09 A		Right-of-Entry documents Prepare Right of Entry & Tract Maps (approx. 21 parcels)								24		16			4	\$ 4,520.00			\$ - \$ 4,520.00
1.10		Railroad																	\$ -
A.		Coordination construction of city project (permit application)		4	4	8			8							\$ 3,100.00			\$ 3,100.00
В		Coordination of improvements and design		4		8			8							\$ 1,800.00 \$ 720.00			\$ 1,800.00 \$ 720.00
C D		Opinion of cost and budget review Project progress meetings (4)		12	8											\$ 720.00 \$ 3,320.00			\$ 720.00
																\$ -			
1.11 A		Prepare access permit application for KDOT (survey & const)		4	4				8			4				\$ - \$ 2,640.00			\$ - \$ 2,640.00
B		Prepare applications for City land disturbance and NPDES permits		4	2	8			8			4				\$ 2,040.00			\$ 2,040.00
															,	\$ -			·
1.12 A		Public Information Meeting (1) Invidual property owner meetings/consultation (6)		12	12										4	\$ 1,660.00 \$ 4,260.00			\$ 1,660.00 \$ 4,260.00
				12	12										·	,200.00			,
	$\Box$	Reimbursables															Printing Mileage	\$ 300 \$ 350	\$ 300.00 \$ 350.00
		Subtotal Task 1 Hours	2	76	164	204	68	28	210	96	12	74	112	100	22		wincage	φ 330	550.00
		Subtotal Task 1 Cost	\$520.00	\$13,680.00			\$10,200.00	\$3,360.00	\$22,050.00	\$8,640.00	\$2,160.00		\$12,320.00			\$ 141,420.00	Reimbursables	\$ 7,650.00	\$ 149,070.00
2.01		TASK 2. FINAL DESIGN Final Plans										1						+	
A A		Cover Sheet							2							\$ 210.00			\$ 210.00
В		Typical Sections			2	0			2							\$ 500.00			\$ 500.00
C D		Storm sewer Plan & Profile Sheets		8	8	32			8 40							\$ 1,800.00 \$ 10,640.00			\$ 1,800.00 \$ 10,640.00
Е		Intersection Layouts				32	4		8							\$ 1,440.00			\$ 1,440.00
F		ADA Ramp Layouts			8	0			8							\$ 2,000.00 \$ 1,800.00			\$ 2,000.00 \$ 1,800.00
G H		Drive Profiles Retaining Walls		2	4	8			8							\$ 1,800.00 \$ 1,780.00			\$ 1,800.00 \$ 1,780.00
I		Bridge Repair Plans & Details		4	24		8		8							\$ 6,240.00			\$ 6,240.00
J K		Pedestrian Bridge Plans & Details Pavement Marking & Signing		4 2	24			8	8							\$ 5,040.00 \$ 1,610.00			\$ 5,040.00 \$ 1,610.00
L		Traffic Control /Construction Phasing	2	2	8			32								\$ 1,610.00	1		\$ 1,610.00
M		Erosion Control plans & details & SWPPP			2	8			16							\$ 2,930.00			\$ 2,930.00
N		Standard & Special Details					8	4	8							\$ 2,520.00			\$ 2,520.00
	1			1	1	1	1	1	1	1	1		1				1		

1 of 2

1						IT B (For info											Date:	4/21/2021
	ffinis			Wes	st Frontage Ro	ad (75th Street	to Turkey Cree	<u>k Drive)</u>									Client: Affinis Proj. No.	Merriam, KS
	corp			ı		Merriam, Kar											Made By:	KEL/SRS/SR
	For 4,700 l.f. of design	Principal	Project Mgr /Sr Eng I		Intern Engineer I	Design Tech. II	Design Tech. I	CADD Tech. II	CADD Tech. I	Land Surveyor III			Survey Crew Pr Member I S		LABOR COSTS	DIRECT I	XPENSES COST	TOTAL FEE
Tasks	BASIC SERVICES	\$260.00	\$180.00	\$145.00	\$120.00	\$150.00	\$120.00	\$105.00	\$90.00	\$180.00	\$125.00	\$110.00		\$90.00				
2.02	Project Manual		2	12	8									4	\$ 3,420.00		\$	3,420.00
2.03	Quality Assurance Review & Revisions	4	4	4	4			8							\$ 3,660.00		\$	3,660.00
2.04	Quantity Takeoffs		4	4	16										\$ 3,220.00		\$	3,220.00
2.05	Johnson County CARS submittal			2											\$ 290.00		\$	290.00
2.06	Utility Coordination		0	16	16			0						4	Φ 6000.00			6,000,00
A-B	Meetings (3)		8	16	16			8						4	\$ 6,880.00		\$	6,880.00
2.07	Prepare Bid Documents		2	4			8							4	\$ 2,260.00		\$	2,260.00
2.08	Provide CAD drawings & PDF images					2	4								\$ 780.00		\$	780.00
2.09	Provide Plan Sets to City, State & Utilities						2								\$ 240.00		\$	240.00
2.10	Project Progress Meetings with City (4)		8	4	4										\$ 2,500.00		\$	2,500.00
	Reimbursables															Printing Mileage	\$ 500 \$ \$ 200 \$	
	Subtotal Task 2 Hours	6	48	128	104	22	58	140	0	0	0	0	0	12		υ		
	Subtotal Task 2 Cost	\$1,560.00	\$8,640.00	\$18,560.00	\$12,480.00	\$3,300.00	\$6,960.00	\$14,700.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,080.00	\$ 67,280.00	Reimbursables	\$ 700 \$	67,980.00
3.01	TASK 3. BIDDING Consultation during bid period		4	16	0	4									\$ 4,600.00		•	4,600.00
			4	10	8	4											\$	
3.02	Bid Addenda			4	8										\$ 1,540.00		\$	1,540.00
3.03	Bid Opening			2											\$ 290.00		\$	290.00
3.04	Bid Tabulation				4										\$ 480.00		\$	480.00
3.05	Analyze Bids & Award Recommendation			1											\$ 145.00		\$	145.00
3.06	Prepare Contract Documents and Construction Plan Sets						2								\$ 240.00		\$	240.00
3.07	Pre-Construction Public Meeting		2	2										2	\$ 830.00		\$	830.00
3.08	Pre-Construction Conference		2	2										2	\$ 830.00		\$	830.00
	Reimbursables															Printing/Planro	\$ 700 \$	700.00
		_	_					_	_	_	_	_	_				\$ 100 \$	
	Subtotal Task 3 Hours Subtotal Task 3 Cost	\$0.00	\$ \$1,440.00	\$3,915.00	20 \$2,400.00	\$600.00	\$240.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$360.00	\$ 8,955.00	Reimbursables	\$ 800.00 <b>\$</b>	9,755.00
	THE SIX A CONSTRUCTION SERVICES				·													
4.01	TASK 4. CONSTRUCTION SERVICES Discussions & Consultations During Construction		8	24	8	8									\$ 7,080.00		\$	7,080.00
4.02	Review Shop Drawings		2	8	16										\$ 3,440.00		\$	3,440.00
4.03	Prepare Plan Revisions for Field Changes (Excludes Traffic Control)		2	4		2		8							\$ 2,080.00		\$	2,080.00
4.04	Railroad coordination during construction		16	8											\$ 4,040.00		\$	4,040.00
4.05	Prepare Final Record Drawings				2			4							\$ 660.00		\$	660.00
4.06	Provide CAD drawings & PDF images							2							\$ 210.00		\$	210.00
	Reimbursables															Printing	\$ 200 \$	200.00
		0	20	44	26	10	0	1.4	0	0	0	0	0	0			\$ 150 \$	
	Subtotal Task 4 Hours Subtotal Task 4 Cost	0 \$0.00	28 \$5,040.00	\$6,380.00	26 \$3,120.00	10 \$1,500.00	0 \$0.00	14 \$1,470.00	0 \$0.00	0 \$0.00	\$0.00	0 \$0.00	0 \$0.00	\$0.00	\$ 17,510.00	Reimbursables	\$ 350.00 \$	17,860.00
					-				-									
	BASIC SERVICES - TOTAL HOURS	8	160	363	354	104	88	364	96	12	74	112	100	38	<b>**</b>		A 6	
$\vdash$	BASIC SERVICES - TOTAL FEE CONTINGENCY	\$2,080.00	\$28,800.00	\$52,635.00	\$42,480.00	\$15,600.00	\$10,560.00	\$38,220.00	\$8,640.00	\$2,160.00	\$9,250.00	\$12,320.00	\$9,000.00 \$	\$3,420.00	\$235,165.00	Reimbursables	\$ 9,500.00 <b>\$</b>	
	TOTAL CONTRACT AMOUNT																	259,665.00

#### PROFESSIONAL SERVICES AGREEMENT

	THIS PROFESSIONAL SERVICES AGREEMENT ("Agreement") is entered into this	day
of	, 20, by and between the City of Merriam, Kansa	s, a
munic	cipal corporation ("City,") and Affinis Corp, a Missouri corporation, having its principle pl	ace
of bus	siness in the state of Kansas ("Consultant").	

**WHEREAS,** the City needs professional assistance to perform the services outlined in the Scope of Services described in Exhibit A; and

**WHEREAS,** the Consultant represents that it has sufficient experience and qualified personnel to perform the professional services herein described on behalf of the City; and

**WHEREAS,** The City has determined, based upon information provided by the Consultant, that Consultant is qualified to provide the professional services described herein.

**WHEREAS,** the City and Consultant desire to enter into this Agreement to set forth the specific terms and conditions of their relationship.

**NOW, THEREFORE,** in consideration of the mutual covenants, promises, and agreements set forth herein, the parties agree as follows:

**SECTION 1. Engagement.** The City hereby engages Consultant as an independent contractor to perform the services described in this Agreement and Consultant accepts that engagement.

#### **SECTION 2. Services.**

- (a) **Scope of Services.** Consultant shall perform those services ("Contract Services") described under Scope of Services in Exhibit A, which is attached to this Agreement and incorporated herein by reference. The City may also request additional services not anticipated at the time of this Agreement. At the City's request, the Consultant shall submit a written scope of the additional work including an estimate of additional costs for the performance of the additional work. No change in scope shall be effective nor additional compensation be paid, except on the basis of the provisions of a written supplemental agreement or an amendment signed by the Parties.
- (b) Subcontracting Services. Consultant may not, without first obtaining the City's written consent, subcontract any of the Contract Services. Notwithstanding the City's consent to any subcontracting, Consultant shall remain fully responsible for all obligations under this Agreement.
- (c) **Time of Performance.** The Consultant agrees to complete the Contract Services within the times listed in Exhibit A, Scope of Service. In absence of written directions to the contrary, receipt of the executed Agreement shall be the Consultant's Notice to Proceed. At the City's discretion, an extension of time may be granted to the

Consultant for delays determined by the City as unavoidable. Consultant may request an extension of time stating the reasons for such a request. The term of this Agreement may be extended by mutual agreement of the parties beyond the time periods outlined in Exhibit A for the purpose of the Consultant providing any additional services, as outlined in Exhibit A, as may be requested by City and agreed to by Consultant. The Parties agree that time for performance of the Contract Services is of of the essence and that the Consultant's failure to meet the contractual times for performance shall constitute a material breach of this Agreement.

- (d) **Qualified Personnel.** Consultant shall provide sufficient qualified personnel to perform the Contract Services. If directed by the City, the Consultant shall remove any person the Consultant employs in connection with the work.
- (e) **Performance.** In performing the Contract Services, Consultant agrees to take all steps necessary for the full and effective performance of those tasks.
- (f) **Assistance from City.** To assist Consultant in performing the Contract Services, the City will perform the duties outlined in Exhibit A, if any, in a timely manner so as not to unreasonably delay the Consultant's services.

**SECTION 3.** Compensation and Expenses. As set forth in Exhibit B, the City shall pay the Consultant for the Contract Services it performs as outlined in Section 2 of this Agreement.

**SECTION 4. Termination of Agreement.** The City may terminate this Agreement at any time for convenience or cause upon written notice to Consultant. If the City terminates the Agreement under this Section, the City shall pay the Consultant for Contract Services satisfactorily performed by Consultant before the termination, and for all associated expenses incurred by the Consultant before the termination. Under no circumstances will the Consultant be entitled to anticipatory profits or consequential damages. The provisions regarding indemnity and insurance shall survive the termination of this Agreement.

# SECTION 5. Reports and Documents. If this section is not needed replace "reports and Documents" with "Reserved"

(a) **Property and Possession.** All reports, studies, analyses, memoranda, and related data and material, as may be developed during the performance of the Contract Services, shall be submitted to and shall be the exclusive property of the City, which shall have the right to use the same for any purpose without further compensation to the Consultant. Consultant may use its own proprietary software for the purposes of generating the data required by the Agreement. The parties agree that the City shall retain all rights to the data generated, but that the Consultant shall retain all rights to the proprietary software.

- (b) **Status of Documents upon Expiration or Termination.** If this Agreement expires or is terminated for any reason, all finished or unfinished documents prepared as part of the Contract Services shall immediately be transmitted to the City by Consultant, with the exception of the Consultant's proprietary software, as noted in Section 5(a). Consultant shall also immediately upon expiration or termination of this Agreement, return to the City all of the studies, maps, and other data furnished to the Consultant by the City under this Agreement.
- (c) **Confidentiality.** Consultant shall not release to any person except City representatives and others authorized by City any reports or related materials prepared for the City pursuant to the Consultant's performance of the Contract Services. This Agreement, however, does not preclude Consultant from performing any service (whether or not similar in nature to a Contract Service) on behalf of other clients in the city or elsewhere. All reports and documents prepared, assembled, or compiled by Consultant pursuant to the terms of this Agreement are to be considered confidential and Consultant agrees that it will not, without prior written consent of the City, submit or make the same available to any individual, agency, public body, or organization other than the City, except as may otherwise herein be provided, subject to the provisions of the Kansas Open Records Act or as may otherwise be required by law.

**SECTION 6. Compliance with Laws.** Consultant shall comply with local, state, and federal rules, regulations, and laws pertaining to this Agreement that are applicable at the time the Consultant conducts the Contract Services, regardless of whether such requirements are specifically referred to in this Agreement. Consultant shall defend, indemnify, and hold harmless the City, its elected officials, officers, employees, and agents against any claim or liability arising from or based on any violation of the same.

#### SECTION 7. Compliance with Equal Opportunity Laws, Regulations, and Rules.

- (a) **Discrimination Prohibited**. Consultant agrees to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001 *et seq.*) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111 *et seq.*) and shall not discriminate against any person in the performance of work under this Agreement because of race, religion, color, sex, disability, national origin or ancestry, or age.
- (b) **Solicitations**. In all solicitations or advertisements for employees, Consultant shall include the phrase "equal opportunity employer" or a similar phrase approved by the Kansas Human Rights Commission (Commission).
- (c) **Non-Compliance.** Consultant shall be deemed to have breached this Agreement and it may be cancelled, terminated, or suspended in whole or in part by the City, if the Consultant:

- 1. fails to comply with the reporting requirements of K.S.A. 44-1031 or K.S.A. 44-1116, and amendments thereto; or
- 2. is found guilty of the Kansas Act Against Discrimination or the Kansas Age Discrimination in Employment Act under a decision or order of the Commission that has become final.
- (d) **Flow Through Requirements.** Consultant shall include the provisions of Section 7(a)-(c) in every subcontract or purchase order so that such provisions will be binding upon such subcontractor or vendor.
- (e) **Exempt Contractors.** The provisions of this Section 7(a)-(d) are recommended but not enforceable against Consultant if:
  - 1. Consultant employs fewer than four employees at all times during the term of this Agreement; or
  - 2. All of Consultant's contracts with the City cumulatively total \$5,000 or less during the fiscal year of the City pursuant to K.S.A. 44-1030(c).
- (f) **ADA Compliance.** Consultant agrees to comply with the American with Disabilities Act of 1990 ("ADA"), codified as amended at 42 U.S.C. § 12101 *et seq.*, as well as all other federal, state, and local laws, ordinances, rules, and regulations applicable to this project and to furnish any and all certification that may be required by federal, state, or local governmental agencies in connection therewith.
- (g) **Code Compliance**. Consultant agrees to comply with Chapter 35, Article III of the Merriam Code, which prohibits discrimination in employment, housing, and public accommodations on the basis of an individual's sexual orientation or gender identity.

#### **SECTION 8. Insurance.**

(a) **General.** Consultant shall secure and maintain, throughout the duration of this Agreement, insurance (on an occurrence basis unless otherwise agreed in writing) of such types and in at least such amounts as required herein. The City shall be named as an additional insured for all coverages required herein except workers' compensation coverage and professional liability coverage. All insurance procured for this Agreement by the Consultant, including additional insured designations, shall be primary and noncontributory. Consultant shall provide certificates of insurance on forms acceptable to the City at the time of this Agreement's execution. The Certificate shall specify the date when such insurance expires. A renewal certificate shall be furnished to the City before the expiration date of any coverage. The City shall be notified by receipt of written notice from the insurer at least 30 days before material modification or cancellation of any policy listed on the Certificate.

- (b) **Notice of Claim.** Consultant, upon receiving notice of any claim in connection with this Agreement, shall promptly notify the City, providing full details thereof, including an estimate of the amount of loss or liability.
- (c) Reduction of Policy Limits. Consultant shall monitor and promptly notify the City of any reduction in limits of protection afforded under any policy listed in the Certificate (or otherwise required by this Agreement) if the Consultant's limits of protection have been impaired or reduced to such extent that the limits fall below the minimum amounts required hereunder. In that event, Consultant shall promptly reinstate the original limits of liability required hereunder and shall furnish evidence thereof to the City.
- (d) **Industry Ratings.** Consultant agrees that its insurance carrier must:
  - 1. a. Be licensed to do business in the State of Kansas;
    - b. Carry a Best's policyholder rating of "A-" or better and;
    - c. Carry at least a Class VIII financial rating; OR
  - 2. Be acceptable to the City.
- (e) **Insurance Required**. Consultant agrees to secure and maintain the following insurance:
  - 1. **Commercial General Liability.** Consultant shall maintain General Liability coverage including Premises-Operations Liability, Independent Contractors Liability, Products and Completed Operations, and Broad Form Property Damage within these minimum limits:

Bodily Injury & Property Damage \$1,000,000 combined single limit per

occurrence: \$2,000,000 annual

aggregate

Fire Damage Liability \$50,000

Medical Payments \$5,000

The property damage liability coverage shall contain no exclusion relative to blasting, explosion, collapse of buildings, or damages to underground property.

2. **Comprehensive Automobile Liability**. Consultant shall maintain Automobile Liability coverage including coverage for Owned, Hired and Non-owned Auto Liability providing for all injuries to members of the public and damage to property of others arising from the use of motor vehicles on and off the Work site with these minimum limits:

Bodily Injury & Property Damage

\$1,000,000 combined single limit per

occurrence

3. Workers' Compensation and Employer's Liability. Consultant shall maintain Workers' Compensation coverage for all claims made under applicable state workers' compensation laws. Consultant shall also maintain Employer's Liability coverage for claims made for injury, disease, or death of an employee that, for any reason, may not fall within the provisions of a workers' compensation law. The following minimum limits shall apply:

Workers' Compensation Statutory Limits
Employers' Liability \$500,000 each accident

\$500,000 disease – policy limit \$500,000 disease – each employee

- 4. **Professional Liability Insurance**. Consultant shall maintain Professional Liability Insurance in an amount of no less than \$1,000,000.
- (f) **Subcontractor's Insurance**. If a part of this Agreement is to be sublet, the Consultant shall either:
  - 1. Cover all subcontractors under its insurance policies; or
  - Require each subcontractor not so covered to secure insurance that will protect subcontractor against all applicable hazards or risks of loss as and in the minimum amounts designated.

Whichever option is chosen, Consultant shall indemnify and hold harmless the City as to any and all damages, claims, or losses, including attorneys' fees, arising out of or resulting from the acts or omissions of its subcontractors.

**Section 9. Indemnification.** Without in any way limiting indemnification obligations that may be set forth elsewhere in this Agreement, Consultant shall defend, indemnify, and hold harmless the City, its elected officials, officers, employees, and agents, from all claims, damages, losses, liabilities, costs, and expenses, including attorneys' fees, arising out of or resulting from the performance of Consultant's services, provided that any such claim, damage, loss, liability, cost, or expense is caused in whole or in part by a negligent and/or intentional act, error, or omission of the Consultant, its subcontractors, anyone directly or indirectly employed or retained by any of them, or anyone for whose acts any of them may be liable, whether or not arising before or after completion of Consultant's services. Consultant shall give the City immediate written notice of any claim, suit, or demand that may be subject to this provision.

**Section 10. No Third Party Beneficiaries.** City and Consultant specifically agree that this Agreement is not intended to create any third party beneficiary relationship nor to authorize anyone not a party to this Agreement to maintain a suit for personal injuries or property damage

pursuant to the terms or provisions of this Agreement; the duties, obligations and responsibilities of the parties to this Agreement with respect to third parties shall remain as imposed by law.

**Section 11. Disputes.** The City and Consultant agree that disputes relative to the Contract Services of this Agreement should first be addressed by negotiations between the parties. If direct negotiations fail to resolve the dispute, the party initiating the claim that is the basis of the dispute shall be free to take such steps as it deems necessary to protect its interest; provided, however, that notwithstanding any such dispute, the Consultant shall proceed with its services under this Agreement as though no dispute exists.

#### **Section 12. Representations.** The Consultant certifies that:

- (a) The price submitted and the costs comprising same are independently arrived at without collusion.
- (b) The Consultant has not knowingly influenced and promises that it will not knowingly influence a City employee or former City employee to breach any ethical standard.
- (c) The Consultant has not violated, is not violating, and promises that it will not violate the City's policy of prohibition against gratuities and kickbacks.
- (d) The Consultant represents that it has not retained and will not retain a person to solicit or secure a City contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.
- (e) The Consultant is currently unaware of any conflict of interest with any party affected by this Agreement. Consultant agrees that if any conflict of interest should arise in the future, it will give notice to the City immediately.
- (f) Consultant has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement.
- (g) Consultant warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and to bind the Consultant.

**Section 13. Quality Assurance.** Consultant warrants that all work and services performed under this Agreement, shall conform to or exceed the recognized professional standards prevalent in their field. Further, the Consultant warrants that all work and service performed under this Agreement shall be performed with the professional expertise, skills, and knowledge of state of the art procedures and techniques in all relevant subject matters. The Consultant accordingly shall be capable of performing the necessary consulting and other services required herein and possess the ready comprehension of the required subject matter and the expertise to provide these services.

**Section 14. Assignment.** Neither this Agreement nor any rights or obligations hereunder shall be assigned or otherwise transferred by Consultant without the prior written consent of the City. This

Agreement is binding upon and fully enforceable against the successors and assigns of Consultant, whether consented to or not.

**Section 15. Notices.** Any formal notice required or permitted under this Agreement shall be deemed sufficiently given if the notice is in writing and personally delivered or sent by First Class mail, postage prepaid, to the party to whom said notice is to be given. Notices delivered in person shall be deemed to be served effective as of the date the notice is delivered. Notices sent by First Class Mail shall be deemed to be served 72 hours after the date the notice is postmarked to the addressee, postage prepaid.

Until changed by written notice given by one party to the other, notice to the Consultant shall be made at the address set forth following the Consultant's signature block. Notice to the City shall be made as follows:

City of Merriam, Kansas
9001 W. 62nd Street
Merriam, KS 66202
Attn:

**Section 16. Independent Contractor.** In no event, while performing under this Agreement, shall Consultant be deemed to be acting as an employee of the City; rather, Consultant shall be deemed to be an independent contractor. Consultant shall be responsible for and pay all taxes and withholdings required by law upon the compensation paid under this Agreement, and shall defend, indemnify, and hold harmless the City from liability in connection therewith. Nothing expressed herein or implied herein shall be construed as creating between Consultant and the City the relationships of employer and employee, principal and agent, a partnership, or a joint venture.

**Section 17. Compliance with Kansas Cash Basis Law.** This Agreement must comply with the applicable provisions of the Kansas Cash-Basis Law, K.S.A. 10-1101 *et seq.*, as amended. The City is obligated only to pay periodic payments or monthly installments under this Agreement as may lawfully be made from funds budgeted and appropriated for the purposes set forth in this Agreement during the City's current budget year. Notwithstanding any other provision of this Agreement, in the event that the City does not budget and appropriate funds for any renewal term, for any reason in its sole discretion, the parties agree that they shall be relieved of all obligations under this Agreement without penalty. To the extent that the City does budget and appropriate funds for the purposes set forth in this Agreement, the obligations of the parties shall remain as provided herein.

**Section 18. Legal Action.** The parties agree that the sole and exclusive venue for any legal actions arising out of this Agreement shall be the District Court of Johnson County, Kansas.

**Section 19. Governing Law.** This Agreement, the rights and obligations of the parties, and any claim or dispute arising hereunder shall be construed in accordance with the laws of the State of Kansas.

**Section 20. Phraseology.** In this Agreement, the singular includes the plural, the plural includes the singular and any gender includes the other gender.

**Section 21. Descriptive Headings and Capitalization.** The descriptive headings of the provisions of this Agreement are formulated and used only for convenience and shall not be deemed to affect the meaning and construction of any such provision. Some terms are capitalized throughout the Agreement, but use of or failure to use capitals shall have no legal bearing on the interpretation of such terms.

**Section 22. Invalidity.** If any provision in this Agreement shall be adjudicated invalid under applicable laws, such invalid provision shall automatically be considered reformed and amended so as to conform to all applicable legal requirements, or, if such invalidity cannot be cured by reformation or amendment, the same shall be considered stricken and deleted, but in neither such event or events shall the validity or enforceability of the remaining valid portions hereof be affected thereby.

**Section 23. Waiver.** The failure of either party to insist upon the strict performance of any of the terms or conditions of this Agreement or to exercise any option, right, or remedy herein contained, shall not be construed as a waiver or relinquishment for the future of such term, provision, option, right, or remedy, but the same shall continue and remain in full force and effect. No waiver by either party of any term or provision hereof shall be deemed to have been made unless expressed in writing and signed by the waiving party.

**Section 24. Merger.** This Agreement and the documents incorporated by reference constitute the entire agreement between the parties with respect to the professional services set forth herein. There are no verbal understandings, agreements, representations or warranties between the parties that are not expressly set forth herein. This Agreement supersedes all prior agreements and understandings between the parties, both written and oral.

**Section 25. Verbal Statements Not Binding.** It is understood and agreed that the written terms and provisions of this Agreement supersede all verbal statements of any and every official or other representative of the City, and such statements shall not be effective or be construed as entering into, or forming a part of, or altering in any way whatsoever, this written Agreement.

**Section 26. Amendments.** This Agreement may not be amended unless such amendment is in writing and signed by both parties.

**Section 27. Survivorship.** Notwithstanding the termination of this Agreement, Consultant's obligations with respect to Insurance (Section 8) and Indemnification (Section 9), and any other terms and conditions that by their nature should survive termination, shall survive the termination of this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have made and executed this Agreement the day and year first above written.

LITY OF MERKI	AIVI, KANSAS
Зу:	
Γitle:	· <del></del>
CONSULTANT	
Зу:	Kirst Feath Dutton
Γitle:	President - Affinis Corp
Address:	8900 Indian Creek Parkway, Suite 450, Building 6
	Overland Park, Kansas 66210



# EXHIBIT A SCOPE OF SERVICES

The Consulting Engineer shall furnish and perform the various professional duties and services required for the construction of the Project in accordance with all tasks listed in the current City standards.

#### **Project Description**

The purpose of this project is to improve the existing infrastructure and reduce future maintenance costs. The project limits are West Frontage Road from 75<sup>th</sup> Street to Turkey Creek Drive. The project will be prepared in accordance with City of Merriam requirements and will use TIF and City funds. The scope of work includes:

#### Roadway

- Perform a 2-inch mill and overlay of asphalt pavement and evaluate locations requiring full-depth repair.
- Add curb and gutter to open ditch section.
- o Evaluate all curb and gutter, and median curb for replacement.
- o Replace pavement marking.
- Prepare and provide permit applications needed for improvements within KDOT/State right of way.
- Consider curb return radius improvements at Kings Cove Street intersection.

#### Bridge/Structural

- Evaluate existing haunched slab bridge for repair and design needed improvements.
  - Review the biennial bridge report and perform condition assessment.
  - Recommend and design repairs for channel armoring of bridge abutments.
- Evaluate options for added pedestrian access over Turkey Creek with a prefabricated steel bridge.
  - Determine type, size and location of bridge.
  - Design foundations/abutments and slope armoring for pedestrian bridge.
- Prepare and provide USACE and State permit applications needed for impacts to Turkey Creek.

#### Drainage

- Eliminate the low spots in curb and pavement as determined during field assessment.
- Install underdrains to address seepage and subgrade failures as determined during field assessment.
- o Identify inlet and structure lids for replacement or adjustment.
- o Identify storm sewer pipe replacement based on City's condition assessment.
- Install and extend storm sewer system to capture runoff along the new curb and existing ditches on the west side of street.

#### Sidewalk

- Add new 5-foot sidewalk on the west side of the street between 75<sup>th</sup> Street and Turkey Creek Drive.
- o Replace damaged/deteriorated sidewalk.
- Install ADA compliant pedestrian access across BNSF tracks.
- Install and replace ADA ramps where required.

#### Railroad

- Coordinate with BNSF for improvements needed at grade crossing.
  - Consider impacts to Quiet Zone median; Upgrading from Two quadrant gate system to Four quadrant gate system, to remove the concrete median.
  - Keeping two quadrant gates and replacing concrete median with "Quick Kurb" style panels and bollards.
  - Pedestrian access across tracks, including signal/gate improvements, signage/striping, and fencing.
  - Identify BNSF facility improvements or maintenance needed at existing crossing panels.



- Evaluate the cost of improvements and impacts to project budget. Identify the level of participation for the City and BNSF in funding the improvements within railroad right-ofway.
- Prepare and provide permit application(s) needed for improvements within BNSF right of way. Flagging required for construction will be included in the Contractor's scope of work.
- Lighting
  - Relocate existing street lighting as needed for construction of the proposed improvements.
- Guardrail
  - Evaluate existing guardrail locations for replacement based on condition and need.

#### **General Design Requirements**

The consultant shall design the Project in conformity with the applicable portions of the City of Merriam's specifications and standards, the current version of the Manual on Uniform Traffic Control Devices (MUTCD) as adopted by the Secretary, and the current version of the KDOT <u>Standard Specifications for State Road and Bridge Construction</u> with Special Provisions.

The Design plans shall be signed and sealed by the licensed professional engineer responsible for the preparation of the design plans. Geological investigations or studies shall be signed and sealed by the licensed Geologist responsible for the preparation of the geological investigations or studies. Rights of way descriptions shall be signed and sealed by the licensed land surveyor responsible for the preparation of the rights of way descriptions.

#### **General Survey Requirements:**

Vertical Control:

Elevations for plans must be obtained from a benchmark on the Johnson County Vertical Control Network. Show the datum benchmark and elevation of the datum benchmark on the plans.

#### Horizontal Control:

Section Corner and quarter section corner locations must be referenced to the Johnson County Horizontal Control Network. As part of the design survey all Section Corners and Quarter Section Corners within the project area and others used for project control must be located, reference and state plane coordinates determined with GPS equipment. The coordinates and referenced ties shall be shown on the plans and the standard corner reference report submitted to the Kansas State Historical Society, the County Engineer, and cities project manager within 30 days of the survey as required by state law. If a Johnson County Horizontal Control marker may be damaged by construction the County public works department should be notified prior to the bid letting.

#### Plan Notes - Johnson County Control Bench Marks:

Any Johnson County Benchmarks, Johnson County Horizontal Control monuments and any Section Corner and Quarter Section Corners within the area surveyed for the project must be conspicuously indicated on the plans. All bench marks and section and quarter section corners and property pins within the construction limits shall include a note for the re-establishment of the monuments.

Johnson County aerial and AIMS mapping shall be used for the design and plans and will be supplemented with topographic survey in specified areas or areas requiring more detail.

#### TASK 1. PRELIMINARY DESIGN

- 1.01. Data Collection.
  - A. Attend pre-design meeting.
  - B. Develop design criteria for the project; prepare design memorandum.



- C. Schedule and coordinate project activities with the City (where applicable).
- D. Schedule, attend and facilitate a pre-design utility coordination meeting. Inform the utility companies about the projects intent and schedule and solicit input about their facilities. Meeting minutes will be prepared.
- E. Field data collection will be performed on West Frontage Road between 75<sup>th</sup> Street and Turkey Creek Drive.
  - 1. Establish section and land corners.
  - 2. Field surveys.
    - a. From Wedd Street to 150' east/north of BNSF railroad tracks.
    - b. From Hampton Inn Suites and Reed Hyundai.
  - 3. Contact utilities and field locate all utilities.
  - 4. Gather Johnson County AIMS data for aerial, topographic, property, and utility information available. Prepare base map for design
- F. Conduct field reconnaissance with City to evaluate and identify:
  - 1. Design issues.
  - 2. Identify existing drainage components in project area (location, size, material, capacity, storm design adequacy and condition).
  - 3. Need for full depth pavement repairs, underdrains, and subgrade stabilization.
  - 4. Need for sidewalk replacement.
  - 5. Determine locations for new sidewalk.
  - 6. Need for and limits of driveway replacement.
  - 7. Need for which type of ADA ramps.
  - 8. Assess condition of Turkey Creek bridge.
  - 9. Determine relocations of existing streetlights.
  - 10. Evaluate condition of inlets and storm structures.
  - 11. Perform hydraulic analysis on existing storm sewer and determine system upgrades needed for areas adding curb and gutter and enclosing existing ditches.
  - 12. Utility locations and conflicts.
  - 13. Tree and landscaping conflicts.
- G. Geotechnical Investigation the Consultant shall contract with a city approved geotechnical subconsultant for subsurface investigations (i.e. soil properties and depth to bedrock) and foundation recommendations for the proposed location of the pedestrian bridge over Turkey Creek. The costs associated with the work shall be paid by the Consultant to the geotechnical subconsultant. This cost shall be included in the total compensation fee as outlined in Exhibit C. Specific work tasks to be performed by the geotechnical subconsultant include:
  - Four (4) boring locations that extend down to bedrock or a depth of 15 feet, whichever comes first. Two will be performed on each side of Turkey Creek, north of W. Frontage Road.
  - 2. Provide for any geological and geotechnical investigations to determine required bridge foundations in accordance with applicable requirements.
  - 3. Provide a written report summarizing information found and make recommendations on what is needed for the project.
- H. Ownership and abutting property information:



- 1. Obtain ownership information from City or Johnson County AIMS. The Consulting Engineer shall contract with a City approved title company for ownership information investigations. The costs associated with ownership information investigations shall be paid by the Consulting Engineer to the title company. This cost shall be included in the contingency fee as outlined in Section 2 of the Professional Services Agreement.
- 2. Collect record drawings and plans for existing improvements. Review all available plans, previous studies, and pertinent information regarding the Project.
- 1.02. Prepare preliminary plans and base map at a scale of 1"=20' showing contours at 2-foot intervals, property owner information and property and easement lines.
  - A. Cover sheet.
  - B. Typical sections. Pavement sections will conform to City standards.
  - C. Plan and Profile sheets.
    - 1. Plan scale = 1"=20'
    - 2. Profile scale H = 1"=20'; V = 1"=5'
  - D. Based on storm sewer system improvements based on:
    - a. condition assessment performed by City, identify storm sewer structures and pipes needing replacement.
    - b. hydraulic analysis on existing storm sewer and determine system upgrades needed for areas adding curb and gutter and enclosing existing ditches.
  - E. Intersection and layouts.
  - F. ADA Ramp Layouts. Ramp layouts do not include elevations or slopes. The intent is for the ramps to be constructed as specified in the standard details.
  - G. Driveway profiles, included in cross-sections.
  - H. Retaining wall layout and profiles.
  - I. Preliminary pavement marking and signing.
- 1.03. Perform quality assurance review.
- 1.04. Submit preliminary plans to utility companies for their use in preparing for relocations.
- 1.05. Develop preliminary opinion of probable project costs itemized by unit of work, including right-ofway and contingency.
- 1.06. Submit preliminary plans and opinion of probable cost to City for review.
- 1.07. Meet with City as necessary in connection with such preliminary work. Four (4) meetings are budgeted.
- 1.08. Field Check to be performed with representatives of the Consulting Engineer and the City at the project site with appropriate detailed plans.
- 1.09. Right-of-entry documents.
  - A. Prepare right of entry documents for all properties requiring temporary construction access. Up to 46 parcels/properties are included in this scope.
    - 1. Maps and sketches as follows:
      - a. Individual drawings of improvements affecting each ownership including:
        - (1) Title block.



- (2) Ownership boundaries.
- (3) Existing rights-of-ways and easements.
- (4) Proposed impacts identified graphically.
- (5) Legend.
- (6) Graphical scale and north arrow.
- (7) Ownership information.
- B. Legal documents and descriptions for easement and/or right-of-way acquisition are NOT considered part of the Basic Scope of Services and shall be compensated as Additional Services as stipulated in Section 2 of the Professional Services Agreement.
- C. Easement staking, including temporary easements, permanent rights-of-way, and staking of structures or other items for utilities and eminent domain services are NOT considered part of the Basic Scope of Services and shall be compensated as Additional Services as stipulated in Section 2 of this Professional Services Agreement.

#### 1.10. Railroad:

- A. Coordinate with BNSF Railroad with regard to construction of improvements adjacent to the railroad tracks and/or within BNSF right-of-way. Assist the City with preparation of required permit applications for construction.
- B. Coordinate with BNSF for improvements needed at grade crossing.
  - 1. Consider impacts to Quiet Zone median, including signal improvements required to remove the median.
  - 2. Pedestrian access across tracks, including signal improvements.
  - 3. Identify BNSF facility improvements or maintenance needed.
- C. Evaluate the cost of improvements and impacts to project budget. Identify the level of participation for the City and BNSF in funding the improvements within railroad right-of-way.
- D. Schedule and attend up to four (4) progress meeting with City and BNSF representatives.

#### 1.11. Permitting.

- A. Prepare the necessary plans and applications for permit submission to KDOT for access to state right-of-way during surveying and construction. Coordination includes two (2) meetings with City and KDOT representatives.
- B. Prepare the necessary plans and applications for permit submission to and approval of City land disturbance and NPDES land disturbance permits. No other State or Federal permit activities are anticipated to be required under this Basic Scope of Services. If additional permitting is required the work shall be done under a supplemental agreement.
- C. The City shall be responsible for submittal and payment of permitting applications required by regulatory agencies and railroad.
- 1.12. Public Information: Prepare for and attend one public meeting to explain the project to residents of the project area, and to receive public comments. The Consulting Engineer will prepare all necessary exhibits, documents and plans and have persons available to explain the proposed work and to answer questions. The City will arrange for the time and place of the meetings and will distribute all notifications.
  - A. The Consulting Engineer will be available to meet with City staff and concerned property owners as directed by the City to discuss the project at any time throughout the project. Six (6) individual property or business owner meetings are included in the budget.



#### TASK 2. FINAL DESIGN

- 2.01. Prepare detailed plans and specifications.
  - A. Cover sheet.
  - B. Typical sections.
  - C. Drainage design, including storm sewer profiles.
  - D. Plan and Profile sheets, including landscaping.
    - 1. Plan scale = 1"=20'
    - 2. Profile scale H = 1"=20"; V = 1'=5"
  - E. Intersection details.
  - F. ADA Ramp details.
  - G. Driveway profiles included in cross-sections.
  - H. Retaining wall layout and profiles.
  - I. Bridge repair plan and details.
  - J. Pedestrian bridge plan and details.
  - K. Pavement marking and signing.
  - L. Traffic control and construction phasing plan.
  - M. Erosion control plans, details and SWPPP.
  - N. Standard and special details.
- 2.02. Prepare project manual including technical specifications and special provisions.
- 2.03. Perform quality assurance review.
- 2.04. Perform final plan quantity takeoffs.
- 2.05. Submit final plans and project manual to regulatory agencies for review.
- 2.06. Utility coordination.
  - A. Schedule and attend three (3) utility coordination meetings. These meetings will include a preliminary plan review meeting, a final plan review meeting and a status meeting.
  - B. Track the progress of utility design and relocations by regular communication with representatives via email or telephone. Provide the City regular updates.
- 2.07. Prepare bid documents and a detailed opinion of probable cost.
  - A. Detailed opinion of construction cost.
  - B. Construction plans.
  - C. Project manual
    - 1. Estimate time required to complete construction.
- 2.08. At the completion of the project, furnish to the City the CAD drawings of the project in the Consulting Engineer's digital format and PDF images. The record contract documents for the project will be the original sealed drawings.
- 2.09. Furnish up to twelve (12) hard copies of detailed plans and specifications to the City and utility companies.
  - A. Plan sets will be:



- 1. Half size (11"x 17").
- B. These plans are to be furnished at no additional cost and are separate from those sold to prospective bidders.
- 2.10. Meet with City as necessary during preparation of detailed plans. Four (4) meetings are budgeted.

#### TASK 3. BIDDING

The construction documents for the project will be available through an electronic plan room. Plan rooms will receive a CD of the plans and specifications at no charge. Bidders will be able to purchase bid documents in PDF or hard copy formats.

- 3.01. Consult with and advise the City as to the acceptability of substitute materials and equipment when substitution prior to the award of the contract is allowed in the bidding documents.
- 3.02. Prepare written addenda to the bidding documents as required and or requested.
- 3.03. Prepare engineers estimate and attend bid letting.
- 3.04. Prepare a bid tabulation in printed and MS Excel format.
- 3.05. Assist the City in analyzing bids and making recommendation for award of the construction contract.
- 3.06. Prepare up to six copies of contract documents for execution. Provide additional bid documents to the Contractor.
- 3.07. Prepare for and attend a pre-construction public meeting to introduce the contractor and discuss the construction scope and schedule. The Consulting Engineer will prepare all necessary exhibits, documents and plans and have persons available to explain the proposed work and to answer questions. The City will arrange for the time and place of the meetings and will distribute all notifications.
- 3.08. Arrange for, attend, and prepare meeting minutes for a pre-construction conference with City representatives, the successful bidder, BNSF, and utility companies.

#### TASK 4. CONSTRUCTION SERVICES

- 4.01. Be available for discussion and consultation during the construction phase, but construction observation will be the responsibility of the City.
- 4.02. Review shop drawings and be available for consultation with the City during construction.
- 4.03. Prepare plan revisions as necessitated by conditions encountered in the field during construction, with the exception of traffic control plans.
- 4.04. Railroad coordination:
  - A. Attend coordination meeting with City, Contractor and BNSF representatives.
  - B. Be on-site during construction activities with BNSF right-of-way.
- 4.05. Prepare final record drawings that reflect:
  - A. All change orders.
  - B. Minor design changes.
  - C. Changes made in the field by City representatives and are marked on the construction plan set.
- 4.06. Submit updated CAD drawings and PDF images of the revised sheets.



#### **COMPLETION TIME**

The Consultant hereby agrees to complete the bid documents and be ready to advertise for bid by April 29, 2022.

#### SERVICES TO BE PROVIDED BY THE CITY:

- 1. Electronic copy of the Preliminary Engineering Studies, Storm Drainage Reports, and plans of constructed improvements.
- 2. Copies of available plans, record drawings, and bridge inspection reports.
- 3. GIS information from AIMS.
- 4. Notifications/letters for public meetings.
- 5. Processing payments for easements.
- 6. Assistance in obtaining approval from regulatory agencies.
- 7. Payment of permit fees required by regulatory agencies and railroads.
- 8. Legal advertisement for public bids.
- 9. Contract management and construction inspection.

#### ADDITIONAL SERVICES COVERED BY CONTINGENCY FEE

A contingency amount is included in this Agreement to cover additional services that may be required but the scope of which cannot be defined before design. These services include but are not necessarily limited to:

- a. Additional or separate bid packages.
- b. Survey and design of improvements to the trail head parking lot on the southeast corner of W. Frontage Road and Kings Cove Drive.
- c. Plan preparation for the City's annual mill and overlay program.
- d. Perform topographic survey of areas not specified in the basic scope.
- e. Geotechnical investigation of existing site conditions.
- f. Issue meeting notifications to residents.
- g. Preparation of legal documents and descriptions for permanent easement and rights-of-
- h. Surveys to stake easement, rights-of-way or for the use of the utilities in defining their relocation work.
- i. Subsurface Utility Engineering (SUE). If agreed upon in writing this service will be provided by a mutually agreed upon sub-contractor.
- j. Purchase of easement certificates or last deeds of record.
- k. Assist with or perform easement acquisitions, including on-site meetings and various types of correspondence.
- Perform full-time or part-time construction observation services for any portion of the project.
- m. Perform post construction monumentation survey.
- n. Attend bi-weekly or regularly scheduled construction meetings at the request of the City.
- o. Sanitary sewer main and/or services design on any of the project sites.
- Coordination of or permit applications, including fees, for BNSF flagging during design or construction.



#### **EXHIBIT B**

#### **COMPENSATION**

The City agrees to pay the Consultant compensation for the services set forth in Exhibit A of this Agreement in accordance with the following:

1. BASIC SERVICES – West Frontage Road Improvements (75<sup>th</sup> Street to Turkey Creek Drive): Compensation for Basic Services as set forth in Exhibit A of this Agreement shall be billed at hourly rates and equipment charges as set forth in the attached hourly billing rate schedule as may be adjusted annually, plus direct expenses. City agrees to pay Consultant/Architect an amount not to exceed \$244,665.00, including reimbursables. The fee is based on the performance of the scope of services outlined in this Agreement. In addition, a contingency fee of \$15,000.00 is included to cover items as listed in "Additional Services Covered by Contingency Fee" in Exhibit A of this Agreement.

**TOTAL CONTRACT AMOUNT:** The total contract amount for West Frontage Road Improvements shall not exceed \$259,665.00.

Payments shall be made no more frequently than monthly as the work of the Consultant progresses, upon the presentation of a proper invoice.

2. ADDITIONAL SERVICES: Compensation for additional services not specified in Exhibit A of this Agreement shall be paid in accordance with the Consultant's hourly billing rates as set forth in the Hourly Rate Schedule attached to this Agreement and as may be adjusted annually, or as otherwise agreed to in writing by the City and the Consultant.



## Affinis Corp 2021 Billing Rate Schedule

Principal  Principal	Billing Rate \$260.00
Senior Project Manager	\$240.00
Senior Engineer II/Project Manager II	\$190.00
Senior Engineer I/Project Manager I	\$180.00
Engineer III	\$165.00
Engineer II	\$145.00
Engineer I	\$130.00
Intern Engineer (IE) II	\$120.00
Intern Engineer (IE) I	\$110.00
Cost Estimator	\$135.00
Senior Cost Estimator	\$170.00
Rail Manager	\$180.00
Construction Services Manager/Project Rep IV	\$140.00
Project Representative III	\$125.00
Project Representative II	\$115.00
Project Representative I	\$105.00
Design Technician II	\$150.00
Design Technician I	\$120.00
CADD Technician II	\$105.00
CADD Technician I	\$90.00
GIS Specialist	\$90.00
Land Surveyor III	\$180.00
Land Surveyor II	\$125.00
Land Surveyor I	\$110.00
Survey Crew Member II	\$110.00
Survey Crew Member I	\$90.00
One-Person Survey Crew	\$140.00
Project Related Support Services II	\$105.00
Project Related Support Services I	\$90.00
<b>Equipment Charges</b>	
Automobile Mileage	\$0.56/mile
Survey Vehicle Mileage	\$0.75/mile
Boat Rental	\$12.00/hour

#### CITY COUNCIL SUGGESTED MOTIONS FOR YOUR CONSIDERATION

#### **CONSENT AGENDA**

1. Move that the council approve Consent Agenda Item 1.

#### MAYOR'S REPORT

#### PLANNING COMMISSION

- 1. Move that the Governing Body concur with the recommendation of the Planning Commission and approve, with conditions, the rezoning of 5519 and 5501 Merriam Drive from C-2 and I-1 to PUD-G with restricted use to vehicle storage for operable buses and associated office, service and support facilities and approve the associated preliminary development plan and authorize the Mayor to sign the effectuating ordinance.
- 2. Move that the council accept the dedication of easements and right-of-way shown on the Merriam Kincaid  $2^{nd}$  Plat.

#### **COUNCIL ITEMS**

- 1. No motion
- 2. No motion.
- 3. No motion.
- 4. Move that the council approve a Professional Services Agreement with Affinis for engineering services for West Frontage Rd. from Turkey Creek Dr. to 75<sup>th</sup> St. for an amount not to exceed \$259,665.00.

#### **EXECUTIVE SESSION**

#### MERRIAM CITY COUNCIL AGENDA WORK SESSION April 26, 2021

# Immediately following Regular City Council Meeting This is a virtual meeting. The public may participate by joining the meeting at:

https://us02web.zoom.us/j/87121805375?pwd=czJGZ1QrT3JyK0xUOHZhTmxFSWhsUT09

Passcode: 861705

1-346-248-7799 Webinar ID: 871 2180 5375 Passcode: 861705

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.

1. Review of 2021-2026 Capital Improvement Program (CIP) and Priorities.

CITY OF MERRIAM, KANSAS

# Capital Improvement 5-Year Program

DRAFT 4/2021



Five Ye	ear Capital	Improvem	ent Fund	Forecast		
	Estimated 2021	Budget 2022	Budget 2023	Budget 2024	Budget 2025	Budget 2026
Revenue			<del></del>		<del>_</del>	
Investment Income	135,000	135,000	135,000	135,000	135,000	135,000
CARS	851,950	1,173,472	1,796,990	1,143,703	1,478,506	319,704
CDBG	55,786	-	-	-	-	-
Watershed Funding/SMAC	-	-		-	524,000	
S&SW Sales Tax	1,976,250	2,011,250	2,030,213	2,049,365	2,068,709	2,088,246
Transfer from S&H	300,000	300,000	300,000	300,000	300,000	300,000
Transfer from General Fund - Sales Tax	4,551,167	3,465,875	2,332,539	2,354,714	2,377,112	1,199,866
Total Revenue	7,870,153	7,085,597	6,594,742	5,982,782	6,883,327	4,042,816
Expenditures						
Special Sales Tax	2,203,718	3,312,596	5,871,053	3,188,627	5,387,019	785,849
General Projects	285,000	852,500	522,500	3,232,900	2,722,500	2,447,500
Rec Facility	100,000	-	-	-	-	-
Maintenance Program	1,150,000	1,265,000	1,265,000	1,265,000	1,265,000	1,265,000
CIP Administration	291,013	292,685	303,871	315,634	328,015	341,058
Transfer to Bond & Interest	800,000	1,000,000	1,050,000	400,000	350,000	325,000
Estimated Capital Project Expenditures	4,829,731	6,722,781	9,012,424	8,402,161	10,052,534	5,164,407
Revenues Less Expenditures	3,040,422	362,816	(2,417,683)	(2,419,380)	(3,169,208)	(1,121,591)
Beginning Fund Balance	16,433,164	19,473,586	19,836,402	17,418,719	14,999,340	11,830,132
Ending Fund Balance	19,473,586	19,836,402	17,418,719	14,999,340	11,830,132	10,708,541

#### Capital Improvement Program - Five Year Plan Revenue Summary by Project

Project	Revenue	City Project	Total through	Total Project						
Name	Source	Number	2020	Estimate	2021	2022	2023	2024	2025	2026
General Projects						1				
City Hall Exterior Improvements	General	GM2001	44,742	344,742		300,000				
Comprehensive Plan Revision/Update	General	GM1901	221,754	251,754	30,000		1 1	-		
Downtown Revitalization	General	GM1902	162,914	1,787,914	75,000	250,000	250,000	800,000	250,000	
Project Administration	General	GMMY99	102,514_	1,872,276	291,013	292,685	303,871	315,634	328,015	341,058
Residential Streetlight Program	General	GM0403		600,000	150,000	150,000	150,000	150,000	020,010	37.,000
Sidewalk Program - Citywide in-fill	General	GM1704	639,860	639,860	100,000	130,000	100,000	100,000		
Bike and Trail Enhancements	General	GM1705	000,000	405,000	30,000	75,000	75,000	75,000	75,000	75,000
Streetlight LED Conversion Program	General	TBA		300,000		73,000	10,000	70,000	150,000	150,000
Upper Turkey Creek Drainage Improvement	General	GM0204		5,914,000			1	1,914,000	2,000,000	2,000,000
Contingency	General	GMGNPR		888,900	_	77,500	47,500	293,900	247,500	222,500
Total General Projects	General	GIVIGINITY	1,069,270	13,004,446	576,013	1,145,185	826,371	3,548,534	3,050,515	2,788,558
			1,000,270	10,00 1,110	0.0,0.0		020,011	1 0,0 10,001	*,***,***	_,,.
I-35 Redevelopment District Projects	1.0 É TIP	074704		0.400.004	0.45.450	0.400.000				
W. Frontage Rd Curb/Gutter	1-35 TIF	GT1701		2,409,021	245,158	2,163,863				
Contingency	1-35 TIF	GMGNRD		216,386	-	216,386			-	-
Total I-35 Redevelopment District Projects			-	2,625,407	245,158	2,380,249	-		-	-
Special Sales Tax Projects - Stormwater/Stree	ts .	•			ĺ	Ĭ				
Special Sales Tax Stormwater/Street exp 12/203										
Traffic Signal Upgrades	Street & Stormwater	TBA		175,000		35,000	35,000	35,000	35,000	35,000
W. Vernon Place PES	Street & Stormwater	GM2101	-	50,000	50,000					
E. Frontage Road - 67th Street to 75th Street	Street & Stormwater	GC2102	216,860	1,093,810	876,950					
· ·	CARS			851,950	851,950		1 1			
55th St - Merriam Dr to W. City Limit	Street & Stormwater	GC2301		1,475,837	277,366	1,198,471	1	1		
,	CARS		• • •	1,173,472		1,173,472	1	Ì		
Lowell Street - Johnson Dr to 55th Terr	Street & Stormwater	TBA		30,000		30,000		<u> </u>		
Merriam Dr - Johnson Drive to 55th Street	Street & Stormwater	GC2201	-	2,294,405		457,416	1,836,989			
	CARS			1,796,990		1	1,796,990	Ì		
50th Terr/England St to Kessler Lane Drainage	Street & Stormwater	TBA	-	1,515,104		117,092	1,398,012	Ì		
49th St - Antioch to Switzer	Street & Stormwater	GC2401	-	1,449,032			270,330	1,178,702		
	CARS			1,143,703	···-		<u> </u>	1,143,703		
Merriam Dr - 55th St to Antioch	Street & Stormwater	GC2101		1,894,852				376,347	1,518,505	
	CARS			1,478,506			1	<u> </u>	1,478,506	
2025 Street & Drainage Improvements	Street & Stormwater	TBA		1,424,900			1	165,000	1,259,900	
<b>3</b>	Watershed Funding			524,000			1 "1		524,000	
Johnson Dr - Mackey to Lowell (E. City Limits)	Street & Stormwater	TBA	_	441,083			1 1	<b>†</b>	81,379	359,704
,	CARS			319,704		1	1			319,704
Contingency	Street & Stormwater	GM1105		1,685,922		301,145	533,732	289,875	489,729	71,441
Total Special Sales Tax Projects - Stormwater			216,860	20,818,269	2,056,266	3,312,596	5,871,053	3,188,627	5,387,019	785,849
Steletenenes Due men					· · · · · · · · · · · · · · · · · · ·	T I				
Maintenance Program Goodman Street, 55th Street, 51st Terrace	Sp Street & Highway Fund	ТВА	_	300,000	300,000					
	General Overlay Supplement			300,000	300,000	1	<del>                                     </del>	1		<u> </u>
	General Sidewalk Maintenance	۵		50,000	50,000		1			
Farley Street, 57th Street, Hocker Drive	Sp Street & Highway Fund	TBA	-	300,000	30,000	300,000				
Taney oncet, stat oncet, Hocker Brive	General Overlay Supplement	100		300,000		300,000		1		
	General Sidewalk Maintenance			30,000		30,000	<del>   </del>	<del> </del>		
Sherwood Forest, Slater Street, 60th Street	<u> </u>		•			30,000	300 000	<u> </u>		
Sherwood Polest, Stater Street, butti Street	Sp Street & Highway Fund	TBA		300,000		<del>                                     </del>	300,000 300,000	<b> </b>		
	General Overlay Supplement			300,000		<del>                                     </del>		<del>                                     </del>		
B OF THE STATE OF	General Sidewalk Maintenance		-	25,000	ļ		25,000	200.000	1	ļ
Benson Street, 50th Terrace, Booker Drive	Sp Street & Highway Fund	TBA	•	300,000		1 1		300,000		

#### Capital Improvement Program - Five Year Plan Revenue Summary by Project

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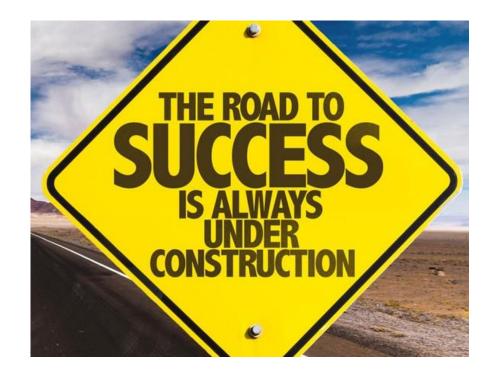
Project Name	Revenue Source	City Project Number	Total through 2020	Total Project Estimate	2021	2022	2023	2024	2025	2026
Traine	General Overlay Supplement	(tunibo)		300,000		1		300,000		
	General Sidewalk Maintenance			67,000		1 1	1	67,000		1
49th Ter, Grant Street, England Street, Grandview		TBA		300,000		1			300,000	1
	General Overlay Supplement		_	300,000	<del></del>	1			300,000	
· · · · · · · · · · · · · · · · · · ·	General Sidewalk Maintenance		-	58,000		1			58,000	
57th St., 58th St., 58th Terr., Hocker Dr., Kessler		-	-	300,000					·	300,000
	General Overlay Supplement					T 1		·		300,000
	General Sidewalk Maintenance				i	1				12,000
	General Small Drainage					1				34,000
Small Drainage - Replacement/Rehabilitation	General	GM1103	-	2,066,000	350,000	350,000	350,000	350,000	350,000	316,000
Sidewalk Maintenance/Repair Program	General		-	958,000	150,000	170,000	175,000	133,000	142,000	188,000
Contingency	General		-	575,000		115,000	115,000	115,000	115,000	115,000
Total Maintenance Program			•	7,129,000	1,150,000	1,265,000	1,265,000	1,265,000	1,265,000	1,265,000
Recreation Facility Construction						1				
Recreation Facility Construction	Bonded	BM1802	24,135,255	24,135,255	-					<b></b>
	General	GM1802	5,756,411	5,856,411	100,000					
	I-35 TIF	GT1801	6,599,289	6,599,289	-					<b></b>
Total Recreation Facility Construction			36,490,955	36,590,955	100,000		-	-	<u> </u>	<u> </u>
Totals			37,777,085	80,168,077	4,127,437	8,103,030	7,962,424	8,002,161	9,702,534	4,839,407
CARS Revenue					851,950	1,173,472	1.796.990	1,143,703	1,478,506	319,704
Watershed Eligible Funding					031,330	1,175,472	1,730,330	1,145,705	524,000	313,704
Special Street & Highway Fund					300.000	300,000	300,000	300,000	300,000	300,000
Street & Stormwater Sales Tax					1,204,316	2.139.124	4,074,063	2,044,924	3,384,513	466,145
General					1,526,013	2,133,124	1,791,371	4,513,534	4,015,515	3,753,558
I-35 TIF						2,380,249	3,731,371	→,5 15,55 <del>1</del>	1,010,010	
1-00 111										
Bonded					245,158 -	2,360,249	-	-	-	<u>-</u>

#### Capital Improvement Program - Five Year Plan Expense Summary by Project

Project	City Project	Total through	Total Project						
Name	Number	2020	Estimate	2021	2022	2023	2024	2025	2026
General Projects									1
City Hall Exterior Improvements	GM2001	44,742	344,742		300,000			ľ	ľ
Comprehensive Plan Revision/Update	GM1901	221,754	251,754	30,000			<u> </u>		1
Downtown Revitalization	GM1902	162,914	1,787,914	75,000	250,000	250,000	800,000	250,000	i
Project Administration	GMMY99		1,872,276	291,013	292,685	303,871	315,634	328,015	341,058
Residential Streetlight Program	GM0403	-	600,000	150,000	150,000	150,000	150,000		
Sidewalk Program - Citywide in-fill	GM1704	639,860	639,860						Ì
Comprehensive Bike & Trail Plan Study	TBA	-	405,000	30,000	75,000	75,000	75,000	75,000	75,000
Streetlight LED Conversion Program	TBA	_	300,000					150,000	150,000
Upper Turkey Creek Drainage Improvement	GM0204	•	5,914,000		ì		1,914,000	2,000,000	2,000,000
Contingency	GMGNPR		888,900		77,500	47,500	293,900	247,500	222,500
Total General Projects		1,069,270	10,215,888	576,013	1,145,185	826,371	3,548,534	3,050,515	2,788,558
					· · · · · · · · · · · · · · · · · · ·	, , , , , , , , , , , , , , , , , , , ,			
I-35 Redevelopment District Projects	074704		0.400.004	0.5.450	0.400.000				
W. Frontage Rd Curb/Gutter	GT1701	_	2,409,021	245,158	2,163,863				
Contingency	GMGNRD	<u> </u>	216,386	0.5.455	216,386		1		
Total I-35 Redevelopment District Projects			2,625,407	245,158	2,380,249	-	-	-	-
Special Sales Tax Projects - Stormwater/Streets					I I				
Special Sales Tax Stormwater/Street exp 12/2030									
Traffic Signal Upgrades	TBA		140,000		35,000	35,000	35,000	35,000	35,000
W. Vernon Place PES	GM2101	_	50,000	50,000	55,555	00,000	44,444	00,000	1
E. Frontage Road - 67th Street to 75th Street	GC2102	216,860	1,945,760	1,728,900					<del> </del>
55th St - Merriam Dr to W. City Limit	GC2301	2.0,000	2,649,309	277,366	2,371,943		1		†
Lowell Street - Johnson Dr to 55th Terr	TBA	-	30,000	2, 1,000	30,000				1
Merriam Dr - Johnson Drive to 55th Street	GC2201		4,091,395	<del> </del>	457,416	3,633,979			
50th Terr/England St to Kessler Lane Drainage	TBA		1,515,104	1	117,092	1,398,012			<del>†</del>
49th St - Antioch to Switzer	GC2401		2,592,735		,	270,330	2,322,405		1
Merriam Dr - 55th St to Antioch	GC2101	-	3,373,358	1		2. 3,000	376,347	2,997,011	
2025 Street & Drainage Improvements	TBA	<del>-</del>	1,948,900	1	•		165,000	1,783,900	
Johnson Dr - Mackey to Lowell (E. City Limits)	TBA		.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	1	1	-		81,379	679,408
Contingency	GM1105	_	1,614,481	<del> </del>	301,145	533,732	289,875	489,729	71,441
Total Special Sales Tax Projects - Stormwater/Streets		216,860	20,032,421	2,056,266	3,312,596	5,871,053	3,188,627	5,387,019	785,849
				1		-,,			
Maintenance Program	<del>.</del>								
Goodman Street, 55th Street, 51st Terrace	TBA	-	650,000	650,000					
Farley Street, 57th Street, Hocker Drive	TBA		630,000		630,000				ļ
Sherwood Forest, Farley Street, 60th St. & 60th Terr	TBA		625,000			625,000			<u> </u>
Benson Street, 50th Terrace, Booker Drive	TBA	-	667,000				667,000		<u> </u>
49th Ter, Grant Street, England Street, Grandview Ave.	TBA	-	658,000					658,000	
57th St., 58th St., 58th Terr., Hocker Dr., Kessler Ln	TBA	<u>-</u>	•	T				<u></u>	646,000
Small Drainage Projects - Replacement/Rehabilitation	GM1103		1,750,000	350,000	350,000			350,000	
Sidewalk Maintenance/Repair Program	GM2002		770,000	150,000	170,000	175,000	133,000	142,000	188,000
Contingency	GM0303		460,000		115,000	115,000	115,000	115,000	115,000
Total Maintenance Program		_	3,230,000	1,150,000	1,265,000	1,265,000	1,265,000	1,265,000	1,265,000
Doe Engility Construction					,			T	1
Rec Facility Construction	DM1902	36 400 055	36 500 055	100,000	]				
Rec Facility Construction	BM1802	36,490,955	36,590,955	100,000	ļI		<b> </b>		<del> </del>
Total Recreaction Facility	<del></del>	36,490,955	36,590,955	100,000	9 402 020	7 062 424	9 002 464	0.702.524	4 920 407
Totals		37,777,085	75,538,261	4,127,437	8,103,030	7,962,424	8,002,161	9,702,534	4,839,407

# **GENERAL PROJECTS**

Draft 04/20/2021





# **City Hall Exterior Improvements**



#### **Project Information**

Project #: GM2001
Development Year: 2022
Project Status: Design

Project Engineer: Clark Enersen Partners

Project Manager: TBD

Funding Source: General CIP

Contractor: TBD

#### **Project Description**

In partnership with the Public Art Committee, this project makes a series of exterior improvements to City Hall. In addition to creating more inspired public space, this project incorporates elements designed to assist with wayfinding and safety for visitors to City Hall.

#### **Project Costs**

2022

DESIGN / CONSTRUCTION

\$300,000

#### **Impact on Operating Budget**

This project is not expected to have a significant effect on the operating budget.



### **Downtown Revitalization**





#### **Project Information**

Project #: TBA
Development Year: 2022-2025

**Project Status:** Preliminary Studies Project Manager: Department Director

Funding Source: General CIP

#### **Project Description**

Recent studies and resident surveys indicate a desire to update the Historic Downtown Corridor along Merriam Drive. Over the last several years the City has had residents and consultants investigate possible future scenarios for Historic Downtown and the City-owned property at 5701 Merriam Drive. In 2021, the City is partnering with the Mid-American Regional Council (MARC) to facilitate two Planning Sustainable Places (PSP) grants that will take a Complete Streets approach to redeveloping Merriam Drive between Johnson Drive and Antioch. Those PSP studies will inform the design of both the 2023 CARS-funded street project on Merriam Drive between Johnson Drive and 55<sup>th</sup> Street and the subsequent CARS-funded project in 2025 to replace Merriam Drive between 55<sup>th</sup> Street and Antioch. Then, in 2026 the City will complete a mill & overlay project of all remaining streets in Historic Downtown. This project funding will be used to implement the recommendations of these studies, including the 5701 Merriam Drive enhancements in 2024, as well as to fund any additional required enhancements along the Merriam Drive corridor.

#### **Project Costs**

	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>Total</u>
DESIGN & OTHER	\$250,000	\$250,000	\$800,000	\$250,000	\$1,550,000
TOTAL PROJECT COST:					\$1,550,000

#### **Impact on Operating Budget**

Budget impact will depend upon the choices made for future development.



### Residential Streetlight Program



Residential Street light on Goodman north of Johnson Drive

#### **Project Information**

Project #: GM0403
Construction Year: 2022 – 2024
Project Status: Ongoing

Project Manager: Public Works Director

Funding Source: General CIP

Contractor: Generally Public Works

#### **Project Description**

City Council instituted a residential streetlight program to begin installation of standard residential streetlights with all of the upcoming residential street projects. In addition, City Council directed staff to infill street lights in previously improved residential areas. This project dedicates available dollars each year to add new lighting to existing residential neighborhoods in addition to lighting that will be installed as streets are improved. The new systems are installed and maintained by Public Works crews.

#### **Project Costs**

<u>2022</u> <u>2023</u> <u>2024</u>

TOTAL PROJECT COST: \$150,000 \$150,000 \$150,000

#### Impact on Operating Budget

The new decorative streetlights will be metered and maintained by the City's Public Works department. The streetlights currently in place are not metered, and are maintained through a service contract with an outside provider. The Public Works department will experience increased costs as more and more City-maintained lights are installed. The City expects to offset much of this additional cost by gradually reducing the number of lights serviced contractually, as well as the increased efficiency of the metered lights over non-metered lights. All future projects will be utilizing LED technology, reducing power consumption at a projected rate of 50%.



## **Comprehensive Bike and Trail Plan Study**





#### **Project Information**

Project #: TBA PES Year: 2021

Project Status: Conceptual

Project Engineer: TBD

#### **Project Description**

The Comprehensive Plan 2040 identified pedestrian and bicycle mobility as a top concern. Merriam currently has no on-street bike lanes or shared use lanes. Once this study is complete we will have a strategic plan to implement planned roadway and trail way improvements. This effort will be focused on generating a map and street/trail profiles of identified/classified key bike/trail routes (i.e. residential "shared the road", bike corridors with dedicated on-street bike lanes, routes with off-street facilities within ROW, and bike/trail routes that are not along streets, etc.).

**BIKE / TRAIL STUDY & IMPLIMENTATION** 

**2021 2022 2023 2024 2025 2026** \$30,000 \$75,000 \$75,000 \$75,000 \$75,000

#### **Impact on Operating Budget**

This project is not expected to have a significant effect on operating budget. Construction impact will be determined after this Engineering Study is completed.



## **Streetlight LED Conversion**



#### **Project Information**

Project #: TBA

**Construction Year:** 2025-2029 **Project Status:** Conceptual

Project Manager: Public Works Director

Funding Source: General CIP

**Contractor:** Generally Public Works

#### **Project Description**

With the City Council goal to encourage energy-reducing & recycling efforts, this program is to transition from HPS to LED street lighting fixtures. This program dedicates available dollars each year to add LED fixtures to existing streetlights. These new fixtures will be installed and maintained by the City's Public Works department.

#### **Project Costs**

2025 2026

TOTAL PROJECT COST: \$150,000 \$150,000

#### Impact on Operating Budget

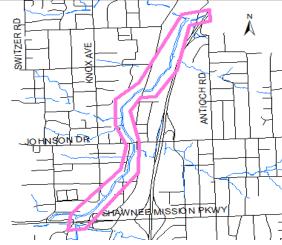
The new LED streetlights will continue to be metered and maintained by the City's Public Works department. The Public Works department will experience a reduction of power consumption at a projected rate of 50% by utilizing LED technology.



# Upper Turkey Creek Improvement

From Shawnee Mission Pkwy to Waterfall Park (Railroad Crossing)





Turkey Creek

#### **Project Information**

Project #: TBA

Construction Year: Unknown (2023 - 2025)

**Project Status:** Preliminary Engineering Phase

**Project Engineer:** US Army Corp of Engineers (Lead agency) **Funding Source:** Federal/General CIP/SMAC Funding

Contractor: TBD

#### **Project Description**

In May of 2002, the City entered into an agreement with the USACE to assist in funding of the Feasibility Phase Study in an effort to define flood mitigation options. In January 2013, USACE hosted an Alternative Formulation Briefing with the Federal Agencies as a final step to finalize the Feasibility Study Report. In February 2013, the USACE requested the City to sign a non-binding Letter of Intent and financial certification in support for the project. In May 2015, the KC Regional Corps Engineers and City Staff presented the project to the Civil Works Review Board in Washington D.C. At this meeting, the project competed with other flood mitigation projects nationwide for funding. It was moved forward for Agency Review. It is anticipated that final engineering will take additional two years after study/preliminary engineering phase. Staff received verbal support for funding from SMAC/JOCO for construction when the project is ready to move forward. The easement acquisition that is subject to Federal Uniform Act (for property acquisition for construction) is not a SMAC eligible expense.

In spring, 2013, National Oceanic Atmospheric Administration (NOAA) released a new rainfall study for the Midwest region identified as Atlas 14. The USACE received comments from other Federal reviewing authority to address the higher rainfall rate in the Feasibility Study. This may affect the latest cost estimates.

Next page is the latest estimated budget and is subject to change. It is hoped that following the upcoming Civil Works Review Board in May that a more distinct project schedule with a definitive budget is developed.

#### **Impact on Operating Budget**

This project is not expected to have a significant effect on the operating budget. Merriam Drainage District has maintenance jurisdiction along Turkey Creek and its banks.



# **Upper Turkey Creek Improvement\*\***

# From Shawnee Mission Pkwy to Waterfall Park (Railroad Crossing) Final Engineering and Construction Expenditures by Year

<sup>\*\*</sup>Estimated costs represent the best available information as of April 15, 2021. Staff is awaiting further information from the US Army Corps of Engineers as to construction schedule. The current CIP plan includes \$5,914,000 of Merriam net costs.



# I-35 Redevelopment District Projects

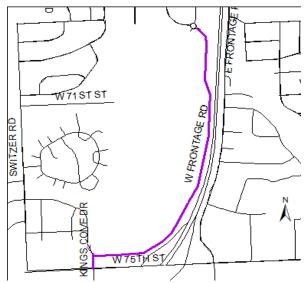




# W. Frontage Road Curb/Gutter Improvement

From Turkey Creek Drive (Merriam Pointe) to 75th Street





#### **Project Information**

Project #: GT1701

Design Year: 2021

Construction Year: 2022

Project Status: Design

Project Engineer: TBD

Funding Source: I-35 TIF

Contractor: TBD

#### **Project Description**

West Frontage Road between the new Merriam Pointe auto dealerships to south of 75<sup>th</sup> Street has curb/gutter only on the east side. Street run-off drains directly to the grassy area and down the slopes to the businesses below the street level. Staff proposes to install curb/gutter, sidewalk, drainage improvements and mill/overlay of pavement. Existing decorative street lights need adjustments as part of the project. The bridge deck will receive repairs along with a polymer overlay, the superstructure has some exposed rebar and cracking that will be addressed along slop and footing protection. The installation of a pedestrian bridge will allow the pedestrians safe access to the Turkey Creek Trail system.

#### **Project Costs**

	<u>2021</u>	<u>2022</u>	<u>Total</u>
ENGINEERING	\$245,158		\$245,158
EASEMENT		\$30,000	\$30,000
UTILITY RELOCATION		\$15,000	\$15,000
CONSTRUCTION		\$1,926,239	\$1,926,239
CONTINGENCY		\$192,624	\$192,624
TOTAL PROJECT COST:	\$245,158	\$2,163,863	\$2,409,021

#### **Impact on Operating Budget**



# SPECIAL SALES TAX PROJECTS





# **Traffic Signal Protective-Permissive Left-Turn Phasing**City Wide



#### **Project Information**

Project #: TBA
Construction Year: Ongoing
Project Status: Varies

Project Engineer: Merriam Public Works

Funding Source: General CIP

Contractor: TBD

#### **Project Description**

Whenever possible convert existing traffic signals to allow Protective-Permissive Left-Turn Phasing to aid in the movement of traffic and reduce unnecessary idling. The cost will cover traffic signal study and if warranted the modifications necessary allow Protective-Permissive Left-Turn Phasing. We will look at one intersection a year.

#### **Project Costs**

**2022 2023 2024 2025 2026** TOTAL PROJECT COST: \$35,000 \$35,000 \$35,000 \$35,000

#### **Impact on Operating Budget**

This project is not expected to have a significant effect on operating budget



# **West Vernon Place Preliminary Engineering Study**

#### West Vernon Place Subdivision





#### **Project Information**

Project #: GM2101
PES Year: 2021
Project Status: In Process
Project Engineer: BHC Rhodes

#### **Project Description**

This subdivision is quite steep and drains very well on top. There is cross drainage across property lines from higher elevation properties to the lower elevation properties. Locally yard flooding has been reported in the past. A Preliminary Engineering Study was done in 2012 and this subdivision does not currently qualify for SMAC funding. However, after receiving many inquiries and requests for the City to install storm drains in this neighborhood, the City will have another Preliminary Engineering Study done. This new Preliminary Engineering Study will provide us with several options as to how the stormwater cross drainage can be better controlled and at what cost.

#### **Project Costs**

<u>2021</u>

PRELIMINARY ENGINEERING STUDY

\$50,000

#### **Impact on Operating Budget**

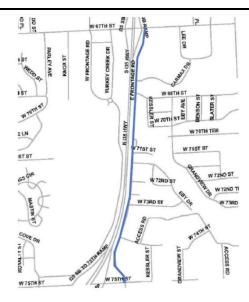
This project is not expected to have a significant effect on operating budget. Construction impact will be determined after this Preliminary Engineering Study is completed.



# **East Frontage Road Improvements**

67th Street to 75th Street





#### **Project Information**

Project #: GC2102
Design Year: 2020
Construction Year: 2021

Project Status: Construction

Project Engineer: Affinis

Funding Source: CARS/Special Sales Tax

Contractor: J.M. Fahey

#### **Project Description**

This project entails the rehabilitation of East Frontage Road between 67<sup>th</sup> Street and 75<sup>th</sup> Street. The scope of work includes the replacement of curb/gutters/sidewalk/ADA ramps as required, a 2-inch mill/overlay, storm drain improvements, and new pavement markings. Street light improvements as needed. The City of Merriam will be requesting funding from Johnson County CARS.

#### **Project Costs**

	<u>2020</u>	<u>2021</u>	<u>Total</u>
ENGINEERING	\$216,860		\$216,860
CONSTRUCTION*		\$1,549,000	\$1,549,000
ROW/EASEMENT		\$15,000	\$15,000
UTILITY RELOCATION		\$10,000	\$10,000
CONSTRUCTION ENGINEERING*		\$154,900	\$154,900
TOTAL PROJECT COST:	\$216,860	\$1,728,900	\$1,945,760
*CARS ELIGIBLE FUNDING (50%)		\$851,950	\$851,950
NET MERRIAM COST:	\$216 860	\$876 950	\$1 093 810

#### **Impact on Operating Budget**



# 55<sup>th</sup> Street – Merriam Dr. to W. City Limits





#### **Project Information**

Project #: GC2301

Design: 2021

Construction Year: 2022

Project Status: Preliminary

TRD

Project Engineer: TBD

Funding Source: CARS/Special Sales Tax

Contractor: TBD

#### **Project Description**

The project entails the rehabilitation of 55<sup>th</sup> Street – Merriam Drive to W. City Limits. The scope of work includes the replacement of curb/gutters/sidewalk/ADA ramps as required, a 2-inch mill/overlay, and new pavement markings. Street light improvements as needed. The City of Merriam plans to request funding from Johnson County CARS.

#### **Project Costs**

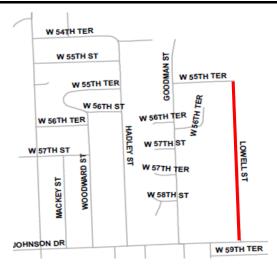
	<u> 2021</u>	<u> 2022</u>	<u>TOTAL</u>
ENGINEERING	\$277,366		\$277,366
CONSTRUCTION*		\$2,133,585	\$2,133,585
ROW/EASEMENT		\$15,000	\$15,000
UTILITY RELOCATION		\$10,000	\$10,000
CONSTRUCTION ENGINEERING*		\$213,358	\$213,358
TOTAL PROJECT COST:	\$277,366	\$2,371,943	\$2,649,309
*CARS ELIGIBLE FUNDING (50%)		\$1,173,472	\$1,173,472
NET MERRIAM COST:	\$277,366	\$1,198,472	\$1,475,838

#### **Impact on Operating Budget**



# Lowell St. – Johnson Dr. to 55<sup>th</sup> Ter. W/Overland Park 2022 Street Maintenance





#### **Project Information**

Project #: TBA

Design:

Construction Year: 2022

Project Status: Preliminary

**Project Engineer:** City of Overland Park

Funding Source: General CIP

Contractor: TBD

#### **Project Description**

City of Overland Park approached the City of Merriam seeking partnership in preserving Lowell Street from Johnson Drive to 55<sup>th</sup> Terrace. The scope of work includes Ultra-Thin Bonded Asphalt Surface (UBAS) paving; a process for preventative maintenance that helps pavement last longer and the special membrane helps prevent water leakage by forming a superior bond to the old asphalt or concrete.

#### **Project Costs**

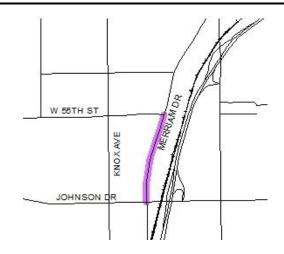
	<u>2022</u>	<u>i otai</u>
ENGINEERING		\$0
CONSTRUCTION	\$60,000	\$60,000
TOTAL PROJECT COST:	\$60,000	\$60,000
OVERLAND PARK/MERRIAM (50% OF COSTS)	\$30,000	\$30,000
EST MERRIAM COST:	\$30,000	\$30,000

#### **Impact on Operating Budget**



## Merriam Dr. - Johnson Dr. to 55th St.





#### **Project Information**

Project #: GC2201

Design: 2022

Construction Year: 2023

Project Status: Preliminary

Project Engineer: TBD

Funding Source: CARS/Special Sales Tax

Contractor: TBD

#### **Project Description**

The project entails the rehabilitation of Merriam Drive from Johnson Drive to 55<sup>th</sup> Street. The scope of work includes the replacement of curb/gutters/sidewalk/ADA ramps as required, a 2-inch mill/overlay, and new pavement markings. Streetlights and traffic signal improvements as needed. The City of Merriam plans to request funding from Johnson County CARS.

#### **Project Costs**

	<u> 2022</u>	<u>2023</u>	<u>Total</u>
ENGINEERING	\$457,416		\$457,416
CONSTRUCTION*		\$3,267,254	\$3,267,254
ROW/EASEMENT		\$15,000	\$15,000
UTILITY RELOCATION		\$25,000	\$25,000
CONSTRUCTION ENGINEERING*		\$326,725	\$326,725
TOTAL PROJECT COST:	\$457,416	\$3,633,979	\$4,091,395
*CARS ELIGIBLE FUNDING (50%)		\$1,796,990	\$1,796,990
NET MERRIAM COST:	\$457,416	\$1,836,990	\$2,294,405

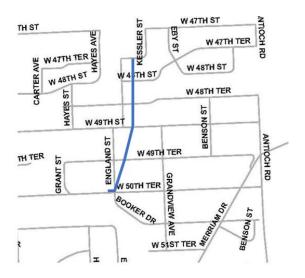
#### **Impact on Operating Budget**



# 50<sup>th</sup> Ter/England St. to Kessler Ln. Drainage Improvement

#### South Park and Silverwood Subdivisions





#### **Project Information**

Project #: TBA
Construction Year: 2023
Project Status: Preliminary
Project Engineer: TBD

Froject Engineer. 155

Funding Source: Special Sales Tax

Contractor: TBD

#### **Project Description**

These subdivisions were developed in phases without any comprehensive drainage system improvements. This system begins on 47<sup>th</sup> Ter., flows south and outlets in the side/back yard of 9224 50<sup>th</sup> Ter. The water leaving the storm drain then crosses properties to an inlet/catch basin near England St. and 50<sup>th</sup> Ter. Our current storm drain design criteria is to design for a 10-year rain event, and this current system is experiencing issues during 2-year rain events. Staff has submitted a request to the Johnson County Watershed Organization for partial funding.

#### **Project Costs**

	<u>2022</u>	<u>2023</u>	<u>TOTAL</u>
ENGINEERING	\$117,092		\$117,092
CONSTRUCTION*		\$1,170,920	\$1,170,920
ROW/EASEMENT		\$100,000	\$100,000
UTILITY RELOCATION		\$10,000	\$10,000
CONSTRUCTION ENGINEERING		\$117,092	\$117,092
TOTAL PROJECT COST:	\$117,092	\$1,398,012	\$1,515,104
WATERSHED ORG. FUNDING*		\$303,325	\$303,325
NET MERRIAM COST:	\$117,092	\$1,094,687	\$1,211,779

#### **Impact on Operating Budget**

These improvements will reduce the yearly maintenance costs of repairing a deteriorated drain system. This will allow Public Works crews to focus on maintaining current system infrastructure.



## 49th Street - Antioch Rd. to Switzer Rd.





#### **Project Information**

Project #: GC2401

Design: 2023

Construction Year: 2024

Project Status: Preliminary

TRD

Project Engineer: TBD

Funding Source: CARS/Special Sales Tax

Contractor: TBD

#### **Project Description**

This project entails the rehabilitation of 49<sup>th</sup> Street – Antioch Road to Switzer Road. The scope of work includes the replacement of curb/gutters/sidewalk/ADA ramps as required, a 2-inch mill/overlay, and new pavement markings. Street light improvements as needed. The City of Merriam plans to request funding from Johnson County CARS.

#### **Project Costs**

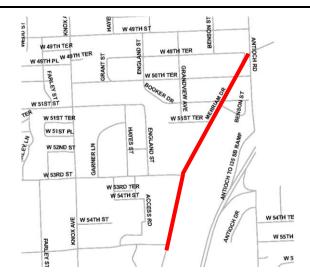
	<u>2023</u>	<u>2024</u>	<u>TOTAL</u>
ENGINEERING	\$270,330		\$270,330
CONSTRUCTION*		\$2,079,459	\$2,079,459
ROW/EASEMENT		\$20,000	\$20,000
UTILITY RELOCATION		\$15,000	\$15,000
CONSTRUCTION ENGINEERING*		\$207,946	\$207,946
TOTAL PROJECT COST:	\$270,330	\$2,322,405	\$2,592,734
*CARS ELIGIBLE FUNDING (50%)		\$1,143,702	\$1,143,702
NET MERRIAM COST:	\$270,330	\$1,178,702	\$1,449,032

#### **Impact on Operating Budget**



# Merriam Dr. - 55th St. to Antioch





#### **Project Information**

Project #: GC2101

Design: 2024

Construction Year: 2025

Project Status: Preliminary

Project Engineer: TBD

Funding Source: CARS/Special Sales Tax

Contractor: TBD

#### **Project Description**

This project entails the rehabilitation of Merriam Drive from 55<sup>th</sup> Street to Antioch. The scope of work includes the replacement of curb/gutters/sidewalk/ADA ramps as required, a 2-inch mill/overlay, and new pavement markings. Street light improvements as needed. The City of Merriam plans to request funding from Johnson County CARS.

#### **Project Costs**

	<u>2024</u>	<u> 2025</u>	<u>Total</u>
ENGINEERING	\$376,347		\$376,347
CONSTRUCTION*		\$2,688,192	\$2,688,192
ROW/EASEMENT		\$20,000	\$20,000
UTILITY RELOCATION		\$20,000	\$20,000
CONSTRUCTION ENGINEERING*		\$268,819	\$268,819
TOTAL PROJECT COST:	\$376,347	\$2,997,011	\$3,373,358
*CARS ELIGIBLE FUNDING (50%)		\$1,478,506	\$1,478,506
NET MERRIAM COST:	\$376,347	\$1,518,506	\$1,894,852

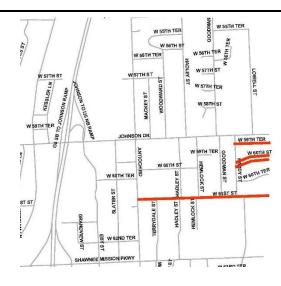
#### **Impact on Operating Budget**



## 2025 Street & Drainage Improvements

61<sup>st</sup> Street – Antioch Rd. to E.C.L. 60<sup>th</sup> Street – Hardy St. to E.C.L. 59<sup>th</sup> Terrace - Hardy St. to E.C.L.





#### **Project Information**

Project #: TBD

Design: 2024

Construction Year: 2025

Project Status: Preliminary

Project Engineer: TBD

Funding Source: Special Sales Tax

Contractor: TBD

#### **Project Description**

This project entails the rehabilitation of 61st Street from Antioch Rd., 60th Street from Hardy St. to East City Limit, and 59th Terrace to East City Limit. The scope of work includes the replacement of curb/gutters/sidewalk/ADA ramps as required, a 2-inch mill/overlay, and new pavement markings, and replace deteriorated storm drains. The City of Merriam plans to request funding from Johnson County Watershed Organization for the replacement of storm drain on this project.

#### **Project Costs**

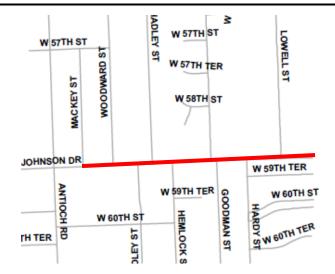
	<u>2024</u>	<u> 2025</u>	<u>Total</u>
ENGINEERING	\$165,000		\$165,000
MILL/OVERLAY/SIDEWALKS		\$471,000	\$471,000
STORM DRAINS*		\$1,048,000	\$1,048,000
ROW/EASEMENT		\$100,000	\$100,000
UTILITY RELOCATION		\$10,000	\$10,000
CONSTRUCTION ENGINEERING		\$154,900	\$154,900
TOTAL PROJECT COST:	\$165,000	\$1,783,900	\$1,948,900
*WATERSHED ELIGIBLE FUNDING (50%)		\$524,000	\$524,000
NET MERRIAM COST:	\$165,000	\$1,259,900	\$1,424,900

#### **Impact on Operating Budget**



# Johnson Drive (CARS) - Mackey St. to East City Limits **2026 Street Improvements**





#### **Project Information**

Project #: TBA Design: 2025 **Construction Year:** 2026 **Project Status:** Preliminary

**Project Engineer:** TBD

**Funding Source:** CARS/Special Sales Tax, General CIP

**Contractor:** 

#### **Project Description**

This project entails the rehabilitation of Johnson Drive. The scope of work includes the replacement of curb/gutters as required, 2-inch mill/overlay, new pavement markings. The City of Merriam will be requesting funding from Johnson County CARS for the Johnson Drive portion of this project.

#### **Project Costs**

	<u> 2025</u>	<u> 2026</u>	<u>Total</u>
ENGINEERING	\$81,379		\$81,379
CONSTRUCTION*		\$581,280	\$581,280
ROW/EASEMENT		\$20,000	\$20,000
UTILITY RELOCATION		\$20,000	\$20,000
CONSTRUCTION ENGINEERING*		\$58,128	\$58,128
TOTAL PROJECT COST:	\$81,379	\$679,408	\$760,787
*CARS ELIGIBLE FUNDING (50%)		\$319,704	\$319,704
NET MERRIAM COST:		\$359,704	\$441,083

#### **Impact on Operating Budget**



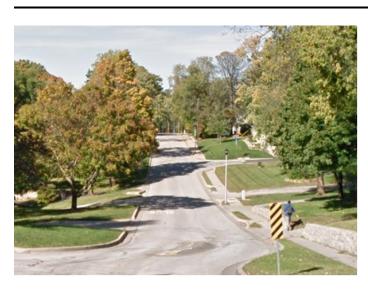
# **Public Works Maintenance Program**

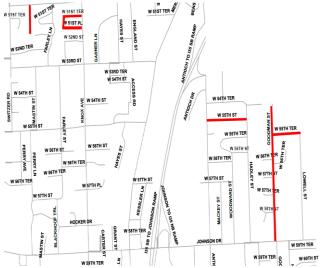




Goodman St. (North City Limit to Jo. Dr.) 55<sup>th</sup> St. (Antioch Rd. to Hadley St.) 51<sup>st</sup> Ter. (West of Knox)

51<sup>st</sup> PI. (West of Knox) Perry Ln. (South of 51<sup>st</sup> Street) Craig Rd. (SMP to 61<sup>st</sup> St.)





#### **Project Information**

Construction Year: 2021

Project Status: Construction
Project Engineer: City of Merriam

**Funding Source:** Various **Contractor:** J.M. Fahey

#### **Project Description**

The City has committed its share of Special Highway Fund revenues (state tax on motorized vehicle fuel) to the annual overlay/curb replacement program. To provide for adequate street maintenance, Staff recommends an additional supplement through 2026. Currently, the City of Merriam receives approximately \$300,000 annually in gas taxes. State budget shortfalls continue to place Special Highway Fund revenues in jeopardy. Staff also recommends that some streets are beyond its design life, thus mill/overlay will be ineffective in prolonging structural life of the street. For streets in that condition, Council should consider reconstruction of the street instead of mill/overlay. The Public Works department routinely inspects and maintains City streets, sidewalks, sidewalk ADA ramps, curbs, storm drains, streetlights, etc. Based on these inspections, staff has developed a 5-year Mill and Overlay Program.

#### **Project Costs**

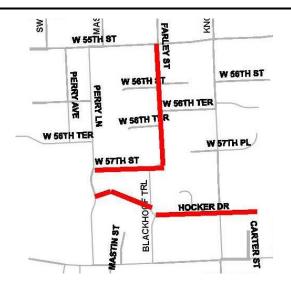
TOTAL PROJECT COST:	\$650,000
SIDEWALK MAINTENANCE PROGRAM	\$50,000
OVERLAY SUPPLEMENT	\$300,000
PW SPECIAL HIGHWAY STREET OVERLAY/PAVING	\$300,000
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#### Impact on Operating Budget



Farley St. (55<sup>th</sup> St. to 57<sup>th</sup> St.) 57<sup>th</sup> St. (Perry Ln. to Farley St.) Hocker Drive (Perry Ln. to E. of Knox Ave.)





#### **Project Information**

Construction Year:2022Project Status:PreliminaryProject Engineer:City of Merriam

Funding Source: Various Contractor: TBD

#### **Project Description**

The City has committed its share of Special Highway Fund revenues (state tax on motorized vehicle fuel) to the annual overlay/curb replacement program. To provide for adequate street maintenance, Staff recommends an additional supplement through 2026. Currently, the City of Merriam receives approximately \$300,000 annually in gas taxes. State budget shortfalls continue to place Special Highway Fund revenues in jeopardy. Staff also recommends that some streets are beyond its design life, thus mill/overlay will be ineffective in prolonging structural life of the street. For streets in that condition, Council should consider reconstruction of the street instead of mill/overlay. The Public Works department routinely inspects and maintains City streets, sidewalks, sidewalk ADA ramps, curbs, storm drains, streetlights, etc. Based on these inspections, staff has developed a 5-year Mill and Overlay Program.

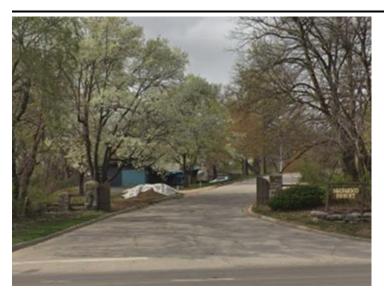
#### **Project Costs**

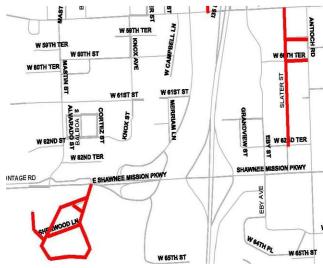
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PW SPECIAL HIGHWAY STREET OVERLAY/PAVING	\$300,000
OVERLAY SUPPLEMENT	\$300,000
SIDEWALK MAINTENANCE PROGRAM	\$30,000
TOTAL PROJECT COST:	\$630,000

#### Impact on Operating Budget



Sherwood Forest Slater St. (Johnson Dr. to 62<sup>nd</sup> Ter.) 60<sup>th</sup> St. (Slater St to Antioch Rd.) 60<sup>th</sup> Ter. (Slater St. to Antioch Rd.)





#### **Project Information**

Construction Year:2023Project Status:PreliminaryProject Engineer:City of Merriam

Funding Source: Various Contractor: TBD

#### **Project Description**

The City has committed its share of Special Highway Fund revenues (state tax on motorized vehicle fuel) to the annual overlay/curb replacement program. To provide for adequate street maintenance, Staff recommends an additional supplement through 2026. Currently, the City of Merriam receives approximately \$300,000 annually in gas taxes. State budget shortfalls continue to place Special Highway Fund revenues in jeopardy. Staff also recommends that some streets are beyond its design life, thus mill/overlay will be ineffective in prolonging structural life of the street. For streets in that condition, Council should consider reconstruction of the street instead of mill/overlay. The Public Works department routinely inspects and maintains City streets, sidewalks, sidewalk ADA ramps, curbs, storm drains, streetlights, etc. Based on these inspections, staff has developed a 5-year Mill and Overlay Program.

#### Project Costs

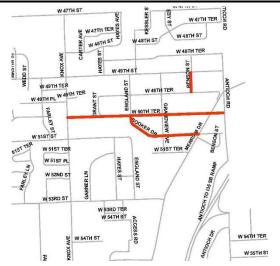
	<u>Total</u>
PW SPECIAL HIGHWAY STREET OVERLAY/PAVING	\$300,000
OVERLAY SUPPLEMENT	\$300,000
SIDEWALK MAINTENANCE PROGRAM	\$25,000
TOTAL PROJECT COST:	\$625,000

#### **Impact on Operating Budget**



Benson St. (49<sup>th</sup> St to 49<sup>th</sup> Ter,) 50<sup>th</sup> Ter. (Knox Ave. to Merriam Dr.) Booker Dr./51<sup>st</sup> St. (50<sup>th</sup> Ter. to Merriam Dr.)





#### **Project Information**

Construction Year: 2024
Project Status: Preliminary
Project Engineer: City of Merriam

Funding Source: Various Contractor: TBD

#### **Project Description**

The City has committed its share of Special Highway Fund revenues (state tax on motorized vehicle fuel) to the annual overlay/curb replacement program. To provide for adequate street maintenance, Staff recommends an additional supplement through 2026. Currently, the City of Merriam receives approximately \$300,000 annually in gas taxes. State budget shortfalls continue to place Special Highway Fund revenues in jeopardy. Staff also recommends that some streets are beyond its design life, thus mill/overlay will be ineffective in prolonging structural life of the street. For streets in that condition, Council should consider reconstruction of the street instead of mill/overlay. The Public Works department routinely inspects and maintains City streets, sidewalks, sidewalk ADA ramps, curbs, storm drains, streetlights, etc. Based on these inspections, staff has developed a 5-year Mill and Overlay Program.

#### **Project Costs**

	<u>Total</u>
PW SPECIAL HIGHWAY STREET OVERLAY/PAVING	\$300,000
OVERLAY SUPPLEMENT	\$300,000
SIDEWALK MAINTENANCE PROGRAM	\$67,000
TOTAL PROJECT COST:	\$667,000

#### **Impact on Operating Budget**



49<sup>th</sup> Ter. (Merriam Dr. to Grant St.), Grant St. (49<sup>th</sup> Ter. to 50<sup>th</sup> Ter.) England St. (49<sup>th</sup> St. to 50<sup>th</sup> Ter.), Grandview Ave. (49<sup>th</sup> St. to 51<sup>st</sup> Ter.)





#### **Project Information**

Construction Year: 2025
Project Status: Preliminary
Project Engineer: City of Merriam

Funding Source: Various Contractor: TBD

#### **Project Description**

The City has committed its share of Special Highway Fund revenues (state tax on motorized vehicle fuel) to the annual overlay/curb replacement program. To provide for adequate street maintenance, Staff recommends an additional supplement through 2026. Currently, the City of Merriam receives approximately \$300,000 annually in gas taxes. State budget shortfalls continue to place Special Highway Fund revenues in jeopardy. Staff also recommends that some streets are beyond its design life, thus mill/overlay will be ineffective in prolonging structural life of the street. For streets in that condition, Council should consider reconstruction of the street instead of mill/overlay. The Public Works department routinely inspects and maintains City streets, sidewalks, sidewalk ADA ramps, curbs, storm drains, streetlights, etc. Based on these inspections, staff has developed a 5-year Mill and Overlay Program.

#### Project Costs

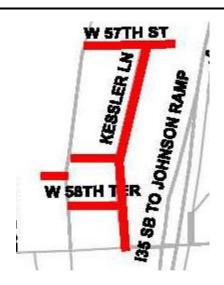
	<u>Total</u>
PW SPECIAL HIGHWAY STREET OVERLAY/PAVING	\$300,000
OVERLAY SUPPLEMENT	\$300,000
SIDEWALK MAINTENANCE PROGRAM	\$58,000
TOTAL PROJECT COST:	\$658,000

#### Impact on Operating Budget



57<sup>th</sup> St. (Merriam Dr. to End of Pavement), 58<sup>th</sup> St. (Merriam Dr. to Kessler Ln.) 58<sup>th</sup> Ter. (Merriam Dr. to Kessler Ln.), Hocker Dr. (Merriam Dr. to End of Pavement) Kessler Ln. (Johnson Dr. to 57<sup>th</sup> St.)





#### **Project Information**

Construction Year: 2026
Project Status: Preliminary
City of Merriam

Funding Source: Various Contractor: TBD

#### **Project Description**

The City has committed its share of Special Highway Fund revenues (state tax on motorized vehicle fuel) to the annual overlay/curb replacement program. To provide for adequate street maintenance, Staff recommends an additional supplement through 2026. Currently, the City of Merriam receives approximately \$300,000 annually in gas taxes. State budget shortfalls continue to place Special Highway Fund revenues in jeopardy. Staff also recommends that some streets are beyond its design life, thus mill/overlay will be ineffective in prolonging structural life of the street. For streets in that condition, Council should consider reconstruction of the street instead of mill/overlay. The Public Works department routinely inspects and maintains City streets, sidewalks, sidewalk ADA ramps, curbs, storm drains, streetlights, etc. Based on these inspections, staff has developed a 5-year Mill and Overlay Program.

#### **Project Costs**

	<u>Total</u>
PW SPECIAL HIGHWAY STREET OVERLAY/PAVING	\$300,000
OVERLAY SUPPLEMENT	\$300,000
SIDEWALK MAINTENANCE PROGRAM	\$12,000
SMALL DRAINAGE PROJECTS	\$34,000
TOTAL PROJECT COST:	\$646,000

#### **Impact on Operating Budget**



# **Small Drainage Projects**

## Various Pipes Replacement/Rehabilitation



Small storm drain outlet

#### **Project Information**

Project #: GM1103
Construction Year: Ongoing
Project Status: Varies
City Construction Year: Office Construction Year: Ongoing Ye

**Project Engineer:** City Engineer **Funding Source:** General CIP

Contractor: Public Works for spot repairs

#### **Project Description**

City of Merriam has aging drainage infrastructures including Corrugated Metal Pipes (CMP) and Reinforced Concrete Pipe (RCP) that are at risk of failure. Various trenchless technologies are available and have been widely used throughout North America. Such trenchless pipe installation technologies include Cured-In-Place-Pipe (CIPP), thermo-formed Ultra-Liner and Pipe Bursting, which all utilize existing pipe cavity and line the pipe instead of trenching across street sections. The cost of these technologies is becoming very competitive and in many cases can be more economical due to savings in logistics and cost of traffic control over busy streets and reconstruction of street over the trench. Another benefit to the trenchless technology is the significant reduction in risk of liability and safety in trenching adjacent to homes and yards. If trenchless technology is not feasible, City Staff will collaborate to find best option including in-house work with the Public Works crews.

#### Project Costs

 2022
 2023
 2024
 2025
 2026

 CONSTRUCTION
 \$350,000
 \$350,000
 \$350,000
 \$323,000
 \$316,000

#### Impact on Operating Budget

After recent citywide inspections, Public Works has begun the process of prioritizing repairs to the storm sewer pipes. This program will allow many sections of pipe that have been rated with a poor condition to be reconstructed within that years' designated budget amount. Public Works crews will have the opportunity to schedule and make necessary repairs to other failing storm sewer infrastructure by utilizing the current operating budget.



# **Sidewalk Maintenance Program**

# City Wide



#### **Project Information**

Project #: GM2002
Construction Year: Ongoing
Project Status: Construction

Project Engineer: Merriam Public Works

Funding Source: General CIP

Contractor: TBD

#### **Project Description**

City Council provided direction to assess the condition of existing sidewalks throughout the City and to conduct repairs and maintenance as needed. This program is to supplement the Public Works efforts in addressing these types of repairs.

#### **Project Costs**

**2022 2023 2024 2025 2026** TOTAL PROJECT COST: \$170,000 \$175,000 \$133,000 \$142,000 \$188,000

#### **Impact on Operating Budget**

Sidewalk repairs currently resides within the operating budget as its sole funding source. This supplement will not only allow more aging and potentially hazardous sections of sidewalk to be replaced, but also create more opportunities for Public Works crews to address other maintenance tasks as needed.