



City Council
Agenda
City Hall, 9001 W. 62nd Street
December 13, 2021 - 7:00 PM
Work Session immediately following

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. COUNCIL ITEMS

1. Consider approval of the minutes of the City Council meeting held November 22, 2021.
[Council Minutes November 22 2021](#)
2. Installation of new Governing Body members.
3. Election of Ward 4 Councilmember
[Interoffice Memo - Election of Ward 4 Councilmember - Pdf](#)
[Staci Chivetta](#)
[Billy Croan](#)
[Louis Lambert](#)

IV. PUBLIC ITEMS

Members of the public are encouraged to use this time to make comments about matters that do not appear on the agenda. Comments about items on the regular agenda will be taken as each item is considered. ***Please note: individuals making Public Comments will be limited to 5 minutes.*** In accordance with the *Governing Body Rules of Procedure*, the City reserves the right to refuse Public Comments that are personal, impertinent or slanderous.

V. MAYOR'S REPORT

VI. PUBLIC HEARING-PUBLIC HEARING TO CONSIDER AMENDING THE I-35 DISTRICT PLAN

1. Consider approval of an ordinance making certain findings and authorizing an amendment to the District Plan for the I-35 Redevelopment District.
[Item Information Form - Ordinance - I-35 TIF District Amendment - Pdf](#)
2. Consider approval of a resolution setting January 24, 2022, as the date for the Public Hearing to consider the 8800 Shawnee Mission Parkway (Project Area N) Redevelopment Project Plan.
[Item Information Form - Project Plan Resolution Setting Public Hearing - Pdf](#)

VII. STAFF/INFORMATIONAL ITEMS

1. Execute an Inter-Local Agreement with Johnson County for Johnson County's County Assistance Road System (CARS) funding of the public improvements to 55th Street from Merriam Drive to West City limits.
[Item Information Form - Inter-Local Agreement with Johnson County for Johnson County's County Assistance Road System \(CARS\) funding of the public impr - Pdf](#)
 2. CIP Update.
 3. December CIP Update
[Interoffice Memo - CIP Update - Pdf](#)
- A. Informational Items**
1. [November Park Board Minutes](#)
 2. [Planning Commission Minutes December 2021](#)

VIII. EXECUTIVE SESSION

IX. ADJOURNMENT

1. [Work Session - Dec 13 2021 - Agenda - Pdf](#)
[Incentives Presentation](#)

Respectfully submitted,
Juliana Pinnick
City Clerk

**MERRIAM CITY COUNCIL MINUTES
CITY HALL
9001 WEST 62ND STREET
November 22, 2021
7:00 P.M.**

I. CALL TO ORDER - PLEDGE OF ALLEGIANCE

Mayor Bob Pape called the meeting to order at 7:00 pm.

II. ROLL CALL

Scott Diebold
Chris Evans Hands
Brian Knaff
David Neal
Bob Pape
Jason Silvers

Whitney Yadrich and Bruce Kaldahl via telephone

Staff present:, Ryan Denk, City Attorney; Chris Engel, City Administrator; Jim MacDonald, Public Works Director; Jenna Gant, Communication and Public Engagement Manager; Bryan Dyer, Community Development Director; Anna Slocum, Parks & Recreation Director; Darren McLaughlin, Police Chief and Juli Pinnick, City Clerk.

III. PUBLIC ITEMS

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Mike Gieseke, 9701 W. 56th Ter., commented that his neighbor has many items in his yard and on his property that he considers junk. The property does not have any house numbers posted. Mr. Gieseke commented that the codes department has been out and some things have been cleaned up, however, there are many additional things that he feels could be cleaned up.

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 November 8, 2021.
2. Consider approval of final payment to J.M. Fahey for the 2021 Street Improvements Project.
3. Consider endorsement of 2022 funding recommendations for the Drug and Alcoholism Council (DAC) of United Community Services.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE CONSENT AGENDA ITEMS 1-3. COUNCILMEMBER NEAL SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

V. MAYOR'S REPORT

VI. COUNCIL ITEMS

1. Consider approval of a funding agreement between the City of Merriam and Block and Company.

Community Development Director Bryan Dyer provided the background for this item.

The City has received a Tax Increment Financing (TIF) application from Block and Company, dba Merriam North Bell, LLC. The TIF application is a request for TIF financing to assist with the redevelopment of 8800 Shawnee Mission Parkway (old Taco Bell).

The City will need outside legal and professional consultants to consider the TIF application. The Funding Agreement states that Block and Company will provide \$30,000 to cover the City's costs related to the TIF application. The agreement outlines what the funds may be used for and how the City would request additional funds if necessary. The agreement *does not commit* the City to making changes to the existing Redevelopment District Plan, adopting a Redevelopment Project Plan or approval of any rezoning application. It simply protects the City from incurring out-of-pocket costs associated with consideration of the application. Any unused portion of the funds will be returned to Block and Company.

The City's bond council, Joe Serrano of Kutak Rock, LLP has reviewed the Funding Agreement

Councilmember Neal expressed concern regarding the back taxes owed on other properties under the control of the applicant. While there are no taxes owed on the property under consideration, he still feels this is an issue.

Mr. Dyer commented that the agreement being considered tonight does not commit the city to any other agreements, zoning, or development projects. This agreement is for \$30,000 and will be used to cover the costs associated with the application.

Councilmember Silvers echoed Councilmember Neals concerns over the delinquent taxes owed by the developer on other properties within the city.

City Administrator Chris Engel commented that the Redevelopment Agreement that would be forthcoming, will include language that requires the developer to have the taxes on this property current.

Councilmember Neal asked if the Redevelopment Agreement requires taxes be current only on the parcel being redevelopment and not other properties owned by the developer. In addition, he asked if the city had any authority to require all property taxes be current under a redevelopment agreement.

Mr. Engel responded that is correct, the parcel under the redevelopment agreement and he is not sure if the agreement could be drafted to include all properties owned or controlled by the developer be current on property taxes.

City Attorney Ryan Denk commented that the developer is asking the city for an incentive, under TIF, and the city is not obligated to grant those funds. Further, the city would have the prerogative to require the taxes on all properties within the city be current as a condition of the TIF approval.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE A FUNDING AGREEMENT BETWEEN THE CITY OF MERRIAM AND BLOCK AND COMPANY DBA MERRIAM NORTH BELL, LLC. COUNCILMEMBER DIEBOLD SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

2. Consider approval of the purchase of a 2022 Dodge Durango police unit.

Police Chief Darren McLaughlin provided the background for this item.

The 2021 budget approved the purchase of three new police SUV vehicles. We previously purchased two vehicles earlier in 2021. We currently have one vehicle that needs replacement. The vehicle being replaced has around 107,000 miles and is at six years old. The new Dodge Durango Pursuit SUV

will be black with “Merriam Police” decals. The SUV is an all-wheel drive utility vehicle.

The City of Merriam purchases vehicles in cooperation with the Mid-America Council of Public Purchasing (MACPP). Municipalities save money on vehicles purchased through MACPP due to large volume purchasing. The MACPP is an established chapter of the National Institute of Governmental Purchasing Inc. They encourage ethical standards in buying and selling and promote uniform public purchasing laws and simplified standards of specifications.

The vehicle is being purchased from Reed Jeep Chrysler Dodge Ram in Merriam KS.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE THE PURCHASE OF A 2022 DODGE DURANGO POLICE UNIT. COUNCILMEMBER SILVERS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

3. Consider approval of a Professional Services Agreement (PSA) with SoftResources for enterprise resource planning software advisory services.

Finance Director Donna Oliver provided the background for this item.

The City has utilized Central Square’s Naviline software for our Financial Accounting Software since 1999. While it has been very stable and reliable, it is dated and much more efficient options are now available. The City budgeted a total of \$280,000 to replace it.

In September 2021, the City issued an RFP to find a consultant to assist with the process of selecting new software. This consultant will be tasked with evaluating our current processes, recommending new processes, writing an RFP for our software, working with potential vendors and assisting with the final selection and contract. The City Administrator, Finance Director and Network and Communication Administrator evaluated the proposals received and selected SoftResources.

SoftResources brings over 26 years of experience providing advice to governments. They are independent from all software vendors allowing them to provide unbiased expertise. They meet at least annually with all major vendors and keep apprised of their capabilities.

COUNCILMEMBER SILVERS MOVED THAT THE COUNCIL APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH SOFTRESOURCES.

COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

4. Monthly Finance Report.

Finance Director Donna Oliver presented the October Finance Report.

5. Community Development Update.

Community Development Director Bryan Dyer provided the following updates: Staff has been working on closing out building permits as the year comes to a close.

The 2022 grants are getting ready to be rolled out, the website has been updated for the 2022 grant cycle.

The driveway grant program is getting close to being finalized on quantities. Pricing and supply chain issues are creating a bit of a challenge for the program.

The long-range planning grants for Merriam Drive are moving along well.

VII. STAFF ITEMS

City Administrator Chris Engel commented that he has been working with the two newly elected Councilmembers getting them up to speed on developments as well as their on-boarding to the City Council.

Parks and Recreation Director Anna Slocum displayed an award recently won for the Community Center Project. The builder, McCarthy submitted for the award through the Design-Build Institute of Mid-America. Last Friday there were 11 awards presented for projects. Merriam received the Institutional Award of Merit; in addition, we were submitted for the Design of the Year Award. However, that award was won by the Johnson County Courthouse design-build project

VIII. EXECUTIVE SESSION

IX. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL, COUNCILMEMBER HANDS MOVED TO ADJOURN AT 7:50 PM. COUNCILMEMBER SILVERS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

Respectfully submitted,

Juliana Pinnick
City Clerk

DRAFT



Interoffice Memo

Subject/Agenda Item: Election of Ward 4 Councilmember

Submitted By: Chris Engel, City Administrator

Meeting Date: December 13, 2021

To: Mayor & City Council

Background/Information:

When Council President Bob Pape was sworn in as Mayor on November 1, 2021 (and subsequently (re)elected as Mayor on November 2, 2021) it created a vacancy in the position of Ward 4 Council Representative.

Merriam City Code Sec. 2-27 provides a detailed process to guide City Council in appointing a new Representative to serve the balance of the unexpired term set to end in December 2023 (attached).

In brief: The Ward 4 vacancy was announced on Monday, November 8th and advertised through various City communication channels for 30 days. During that time, residents of Ward 4 interested in the vacant position were able to submit their letter of interest and statement of qualifications. The City Clerk received submittals from three interested residents (attached).

At the December 13, 2021 City Council meeting, the potential candidates will be interviewed and the City Council will vote to narrow the candidate pool to a single candidate to fill the vacancy. The Mayor will only vote in the case of a tie. All interviews and voting will occur in open session. The selected candidate will immediately be sworn in as the new Ward 4 City Councilmember.

At the November 8, 2021 City Council meeting it was agreed the Mayor will ask the candidates the following three interview questions which were provided to the candidates in advance -

1. What do you think is the most important issue facing the City in the next two years?
2. What skills or talents would you bring to the City Council?
3. Do you have any closing comments for the City Council to consider?

Supporting Documents:

[City Code Sec 2-27](#)



CODE OF ORDINANCES - MERRIAM, KANSAS

CHAPTER 2 - ADMINISTRATION

ARTICLE II. - GOVERNING BODY ^[2]

Sec. 2-27. - Councilmember vacancy; procedure for filling.

Whenever a vacancy occurs in the position of councilmember, including when a councilmember moves from the ward from which elected, or whenever the council president becomes mayor leaving a vacancy in the office of councilmember, the city council shall appoint an elector of the ward where the vacancy occurs to be councilmember for the balance of the unexpired term and a notice of vacancy shall be announced at the first regular council meeting following the occurrence of such vacancy. The vacancy shall be filled by the city council pursuant to the following procedures:

1. The deadline for individuals to submit a letter of interest and statement of qualifications for the vacant council position shall be 30 days from the date the notice of vacancy is announced. If such 30th day is a weekend or holiday, the deadline shall be the next regular business day following the expiration of such 30-day period.
2. Letters of intent and statements of qualifications for the vacant council position shall only be considered by the city council if submitted to the city clerk's office by 4:30 p.m. on the deadline specified by the city council as set forth in subsection (1) of this section.
3. The city council may use whatever publicity forum it chooses to disseminate information regarding the vacancy and the associated selection process.
4. All letters of intent and statements of qualifications and associated documents received for the vacant council position shall be treated as open records pursuant to the provisions of the Kansas Open Records Act, K.S.A. 45-215 et seq.
5. The city council shall interview all qualified candidates (electors of the ward where the vacancy occurred who have timely submitted letters of intent and statements of qualifications) within 30 days following the deadline specified by the city council as set forth in subsection (1) of this section. Interviews shall be conducted as open meetings of the city council according to the provisions of the Kansas Open Meetings Act, K.S.A. 45-215 et seq. Nothing herein shall be construed as to limit the number of interview sessions the city council may conduct, so long as each remaining candidate has the opportunity to be interviewed in each subsequent set of interview sessions.
6. In the event that eight or more candidates have submitted a letter of intent and statement of qualifications for the vacant council position, following the completion of candidate interviews, the city council, in an open meeting and by written ballot, shall narrow the list of candidates to five. Each city council member shall vote for not more than five candidates and may cast no more than one vote per candidate. Each ballot shall include the name of the city council member casting such ballot and shall be considered an open record. The votes will be tabulated by the city clerk and announced at the open meeting at which the ballots are cast. Those five candidates receiving the greatest number of votes shall be considered as set forth in subsection (7) of this section at the same or a subsequent meeting.



7. Whenever more than two, but less than eight, candidates have submitted a letter of intent and statement of qualifications for the vacant council position, or whenever the number of candidates has been reduced as set forth in subsection (6) of this section, the city council, in an open meeting and by written ballot, shall narrow the list of candidates to two. Each city council member shall vote for not more than two candidates and may cast no more than one vote per candidate. Each ballot shall include the name of the city council member casting such ballot and shall be considered an open record. The votes will be tabulated by the city clerk and announced at the open meeting at which the ballots are cast. Those two candidates receiving the greatest number of votes shall be considered as set forth in subsection (h) of this section at the same or a subsequent meeting.
8. Whenever two or fewer candidates have submitted a letter of intent and statement of qualifications for the vacant council position, or whenever the number of candidates has been reduced to two as set forth in subsection (7) of this section, each city council member shall, in an open meeting and by written ballot, cast not more than one vote for the purpose of selecting a candidate to fill the vacant council position. Each ballot shall include the name of the city council member casting such ballot and shall be considered an open record. The votes will be tabulated by the city clerk and announced at the open meeting at which the ballots are cast. The candidate receiving a majority vote of the city council shall be appointed as councilmember for the balance of the unexpired term. In the event the city council vote results in a tie, the mayor, at the same meeting as the tie vote, shall cast a vote in favor of one of the two candidates to serve the balance of the unexpired term.

(Code 1967, § 2-26; Ord. No. 1635, § 1, 2-8-2010; Ord. No. 1730, § 1, 1-26-2015)



9001 West 62nd Street
Merriam, Kansas 66202
913.322.5500

November 23, 2021

Merriam City Councilmembers:

This is my formal application to fill the remaining two years of the vacant Ward 4 City Council Seat. I ran for this seat in 2019 and narrowly lost to Bob Pape. As demonstrated in me running again this year in 2021, I am still incredibly passionate about serving on City Council for the City of Merriam. In 2019, I served on the 5701 Merriam Drive committee and ultimately ended up being appointed to be the chair of that committee. It was with my work on that committee in conjunction with the Public Art Committee that I ultimately decided that I wanted to run for City Council. Running two campaigns over the last 2 years has really let me get to know the residents of Ward 4 on a deeper level. I have made some incredible encounters and really want to be able to serve them in the capacity of their city councilmember. Since losing the race in November, I have had so many people reach out and make sure I was applying for this vacancy. It really is flattering and a testament to the relationships I have been able to forge.

Please see enclosed my statement of qualifications and current professional resume. I'm looking forward to interviewing with you all at the December 13th City Council Meeting.

Sincerely,

Staci Chivetta

From: [City of Merriam, Kansas](#)
To: [Juliana Pinnick](#)
Subject: City Council Candidate Form Submitted
Date: Tuesday, November 23, 2021 11:02:14 AM
Attachments: [Chivetta Appointment Application Cover Letter.pdf](#)

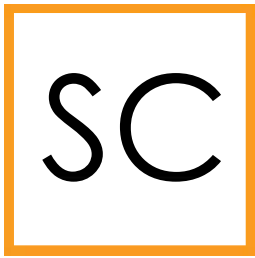
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City Council Candidate Form Submitted

Statement of Qualifications	
Ward	4
Name	Staci Chvietta
Address	5541 Goodman St
Email	staciformerriam@gmail.com
Phone Number - (no dashes)	3149717822
Work Experience	Scott Rice Office Works, Education Project Manager, 10.2016-Present Scott Rice Office Works, Designer, 02.2013-10.2016
Education	Master of Interior Architecture + Product Design, Kansas State University; Class of 2010
Civic/Leadership Experience	Downtown Merriam PSP Advisory Committee, City of Merriam, 2021 Chair, Parks and Recreation Board, City of Merriam, 2020-present Member + Current President, KC Architectural Foundation, 2016-present Chair, 5701 Committee, City of Merriam, 2019 Member, Public Art Committee, City of Merriam, 2018- present

	<p>AIA Kansas City Pillars Leadership Class, 2016</p> <p>AIA KC Pillars Steering Committee, 2016-2018</p> <p>Director + Sponsorship Chair, Women in Design-Kansas City, 2011-2016</p>
Why Do You Want to Serve on the Merriam City Council?	<p>I ran for council in 2019 + 2021. I decided to run in 2019 after serving on the 5701 Merriam Dr Committee and not necessarily seeing a great representation of younger families making decisions for the future of our city. In my career as a commercial interior designer and project manager, I have spent over 10 years focused on listening to my clients to ensure projects are completed on time for them in a manner that they are completely happy with. This has helped me understand the trust that it takes to put projects and communities in my hands. The skills and knowledge I have gained from my career translates perfectly to public service. I deeply care about our city and community and will do my best to listen to my constituents and maintain a community that everyone is proud to call home.</p>
What is Your Vision for Merriam?	<p>In my campaign this year and in 2019 I really focused on 3 main things that were part of my vision for Merriam: Sustainability, Revitalization + Development.</p> <p>Sustainability: With Merriam already being a member of the Metro KC Climate Action Coalition, thanks to the current council, we have a leg up on this and I'm interested in seeing how Merriam can help further our commitment to make changes and plans for our future.</p> <p>Revitalization + Development: These two things go hand in hand and there are many opportunities for revitalization and development in Merriam, between the former KMart site on Shawnee Mission Parkway and the old community center lot - we have a lot of opportunity to breathe some fresh life in to our city. I hope we can encourage and foster smart commercial and residential development where we can, in a way that preserves + elevates the character of these spaces. The 2040 Comprehensive Plan is a great start to helping us identify where and what makes sense for our community. As part of the downtown Merriam PSP Advisory Committee I think the city has some great short and long term planning in place to help start a major rethinking of Merriam as well.</p>
Letter of Interest	



STACI CHIVETTA

SKILLS Strong Communicator | Strategic Thinker | Team Builder

CERTIFICATIONS National Council for Interior Design Qualification
Certificate No. 30940
April 2015

WORK HISTORY **Education Project Manager** | Scott Rice Office Works 10/2016-PRESENT

- Contribute daily to the growth of Scott Rice Office Works educational market sector, recording \$6M in sales in 2016 and \$12M in 2021.
- Coordinate with architects and end users to inform project programming and lead furniture selection.
- Manage timelines for furniture specification and order based on construction, phasing, and move-in timelines.
- Manage cost control for project furniture budgets by working collaboratively with end users and design team.
- Comfortable and adept at working in the field.
- Well versed in working with both design and build teams.

Design Consultant | Scott Rice Office Works 02/2013-10/2016

- Assisted in project programming alongside end users and/or architects.
- Created detailed 2D + 3D drawings to convey correct space planning and furniture specifications.
- Selected finishes of furniture to coordinate with building finishes.

INVOLVEMENT Kansas City Architectural Foundation President (2021) 07/2016-PRESENT

AIA KC, Pillars Steering Committee Member 07/2016-06/2018

AIA KC - Pillars Class of 2016 08/2015-07/2016

Women in Design KC 07/2011-04/2016
Past Director, Director, Sponsorship Chair

VOLUNTEER Parks + Recreation Advisory Board, City of Merriam 01/2020-PRESENT

Public Art Committee, City of Merriam 04/2018-PRESENT

5701 Steering Committee, City of Merriam 12/2018-08/2019

Cookie Construction Volunteer, Girl Scouts 09/2018-03/2019

Eco Abet Committee Member 12/2016-03/2018

EDUCATION Kansas State University 08/2007- 05/2010
Masters of Interior Architecture + Product Design

University of Missouri - Kansas City 08/2005-05/2007
Environmental Design + Architecture Studios

Czech Technical University in Prague 02/2009-06/2009
International Study

Billy Croan

6633 Wedd Street, Merriam KS 66203 -

Wednesday, December 8th, 2021

Dear Merriam Councilmembers,

Participating in city council meetings over the last six years as a member of the public and as an elected representative of my neighborhood, it has been exciting to watch this council, and this city, grow and change.

This year's election cycle brings more change now than I can recall in any of the election cycles I've witnessed from my seat in the audience. And we should welcome new blood and new points of view with open arms

I am confident, that each of you will enjoy your role as representatives and rise to the challenges that come your way. Even when council members have left us unexpectedly in the past, there is still a silver lining in the welcoming of new personality, ideas, ideals, and new discussions to this council. This diversity keeps our governance in check and on track with our community's needs.

I recognize the hard work that past generations, and this generation of councilmembers have and will continue to put into making our community 'Just Right'. I could have, but chose not, to run in the election this year out of my gratitude to councilman Neal, the time he has put into his responsibility for the last four years, and his willingness to continue serving our city. I don't believe it would have been a net gain for the city for me to replace him.

Now that Bob has moved into the mayorship, there exists the opportunity to sit amongst you without displacing any of you who have faithfully served our neighbors for years.

I'm applying today for that consideration. I think I am qualified to do so after many years of involvement with city staff, councilmembers, and Merriam-local civic organizations. I believe my qualifications include:

- Elected every term since 2015 to represent my neighborhood on its HOA Board, Currently as President
- Homeowner on the West side of Ward 4, which has not sent a representative to council in many years.
- Parks and Recreation Advisory Board Member, Formerly Chairperson and Co-Chair
- 5701 Advisory Committee, Flags 4 Freedom, Comprehensive Plan Advisory Committee, Bridging the Gap
- Studying Spanish since 2016 and speak it every day.
- Track record of regularly studying the full council agenda and attachments, since 2017.
- Regularly given feedback to my council members and mayor on agenda items of concern.
- Extensive experience with public speaking and the public comment process.
- Completed the Merriam Citizen's Academy, and the JoCo Citizen's Academy. I recommend both!

I've given much thought, and consideration to this application, and will give my full attention and care to the position if selected. I've been active in local civics for the last several years. In short, I am ready to serve.

-Billy Croan

From: [City of Merriam, Kansas](#)
To: [Juliana Pinnick](#)
Subject: City Council Candidate Form Submitted
Date: Wednesday, December 8, 2021 4:28:00 PM
Attachments: [Billy Croan, Ready to Serve.pdf](#)

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City Council Candidate Form Submitted

Statement of Qualifications	
Ward	4
Name	Billy Thomas Croan
Address	6633 Wedd Street
Email	
Phone Number - (no dashes)	
Work Experience	IT Consultant, Data Center Operations, Systems and Security Administrator, HPC Computing Support Engineer, Programmer, Medical Device Support & Installation, Clinical Informations Systems Analyst
Education	Park Hill South High School St. Luke's EAP Leadership Training
	Boardmember of Parks and Recreation Advisory Board (Former Chairperson & Co-Chair)

Civic/Leadership Experience	<p>Boardmember/President of Timber Ridge Villas Homes Association</p> <p>Volunteer with Bridging the Gap</p> <p>Member of 5701 Merriam Drive committee</p> <p>Member of Merriam 2040 Comprehensive Plan Advisory Committee</p> <p>Completed Merriam Citizen's Academy, and the JoCo Citizen's Academy</p>
Why Do You Want to Serve on the Merriam City Council?	<p>I've followed city business and participated in the city council process for over 6 years as a home-owner in our community and a HOA board member in my neighborhood.</p> <p>I appreciate the hard work that our council members have put in over the years and they've done an excellent job! This vacancy represents an opportunity to begin serving in a more formal capacity without opposing existing council members who have shown incredible dedication to the city. I'm excited and ready!</p>
What is Your Vision for Merriam?	To foster a diverse, desirable, and welcoming place to live freely, work innovatively, and enjoy life together.
Letter of Interest	

City of Merriam, Kansas

Re: Letter of Intent for Position of Ward 4 Council Member

To Whom It May Concern:

It is my intent to propose that I become the replacement council member for Ward 4.

I would suggest that my long career in the Kansas City construction industry would be an asset to the City of Merriam.

I've worked closely with construction managers, general contractors, architects, and business owners to provide project budgets, value engineering, and proposal pricing of projects.

A few of the projects that I have been associated with:

1. Two Light Tower, Kansas City, Missouri
2. Three Light Tower, Kansas City, Missouri (current)
3. US Federal Courthouse, Kansas City, Missouri
4. Olathe West High School, Olathe, Kansas
5. Ikea, Merriam, Kansas
6. Merriam Town Center, Merriam, Kansas
7. Kansas City Zoo Aquarium, Kansas City, Missouri (current)
8. Blue Valley Antioch Activity Complex, Overland Park, Kansas
9. FDA Laboratory, Lenexa, Kansas
10. Grain Valley High School, Grain Valley, Missouri

I'm also a Merriam business owner, 3 Wishes, 5031 Merriam Drive, Merriam, Kansas. This should give me a good perspective on merging business with neighborhood enhancements.

I am a firm believer in business, safety, art, entertainment, and recreation and how those items are important to the well-being of a community and should be front and center.

I am nearing retirement and would have the time and energy to provide the necessary strategy and support for the City as a whole, as we look forward to the future.

Sincerely:

Louis E. Lambert

Louis E. Lambert
9021 W. 65th Drive
Merriam, Kansas 66202

From: [City of Merriam, Kansas](#)
To: [Juliana Pinnick](#)
Subject: City Council Candidate Form Submitted
Date: Wednesday, November 10, 2021 8:03:01 PM
Attachments: [City of Merriam.docx](#)

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City Council Candidate Form Submitted

Statement of Qualifications	
Ward	4
Name	Louis Lambert
Address	9021 W. 65th Drive Merriam, Kansas 66202
Email	
Phone Number - (no dashes)	8168968638
Work Experience	Construction project management and Merriam business owner of "3 Wishes" on Merriam Drive. Current employer is Delta Innovative Services, Inc. My title is Senior Executive Project Manager. I work with architects, owners, general contractors, sub-contractors, material suppliers and construction managers. Some of my notable Merriam projects are the Ikea and Merriam Town Center. I typically provide project cost budgets or bids for metal wall panels,

	metal roofing, single ply roofing, modified bituminous roofing, green roofing, pedestal pavers, waterproofing, and other trades as necessary. i have 40 years construction experience in the Kansas City area. I provide value engineering costs when a project is over-budget and prior to start up.
Education	<p>BA and BS Degrees from Baker University, Baldwin City, Kansas.</p> <p>I have taken construction law courses.</p>
Civic/Leadership Experience	At University I was a fraternity president, Vice-Chairman of the Student Activities Board, Student Commission member, and a member of the Inter-fraternity Council. Most of my leadership experience involves the construction field including as a business Controller.
Why Do You Want to Serve on the Merriam City Council?	I plan on retiring early next year and would enjoy giving back to our community and assisting on future planning of the City.
What is Your Vision for Merriam?	I would like to see Merriam become a little more progressive in the entertainment, store and housing fields, as well as finding a welcome use for the now empty Merriam buildings such as the old K-Mart. An attractive and developed Merriam Drive would be a must.
Letter of Interest	



Item Information Form

Subject/Agenda Item: Consider approval of an ordinance making certain findings and authorizing an amendment to the District Plan for the I-35 Redevelopment District.

Submitted By: Bryan P. Dyer, Community Development Director

Meeting Date: December 13, 2021

Project Background/Description:

In August 1994, the City of Merriam established a Redevelopment District, now known as the I-35 Redevelopment District, and adopted a district plan identifying proposed redevelopment project areas within the District. The district plan generally identified the improvements to occur within each project area. Those improvements generally consist of buildings, facilities and other development.

Since the adoption of the I-35 Redevelopment District Plan it has been amended six separate times. The most recent amendment occurred this year with the addition of the “Kmart” property and the creation of Redevelopment Project Area M for that area.

On November 8, 2021, the City Council approved a resolution setting December 13, 2021 as the date for the public hearing to consider the findings related to an amendment to the I-35 District Plan and to adopt the proposed amended plan. The notice of the public hearing was properly advertised in the city’s official newspaper and mailed to all property owners and tenants within the I-35 Redevelopment District.

The proposed amendment creates Redevelopment Project Area N and generally describes the proposed improvements for the area. Project Area N encompasses the properties at 8800 Shawnee Mission Parkway, which is the previous location of Taco Bell prior to relocating north of IKEA. The Amended District Plan includes a general description of the proposed commercial, retail, and/or office facilities with supporting parking, structured parking, infrastructure and related improvements.

City Council Goals and Objectives:

Goal 4: Maintain Economic Vitality
4.2 Expand the commercial tax base.

Financial Impact:

Amount of Request/Contract: N/A
Amount Budgeted: N/A
Funding Source/Account #: N/A

Recommended Motion:

City Council waive the customary first reading, approve the attached ordinance that makes certain findings and authorizes an amendment to the District Plan for the I-35 Redevelopment District, and authorize the Mayor to sign the ordinance.

Supporting Documents:

[Ordinance - TIF District Plan Amendment](#)
[TIF District Amendment Presentation](#)

ORDINANCE NO. _____

**AN ORDINANCE MAKING CERTAIN FINDINGS AND AUTHORIZING
AN AMENDMENT TO A DISTRICT PLAN FOR THE I-35
REDEVELOPMENT DISTRICT IN THE CITY OF MERRIAM, KANSAS.**

WHEREAS, pursuant to K.S.A. 12-1770 *et seq.*, as amended (the "Act"), cities are authorized to assist in the development and redevelopment of certain eligible areas located within cities by issuing special obligation tax increment bonds for financing of redevelopment projects or by providing for reimbursement of eligible costs of redevelopment projects in accordance with the Act, provided the cities comply with the procedures set forth in the Act; and

WHEREAS, the City of Merriam, Kansas (the "City"), previously established a redevelopment district commonly referred to as the "I-35 Redevelopment District" (the "District") and has adopted a district plan identifying proposed redevelopment project areas and, in a general manner, buildings, facilities and improvements in each proposed redevelopment project area (the "District Plan"), all pursuant to the Act and Ordinance No. 1222 of the City, as amended by Ordinance Nos. 1412, 1464, 1536, 1686, 1787, and 1823 of the City; and

WHEREAS, the Governing Body of the City has determined it is in the best interest of the City to amend the District Plan to further promote, stimulate and develop the general and economic welfare of the City; and

WHEREAS, the Act authorizes the City to make substantial changes to the District Plan subject to the same procedures for public notice and hearing as is required for the establishment of a redevelopment district; and

WHEREAS, the proposed amendment to the District Plan does not alter the boundaries of the District; and

WHEREAS, the Governing Body of the City has held a public hearing on a proposed amendment to the District Plan after providing notice of such hearing as required by the Act and as set forth in Resolution No. 917 of the City adopted on November 8, 2021;

**THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY
OF MERRIAM, KANSAS, AS FOLLOWS:**

SECTION 1. In accordance with the Act, the Governing Body of the City makes the following findings:

- (a) The District proposed to be developed is an "eligible area" as defined by the Act.
- (b) The conservation, development or redevelopment of the District is necessary to promote the general and economic welfare of the City.

- (c) The amended district plan for the District, identifying all of the proposed redevelopment project areas and, in a general manner, all of the buildings and facilities that are proposed to be constructed or improvements in each redevelopment project area, is attached to this Ordinance as Exhibit B.
- (d) The description of the District is set forth on Exhibit A to this Ordinance and such description does not include any area not designated in the notice of public hearing on the proposed amended district plan.

SECTION 2. Pursuant to the Act, the District Plan is hereby amended in accordance with Exhibit B. The City's Finance Director, the City Clerk, the City's Bond Counsel, the City's Financial Advisor and other authorized representatives of the City are authorized to cooperate with the developer or developers of property within the District to prepare redevelopment project plans to be submitted to the Planning Commission pursuant to the Act.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage by the Governing Body of the City and publication once in the official City newspaper.

Passed by the City Council of the City of Merriam, Kansas, and approved by the Mayor on this December 13, 2021.

CITY OF MERRIAM, KANSAS

(SEAL)

Bob Pape, Mayor

ATTEST:

Juliana Pinnick, City Clerk

APPROVED AS TO FORM:

Ryan Denk, City Attorney

EXHIBIT A
BOUNDARIES OF REDEVELOPMENT DISTRICT

Beginning at the intersection of Interstate Highway 35 and 75th Street; thence west along 75th Street to a point 250 feet west of the west right-of-way line of the Burlington Northern Railroad; thence north 800 feet; thence east 100 feet; thence north 540 feet; thence east approximately 690 feet to the centerline of the Burlington Northern Right-of-Way; thence north along the centerline of the Burlington Northern right-of-way to the centerline of 67th Street; thence west along 67th Street to the west property line of Lot 5, Cunningham Gardens Subdivision; thence north along the west property line of Lot 5 to the south property line of West Vernon Place Unit No. 2 Subdivision; thence east along said south property line to the east property line of said West Vernon Place Unit No. 2 Subdivision; thence north to the north property line of said subdivision; thence east 100 feet along the boundary between the existing R-1 and I-1 zoning districts; thence north 750 feet along said zoning district boundary; thence easterly 230 feet along said zoning district boundary; thence northerly 200 feet along said zoning district boundary; thence easterly 253 feet along said zoning district boundary; thence northerly 50 feet along said zoning district boundary; thence easterly to the centerline of the Burlington Northern right-of-way; thence northerly along said railroad right-of-way to Shawnee Mission Parkway; thence east along said parkway to Interstate Highway 35; thence north along said highway to a point west of 62nd Terrace projected; thence easterly along 62nd Terrace to Slater Road; thence south along Slater Road to Shawnee Mission Parkway; thence west along said parkway to the intersection of the East Frontage Road; thence southwesterly along said frontage road to a point north of the west line of the Pinegate Subdivision projected; thence south along said line to a point east of 65th Street projected; thence west along said line and 65th Street to Interstate Highway 35; thence south along said highway to the point of beginning on 75th Street; and

Part of the Southeast $\frac{1}{4}$ of Section 12, Township 12 South, Range 24 East in the City of Merriam, Johnson County, Kansas, more particularly described as follows: BEGINNING at the point of intersection of the Centerline of Slater Street and the Centerline of Johnson Drive, said centerline of Johnson Drive also being the North line of the Southeast $\frac{1}{4}$, of said Section 12; thence North 90° West along the centerline of Johnson Drive and the North line of said Southeast $\frac{1}{4}$, 918.48 feet to the point of intersection of said North Line of the Northeast $\frac{1}{4}$ and the Northerly prolongation of the Westerly right of way line of Grandview Avenue, said point of the intersection also being a point on the Easterly right of way line of Interstate Highway No. I-35; thence Southerly along the Easterly right of way line of Interstate Highway No. I-35 to the point of intersection of said Easterly right of way line of Interstate Highway No. I-35 and the Westerly prolongation of the Centerline of 62nd Street Terrace; thence South 89° 49' 24" East along said centerline of 62nd Street Terrace, 1129.62' to the point of the intersection of said centerline of said 62nd Street Terrace and the centerline of Slater Street; thence North 00° 37' 19" East, along the centerline of Slater Street, 2206.37 feet to the point of beginning on Slater Street; and,

Beginning at the point where the west lot line of the Drury Subdivision No. 1 extended to the north intersects with the existing I-35 Redevelopment District in the City of Merriam, Johnson County, Kansas, thence northeasterly along the boundary of the I-35 Redevelopment District to the intersection of the centerlines of Eby Avenue and Shawnee Mission Parkway, thence east

along the centerline of Shawnee Mission Parkway to a point where it intersects the centerline of Antioch Road, thence south along the centerline of Antioch Road to a point where it intersects with the north lot line of Lot 1, Pinegate subdivision extended, thence west along said lot line to a point where it intersects with the west lot line of Lot 1 Pinegate subdivision, thence south along said lot line to a point where the lot line extended intersects with the centerline of W. 64th Terrace, thence west along the centerline to a point where it intersects the centerline of Eby Avenue, thence north along the centerline of Eby Avenue to a point where the centerline intersects with the north lot line of Drury Subdivision No. 1 extended, thence west along said lot line to the point of beginning; and,

Beginning at the point where the west lot line of the Drury Subdivision No. 1 extended to the north intersects with the existing I-35 Redevelopment District in the City of Merriam, Johnson County, Kansas, thence northeasterly along the boundary of the I-35 Redevelopment District to the intersection of the centerlines of Eby Avenue and Shawnee Mission Parkway, thence east along the centerline of Shawnee Mission Parkway to a point where it intersects the centerline of Antioch Road, thence south along the centerline of Antioch Road to a point where it intersects with the north lot line of Lot 1, Pinegate subdivision extended, thence west along said lot line to a point where it intersects with the west lot line of Lot 1 Pinegate subdivision, thence south along said lot line to a point where the lot line extended intersects with the centerline of W. 64th Terrace, thence west along the centerline to a point where it intersects the centerline of Eby Avenue, thence north along the centerline of Eby Avenue to a point where the centerline intersects with the north lot line of Drury Subdivision No. 1 extended, thence west along said lot line to the point of beginning. Containing 329 acres of land, more or less

EXHIBIT B
AMENDED REDEVELOPMENT DISTRICT PLAN
I-35 Redevelopment District – Merriam, Kansas

Background

In 1988 the City of Merriam, Kansas (the “City”), in cooperation with the State of Kansas and pursuant to K.S.A. 12-17,107 through 12-17,113, established an enterprise zone (the “Enterprise Zone”) located generally west of Interstate Highway 35 and south of Shawnee Mission Parkway. Portions of the Enterprise Zone were located east of I-35, immediately north and south of Shawnee Mission Parkway. K.S.A. 12-1770 *et seq.* (the “Act”), permits cities to establish redevelopment districts and undertake redevelopment projects in areas which were established as enterprise zones prior to July 1, 1992.

Pursuant to the Act and Ordinance No. 1222 of the City, as amended by Ordinance Nos. 1412, 1464, 1536, and 1686, the City has previously established a redevelopment district commonly known as the “I-35 Redevelopment District” (the “District”) and has adopted a redevelopment district plan identifying proposed redevelopment project areas and, in a general manner, buildings, facilities and improvements in each proposed redevelopment project area (the “Original District Plan”). This Redevelopment District Plan amends and restates the Original District Plan.

District Boundary

The boundary for the District is shown on Figure 1.

Redevelopment Project Areas

Proposed Redevelopment Project Areas are illustrated on Figure 2.

In general, the buildings, facilities and improvements constructed or improved or proposed to be constructed or improved in each redevelopment project area identified on Figure 2 are set forth below. Detailed plans for the development of each potential project area will be developed in conjunction with a public or private sector owner or developer.

Area A: This area abuts I-35 and Shawnee Mission Parkway (U.S. Highway 56). It should be developed for a highway oriented commercial use. The area should be developed as a single site for a single commercial use, to eliminate access limitations and to minimize disruption to the traffic carrying capacity of Shawnee Mission Parkway. Access to the area should be oriented to Eby or 62nd Terrace; not directly to Shawnee Mission Parkway. The site is appropriate for one or more commercial buildings associated with an automobile dealership, or one or more buildings containing food service, transient lodging, or general retail uses.

Area B: This area abuts East Frontage Road with excellent visibility from I-35. This area should be developed for a highway oriented commercial use. The site is constrained by stormwater drainage passing through the center of the site. The site is appropriate for one or more small commercial buildings associated with an automobile dealership, food service, transient lodging, general retail, or general office use.

Area C: This area abuts West Frontage Road with excellent visibility from I-35. This area should be developed for a commercial or assembly use which requires outstanding regional accessibility and visibility. Due to the size of the tract, it is best suited to a single large development which requires a site in excess of 5 acres, and which can take advantage of the existing land assemblage. The site is best suited to one or more large commercial, warehouse, or light manufacturing buildings of regional importance.

Area D: This area is comprised of two sub-areas, as it is divided by the railroad tracks. The area has excellent visibility from I-35. The area is best suited for a highway oriented commercial, warehousing, or light manufacturing development west of the railroad tracks. The sub-area east of the railroad tracks is similar in character to Area C discussed above. However, due to this area's close proximity to Shawnee Mission Medical Center across I-35 to the east, it is also suitable for a large medical laboratory, medical office, or general office use. The site is most suitable for one or more structures as a single development in highway oriented commercial, or office use.

Area E: This area abuts W. 67th Street near I-35. The area has excellent regional accessibility, but lacks direct visibility from I-35. It is best suited for a single large building for warehouse or light manufacturing use, or one or more buildings for general commercial use which is a destination business as opposed to a business which requires direct visibility to high volumes of motorists.

Area F: This area abuts West Frontage Road, along I-35, immediately south of 67th Street. The site characteristics are similar to those set forth for Area C above. The area is suitable for a broad range of potential future uses including one or more large buildings for commercial, warehouse, light manufacturing, and corporate office use. The area is also considered suitable for a multi-structure general commercial development, should the current use of the area become obsolete.

Area G: This area abuts I-35 and has excellent visibility from the highway. It lacks independent access but may be combined with the abutting automobile dealership facility or other adjacent property. It is suitable for combination with abutting property to extend the abutting use in a manner which does not require direct access to the public street system. The site is appropriate for expansion of the auto dealership facility or the expansion of the parking area for the abutting financial services business.

Area H: This area is located in a commercial / industrial area adjacent to the BNSF Railway railroad tracks. It is suitable for a range of commercial and industrial uses typically found in light industrial areas, including light manufacturing, automotive service and construction industry uses.

Area I: This area is between 62nd Terrace and 62nd Street on Grandview, west of the present Municipal City Hall and Fire Station, to I-35. This area should be developed into commercial uses with the greatest potential being automotive sales and/or services. Access to this area should be from 62nd Terrace and with adequate parking this area should support between 25,000 and 35,000 of retail or automotive services space.

Area J: This area is bounded to the west by the I-35 right-of-way. The southern boundary is W. 62nd St extended, excluding the City Police Station property. The east boundary is Eby Street. The boundary heads north on Eby Street to a point where W. 60th Street extended intersects with Eby Street. From that point, the boundary heads west, back to the I-35 right-of-way. This area has excellent visibility from I-35 and is suitable for retail uses. This area should be developed as a large retail facility with supporting parking, infrastructure and related improvements.

Area K: This area is bounded to the north by Johnson Drive, excluding the property at the immediate southwest corner of the intersection of Johnson Drive and Slater Street. From the southeast corner of said property, the boundary heads south along Slater Street to a point approximately 230 feet south of the intersection of Slater Street and W. 60th Terrace. From that point, the boundary heads west to Eby Street. The boundary then heads north on Eby Street to a point where W. 60th Street extended intersects with Eby Street. From that point, the boundary heads west, back to the I-35 right-of-way. This area should contain commercial, retail, office and/or multifamily residential facilities with supporting parking, infrastructure and related improvements.

Area L: This area is bounded to the west by IKEA Way. Starting at the intersection of IKEA Way and W. 62nd Street, the boundary heads approximately 320 feet north along IKEA Way. From there the boundary heads east approximately 220 feet, then south approximately 270 feet, then east to Slater Street. The boundary then travels approximately 170 feet south along Slater Street. The boundary then heads west approximately 300 feet, then south approximately 100 feet; then west to IKEA Way. The boundary then heads north along IKEA Way to the point of beginning. This area should contain structured parking, infrastructure and improvements related to the public buildings to be located in Vavra Park.

Area M: This area is generally bounded by Eby Avenue to the west, Shawnee Mission Parkway to the north, Antioch Road to the east, and W. 64th Terrace to the south, excluding Lot 1, Pinegate subdivision and the existing development in the northwest portion of the area. This area should contain commercial, retail, multifamily residential and/or office facilities with supporting parking, structured parking, infrastructure and related improvements.

Area N: The boundary for this area begins at the intersection of Slater Street and Shawnee Mission Parkway and then travels west approximately 140 feet. The boundary then heads north approximately 330 feet, then east approximately 140 to the centerline of Slater Street, and then south along Slater Street to the point of beginning. This area should contain commercial, retail, and/or office facilities with supporting parking, structured parking, infrastructure and related improvements.

Figure 1
I-35 Redevelopment District
TIF District Map

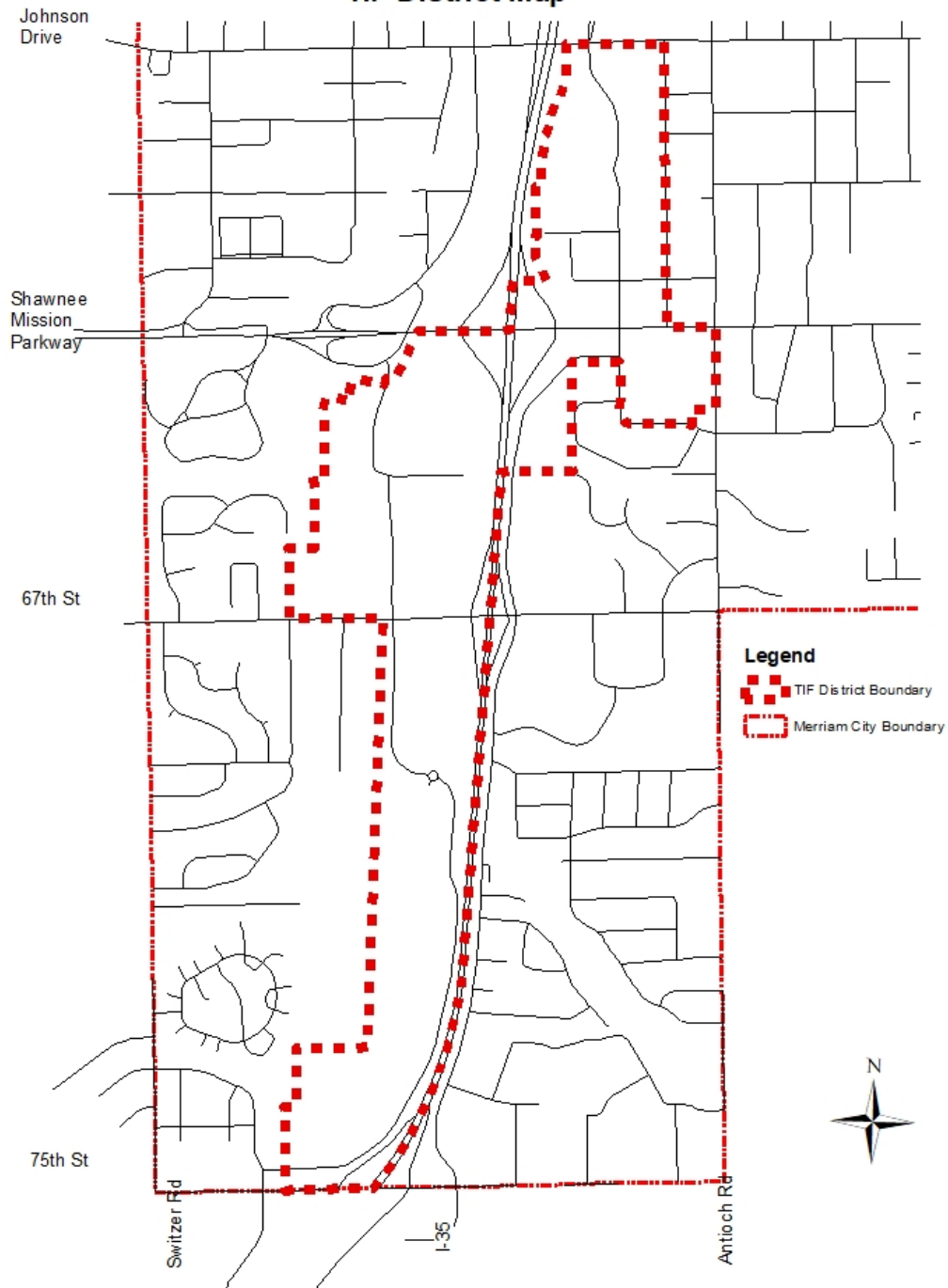
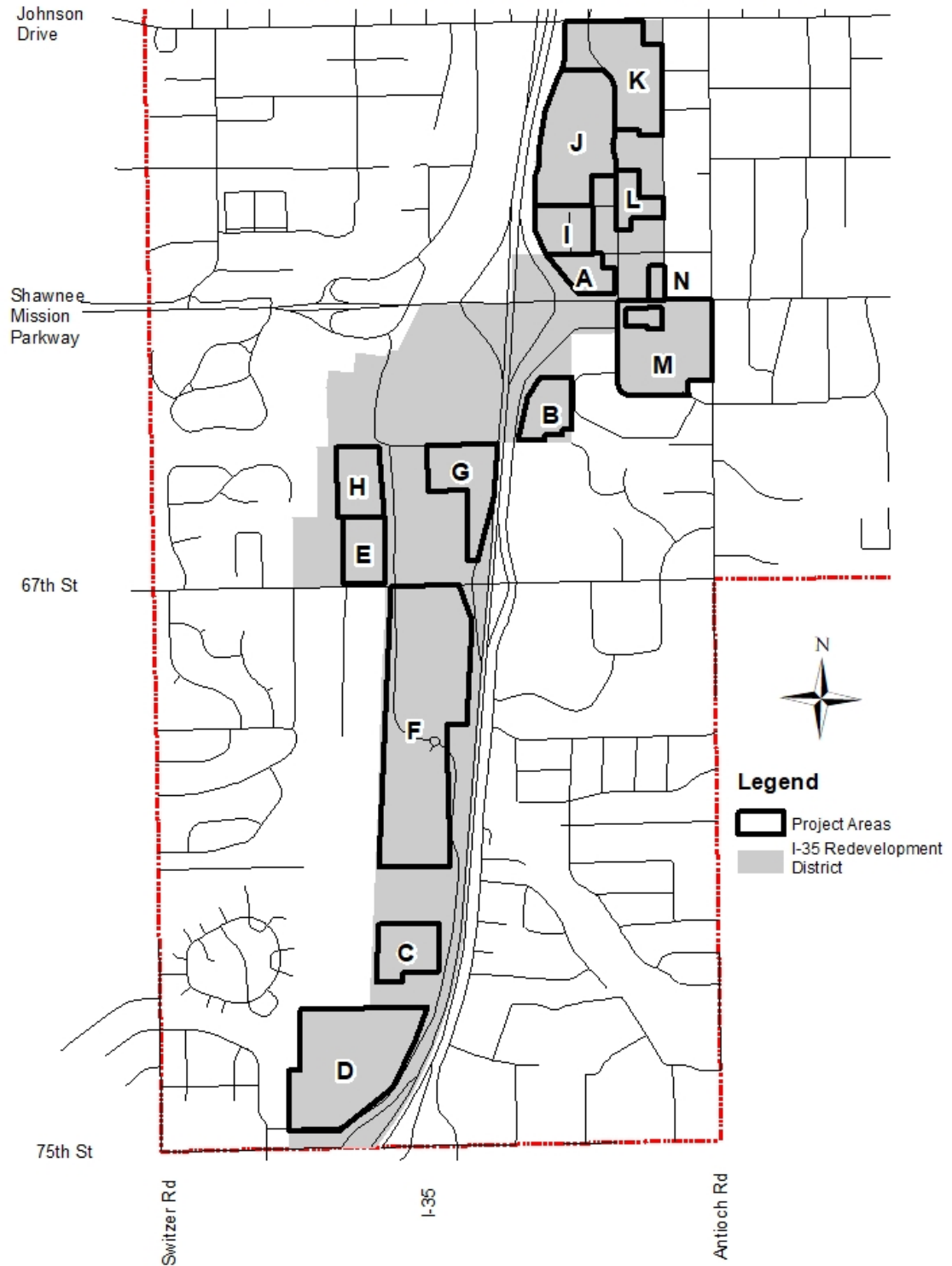


Figure 2
I-35 Redevelopment District
Existing and Proposed Redevelopment Project Areas



Amending the I-35 Redevelopment District Project Area N

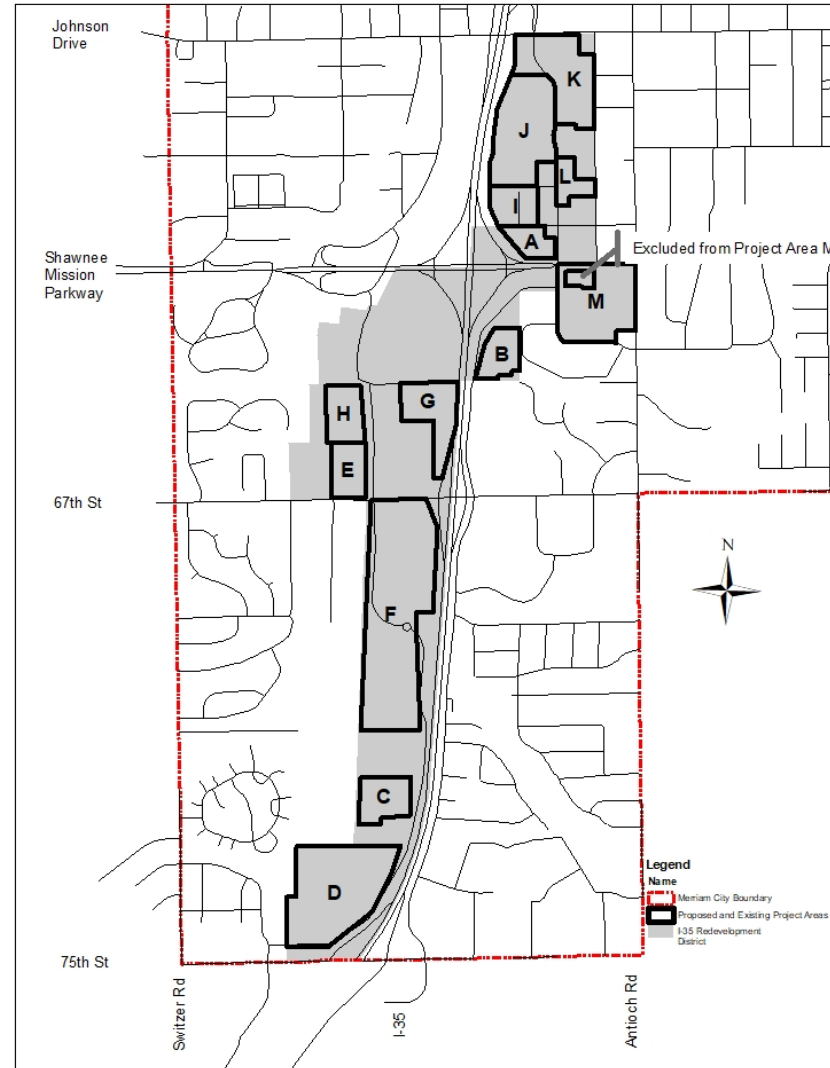
City Council
December 13, 2021



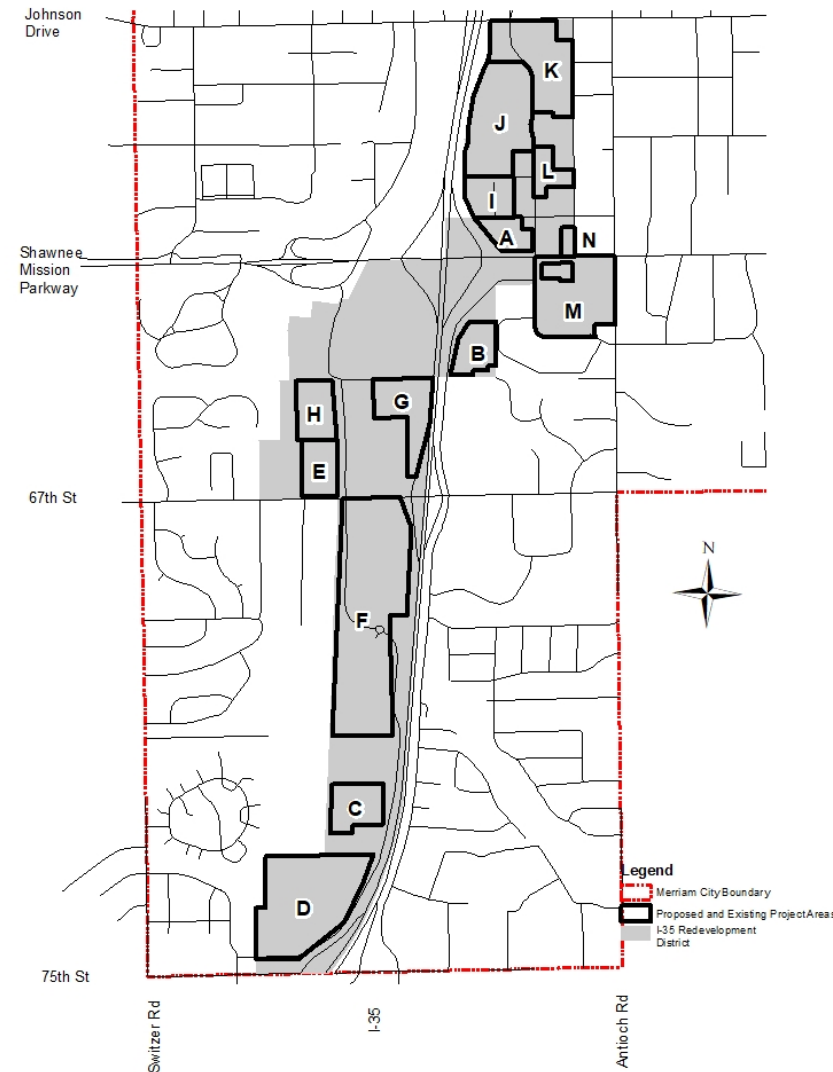
Kansas State Statutes 12-1771 (e)

Addition to area; substantial change. Any addition of area to the redevelopment district or bioscience development district or any substantial change as defined in K.S.A. 12-1770a and amendments thereto, to the district plan shall be subject to the same procedure for public notice and hearing as is required for the establishment of a district.

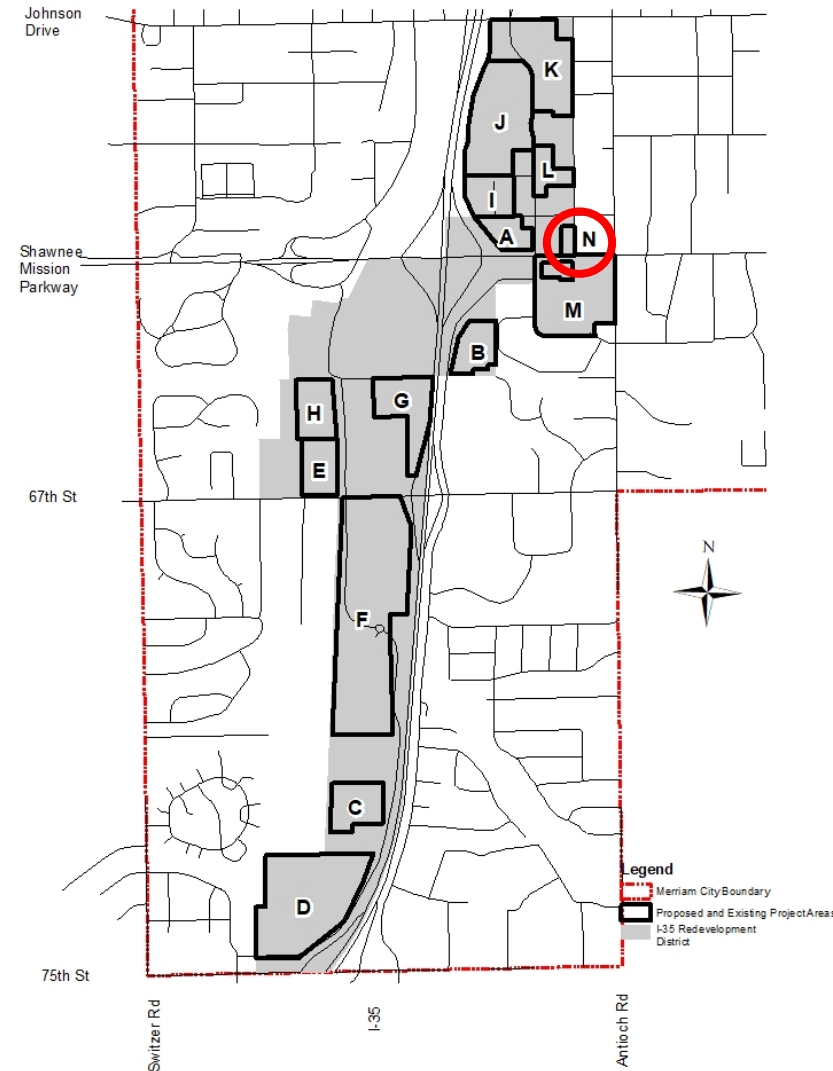
Existing I-35 Redevelopment District



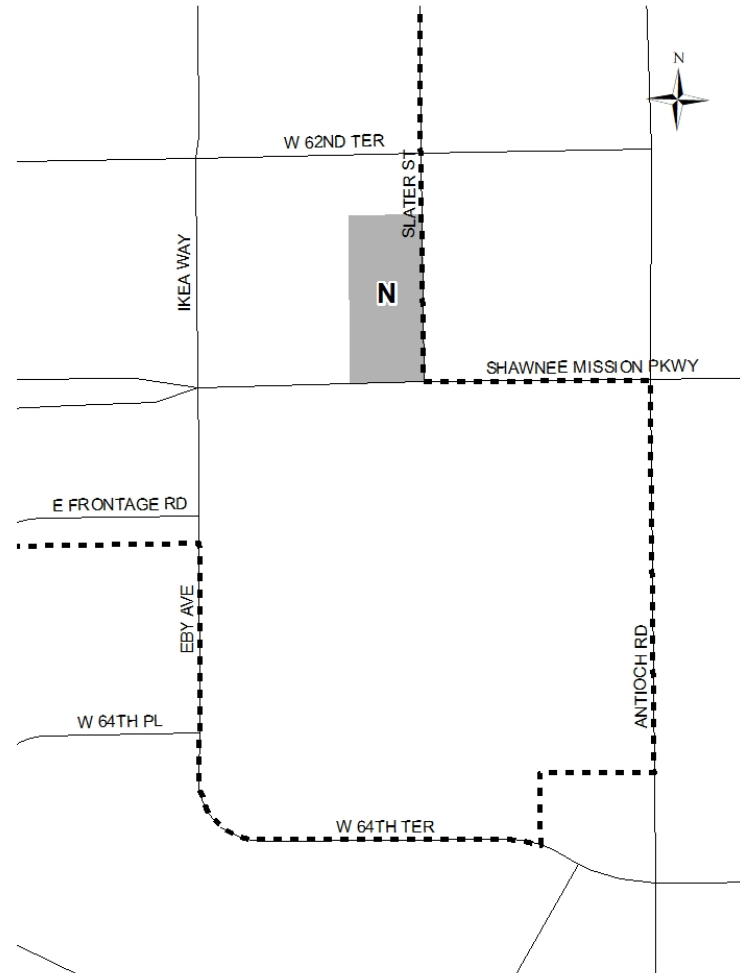
Proposed I-35 Redevelopment District – Project Area N



Proposed I-35 Redevelopment District – Project Area N



Project Area N



Potential Next Steps

- Set date for Public Hearing on Project Plan for Area N
- Create the following:
 - Redevelopment Agreement with developer
- Planning Commission Conduct Public Hearing on Rezoning and Development Plan
- City Council Consider – January 24, 2022
 - Redevelopment Agreement
 - Project Plan for Area N
 - Rezoning
 - Development Plan

Questions?





Item Information Form

Subject/Agenda Item: Consider approval of a resolution setting January 24, 2022, as the date for the Public Hearing to consider the 8800 Shawnee Mission Parkway (Project Area N) Redevelopment Project Plan.

Submitted By: Bryan P. Dyer, Community Development Director

Meeting Date: December 13, 2021

Project Background/Description:

In August 1994, the City of Merriam established the I-35 Redevelopment District, and adopted a district plan identifying proposed redevelopment project areas within the Redevelopment District. The District Plan generally identifies improvements proposed to occur within each project area. The improvements generally consist of buildings, facilities and other development.

Since the adoption of the I-35 Redevelopment District Plan it has been amended six separate times. Block and Company is planning to redevelop 8800 Shawnee Mission Parkway and has submitted an application requesting public participation in the form of tax increment financing (TIF) to make the project feasible. The City Council's approval of the amended District Plan creating Redevelopment Project Area N was in response to Block's request. The amended District Plan outlines general improvements that are proposed for Project Area N. Those improvements include a retail commercial building and ancillary infrastructure improvements.

At their December 1, 2021 meeting, the Planning Commission found the proposed project plan to be consistent with the intent of the Merriam Comprehensive Plan 2040 for the development of the city. The next step in potentially utilizing TIF is setting the date for the public hearing to consider the Project Plan.

The attached resolution sets January 24, 2022 as the date for the public hearing to consider the 8800 Shawnee Mission Parkway Redevelopment Plan. If the resolution is approved, a copy of the resolution will be sent to all property owners and occupants of land in the Project Plan area, the Board of Johnson County Commissioners, and the SMSD Board of Education. A copy of the Redevelopment Project Plan will be available in the City Clerk's office for public review.

The 8800 Shawnee Mission Parkway Redevelopment Project Plan that includes the feasibility study is also attached.

City Council Goals and Objectives:

Goal 4: Maintain Economic Vitality
4.2 Expand the commercial tax base.

Financial Impact:

Amount of Request/Contract: N/A
Amount Budgeted: N/A
Funding Source/Account #: N/A

Recommended Motion:

Approve the resolution setting January 24, 2022 as the date for the public hearing to consider the 8800 Shawnee Mission Parkway Redevelopment Project Plan.

Supporting Documents:

[Resolution - public hearing](#)
[PC Staff Report - TIF Project Plan](#)
[TIF Project Plan](#)

RESOLUTION NO. _____

**A RESOLUTION SETTING A PUBLIC HEARING FOR THE
CONSIDERATION OF THE ADOPTION OF A
REDEVELOPMENT PROJECT PLAN FOR THE 8800 SHAWNEE
MISSION PARKWAY PROJECT (PROJECT AREA N) IN THE
CITY OF MERRIAM, KANSAS, PURSUANT TO K.S.A. 12-1770 *ET
SEQ.***

WHEREAS, the City of Merriam, Kansas (“City”), has heretofore, pursuant to K.S.A. 12-1770, et seq. established a redevelopment district commonly referred to as the “I-35 Redevelopment District” (the “District”) for the purposes of developing and redeveloping certain area within the boundaries of the City;

WHEREAS, the City desires to consider the adoption of a redevelopment project plan, pursuant to K.S.A. 12-1772 in order to proceed with the development of said District; and

WHEREAS, the Merriam Planning Commission, on December 1, 2021, made a finding that the redevelopment project plan for the 8800 Shawnee Mission Parkway project (Project Area N) is consistent with the intent of the comprehensive plan for the development of the City.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
CITY OF MERRIAM, KANSAS, AS FOLLOWS:**

SECTION 1. The governing body of the City of Merriam, Kansas will consider the adoption of a redevelopment project plan, pursuant to K.S.A. 12-1772, at a public hearing on January 24, 2022, at seven o’clock (7:00) p.m. (or as soon thereafter as is practical) in the City Council Chambers, Merriam City Hall, 9001 W. 62nd Street, Merriam, Kansas.

SECTION 2. The boundaries of the District, established on August 22, 1994, that have since been expanded and within which the redevelopment project plan will be located, are set forth in Exhibit A attached hereto and incorporated by reference as if fully set forth herein. The boundaries of the area proposed to be included within the redevelopment project area are described as set forth on Exhibit B attached hereto and incorporated by reference as if fully set forth herein. A sketch delineating the project area is also attached to this Resolution as Exhibit C.

SECTION 3. The proposed redevelopment project plan, including a summary of the feasibility study, and a description and map of the area to be redeveloped are available for inspection during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, in the office of the City Clerk, 9001 W. 62nd Street, Merriam, Kansas. Because no relocation is required by the proposed redevelopment project plan, no relocation assistance plan is included, and there are no financial guarantees of the prospective developer.

SECTION 4. City Clerk shall cause a copy of this Resolution, including all associated Exhibits, to be mailed by certified mail, return receipt requested to the Board of Johnson County Commissioners and the Board of Education of U.S.D. 512.

SECTION 4. City Clerk shall cause a copy of this Resolution, including all associated Exhibits, to be mailed by certified mail, return receipt requested to each owner and occupant of land within the proposed redevelopment project area not more than ten (10) days following the date of the adoption of this Resolution.

SECTION 5. City Clerk shall cause this Resolution, including all associated Exhibits, including the attached sketch of the area showing the land proposed to be included within the redevelopment project area, to be published once in the official city newspaper not less than one week nor more than two weeks preceding the date fixed for the public hearing.

SECTION 6. This Resolution shall be in full force and effect from and after its adoption.

ADOPTED by the Governing Body of the City of Merriam, Kansas, on December 13, 2021.

CITY OF MERRIAM, KANSAS

(SEAL)

ATTEST:

Bob Pape, Mayor

Juliana Pinnick, City Clerk

APPROVED AS TO FORM:

Ryan Denk, City Attorney

EXHIBIT A
BOUNDARIES OF REDEVELOPMENT DISTRICT
(Description and Map)

Beginning at the intersection of Interstate Highway 35 and 75th Street; thence west along 75th Street to a point 250 feet west of the west right-of-way line of the Burlington Northern Railroad; thence north 800 feet; thence east 100 feet; thence north 540 feet; thence east approximately 690 feet to the centerline of the Burlington Northern Right-of-Way; thence north along the centerline of the Burlington Northern right-of-way to the centerline of 67th Street; thence west along 67th Street to the west property line of Lot 5, Cunningham Gardens Subdivision; thence north along the west property line of Lot 5 to the south property line of West Vernon Place Unit No. 2 Subdivision; thence east along said south property line to the east property line of said West Vernon Place Unit No. 2 Subdivision; thence north to the north property line of said subdivision; thence east 100 feet along the boundary between the existing R-1 and I-1 zoning districts; thence north 750 feet along said zoning district boundary; thence easterly 230 feet along said zoning district boundary; thence northerly 200 feet along said zoning district boundary; thence easterly 253 feet along said zoning district boundary; thence northerly 50 feet along said zoning district boundary; thence easterly to the centerline of the Burlington Northern right-of-way; thence northerly along said railroad right-of-way to Shawnee Mission Parkway; thence east along said parkway to Interstate Highway 35; thence north along said highway to a point west of 62nd Terrace projected; thence easterly along 62nd Terrace to Slater Road; thence south along Slater Road to Shawnee Mission Parkway; thence west along said parkway to the intersection of the East Frontage Road; thence southwesterly along said frontage road to a point north of the west line of the Pinegate Subdivision projected; thence south along said line to a point east of 65th Street projected; thence west along said line and 65th Street to Interstate Highway 35; thence south along said highway to the point of beginning on 75th Street; and

Part of the Southeast ¼ of Section 12, Township 12 South, Range 24 East in the City of Merriam, Johnson County, Kansas, more particularly described as follows: BEGINNING at the point of intersection of the Centerline of Slater Street and the Centerline of Johnson Drive, said centerline of Johnson Drive also being the North line of the Southeast ¼, of said Section 12; thence North 90° West along the centerline of Johnson Drive and the North line of said Southeast ¼, 918.48 feet to the point of intersection of said North Line of the Northeast ¼ and the Northerly prolongation of the Westerly right of way line of Grandview Avenue, said point of the intersection also being a point on the Easterly right of way line of Interstate Highway No. I-35; thence Southerly along the Easterly right of way line of Interstate Highway No. I-35 to the point of intersection of said Easterly right of way line of Interstate Highway No. I-35 and the Westerly prolongation of the Centerline of 62nd Street Terrace; thence South 89° 49' 24" East along said centerline of 62nd Street Terrace, 1129.62' to the point of the intersection of said centerline of said 62nd Street Terrace and the centerline of Slater Street; thence North 00° 37' 19" East, along the centerline of Slater Street, 2206.37 feet to the point of beginning on Slater Street; and,

Beginning at the point where the west lot line of the Drury Subdivision No. 1 extended to the north intersects with the existing I-35 Redevelopment District in the City of Merriam, Johnson

County, Kansas, thence northeasterly along the boundary of the I-35 Redevelopment District to the intersection of the centerlines of Eby Avenue and Shawnee Mission Parkway, thence east along the centerline of Shawnee Mission Parkway to a point where it intersects the centerline of Antioch Road, thence south along the centerline of Antioch Road to a point where it intersects with the north lot line of Lot 1, Pinegate subdivision extended, thence west along said lot line to a point where it intersects with the west lot line of Lot 1 Pinegate subdivision, thence south along said lot line to a point where the lot line extended intersects with the centerline of W. 64th Terrace, thence west along the centerline to a point where it intersects the centerline of Eby Avenue, thence north along the centerline of Eby Avenue to a point where the centerline intersects with the north lot line of Drury Subdivision No. 1 extended, thence west along said lot line to the point of beginning; and,

Beginning at the point where the west lot line of the Drury Subdivision No. 1 extended to the north intersects with the existing I-35 Redevelopment District in the City of Merriam, Johnson County, Kansas, thence northeasterly along the boundary of the I-35 Redevelopment District to the intersection of the centerlines of Eby Avenue and Shawnee Mission Parkway, thence east along the centerline of Shawnee Mission Parkway to a point where it intersects the centerline of Antioch Road, thence south along the centerline of Antioch Road to a point where it intersects with the north lot line of Lot 1, Pinegate subdivision extended, thence west along said lot line to a point where it intersects with the west lot line of Lot 1 Pinegate subdivision, thence south along said lot line to a point where the lot line extended intersects with the centerline of W. 64th Terrace, thence west along the centerline to a point where it intersects the centerline of Eby Avenue, thence north along the centerline of Eby Avenue to a point where the centerline intersects with the north lot line of Drury Subdivision No. 1 extended, thence west along said lot line to the point of beginning. Containing 329 acres of land, more or less

TIF DISTRICT MAP

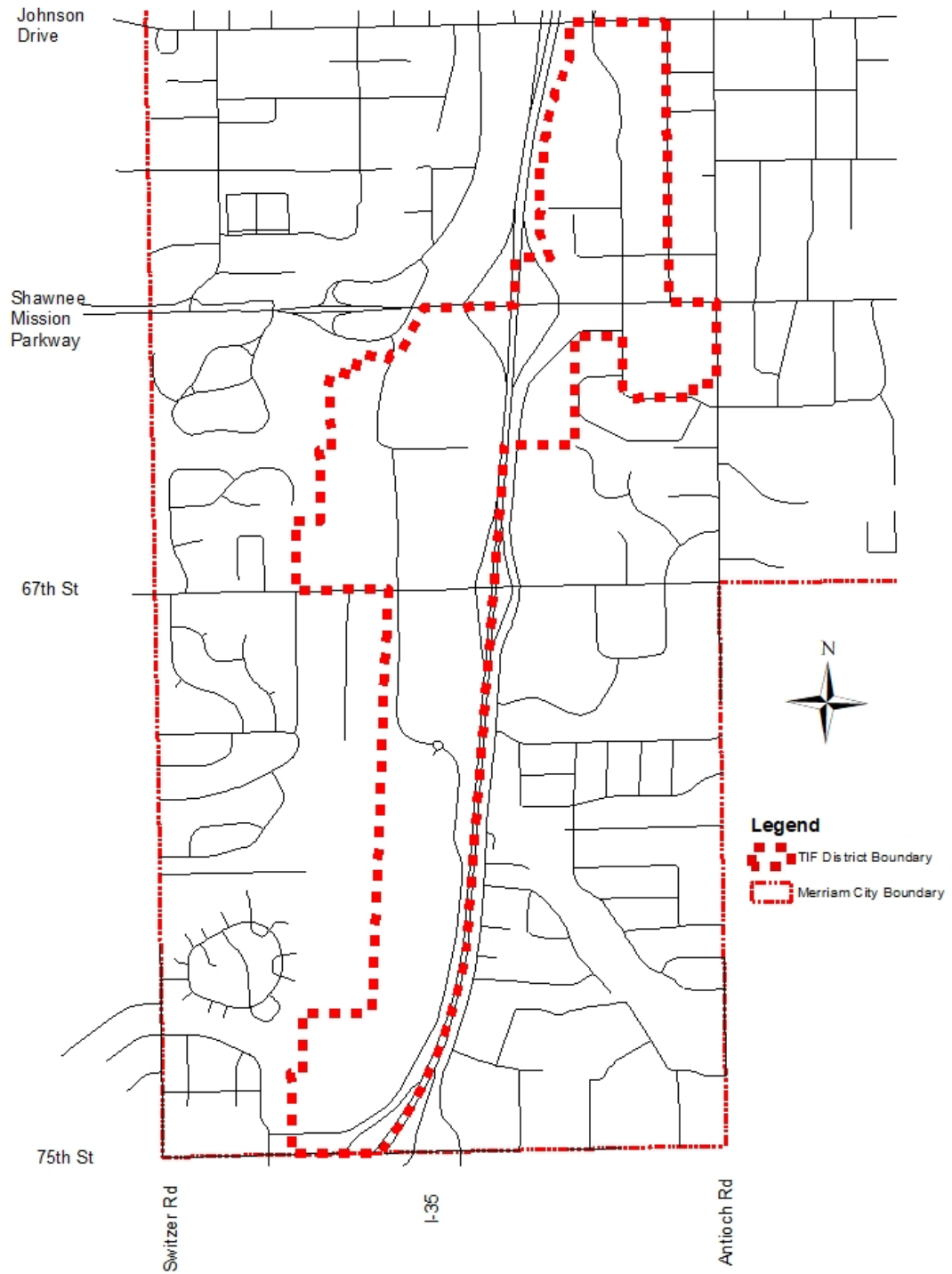


EXHIBIT B
Description of Project Plan Area N

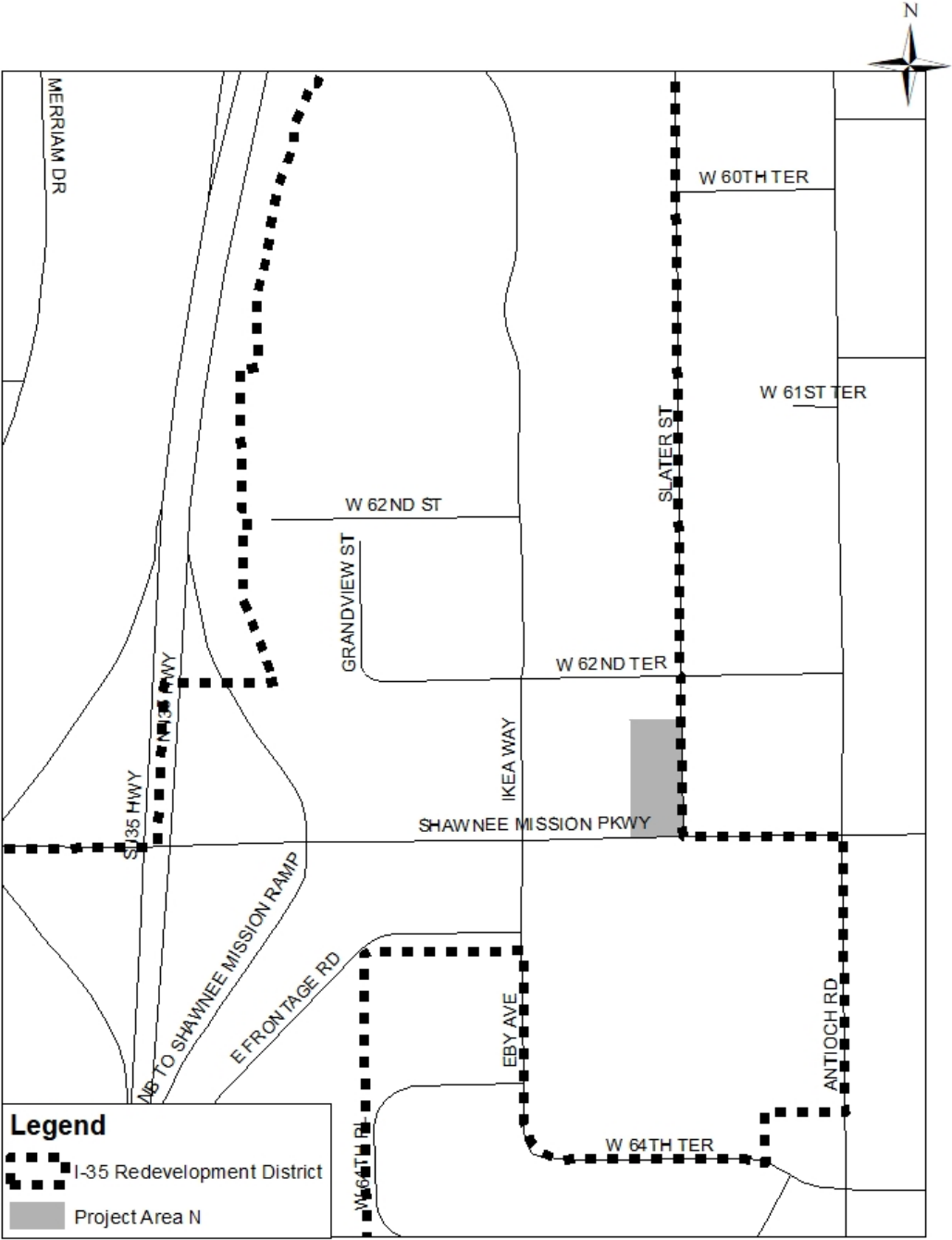
EBY SUBDIVISION MERRIAM PARK LTS 13 & 14 BLK 41

and

EBY SUBDIVISION MERRIAM PARK S 110' LTS 1 & 2 BLK 41


and adjacent street rights-of-way.

EXHIBIT C
Project Plan Area N
Map



MEMORANDUM

DATE: December 1, 2021
TO: City of Merriam Planning Commission
FROM: Bryan P. Dyer, Community Development Director
RE: Redevelopment Project Plan Area N Tax Increment Finance (TIF) Project Plan



Background

On December 13, 2021, the Merriam City Council will consider amending the I-35 Redevelopment District to create a new Redevelopment Project Area, Project Area N. Project Area N encompasses the properties located at 8800 Shawnee Mission Parkway, which is the location of the vacant Taco Bell building. The property owner, Block and Company, is planning to redevelop the site and has requested public participation in the form of TIF financing in order to make the project financially feasible.

Attached is the 8800 Shawnee Mission Parkway Redevelopment Project Plan for Project Area N. If the City Council approves amending the I-35 Redevelopment District to create Project Area N, the next step is the adoption of the 8800 Shawnee Mission Parkway Redevelopment Project Plan. The Project Plan states that the redevelopment of the subject area will consist of “Commercial development consisting of a 2,000 to 5,000 square foot commercial building with the associated parking facility and necessary infrastructure.” The first step in its adoption is for the Planning Commission to find that the “project plan is consistent with the intent of the comprehensive plan for the development of the city” (KSA 12-1772).

The Shawnee Mission Parkway Corridor Plan and Merriam Comprehensive Plan 2040 emphasizes the importance of infill development of existing commercial areas. One of the redevelopment scenarios outlined in the Corridor Plan shows a commercial building in the same general format and location as the proposed redevelopment. A goal of the Merriam Comprehensive Plan 2040 is “Support the Revitalization and Redevelopment of Key Existing Retail and Commercial Properties”. The 8800 Shawnee Mission Parkway Redevelopment Project Plan promotes the redevelopment of an existing commercial area and it supports the major goals and tenants of the Shawnee Mission Parkway Corridor Plan and Merriam Comprehensive Plan 2040.

Finding

The 8800 Shawnee Mission Parkway Redevelopment Project Plan promotes the redevelopment of an existing commercial area and it supports the major goals and

tenants of the Shawnee Mission Parkway Corridor Plan and Merriam Comprehensive Plan 2040.

Based on the information contained within this memo, staff recommends that the Planning Commission find that the proposed 8800 Shawnee Mission Parkway Redevelopment Project Plan is consistent with the intent of the comprehensive plan for the development of the city with the following condition:

- The City Council approves the amendment to the I-35 Redevelopment District to add Redevelopment Project Area N.

REDEVELOPMENT PROJECT PLAN

8800 Shawnee Mission Parkway Redevelopment Project Plan I-35 Redevelopment District Project Area N Merriam, Kansas

I. Introduction

The Kansas Statutes, K.S.A. 12-1770, *et seq.* (as amended) (the TIF Act), permit cities to establish Redevelopment Districts and carry out Redevelopment Projects within such districts. Redevelopment Districts may be established in areas that have been found to be blighted in areas that were established as Kansas Enterprise Zones prior to July 1, 1992, or in certain other areas as defined by law.

U.S. Interstate 35 (I-35) traverses Merriam from the city's southern boundary at W. 75th Street to a point near the City's northeast corner at Antioch Road. Portions of the I-35 corridor within Merriam are undeveloped or underdeveloped. Responding to the need to encourage future development within the I-35 corridor, the City of Merriam established an Enterprise Zone in 1988. On August 22, 1994 the City of Merriam Governing Body adopted Ordinance No. 1222 establishing a Redevelopment District, commonly known as the I-35 Redevelopment District (the "District"), with boundaries identical to the Enterprise Zone and adopted the redevelopment district plan for the District (the "District Plan") by Resolution A-573 on July 25, 1994.

The District Plan identifies the potential redevelopment project areas within the District and the suitability of each area for redevelopment. The District Plan was amended by Ordinance 1412, adopted December 17, 2001, adding the vacant Water District No. 1 property at 6500 Carter and certain excess Kansas Department of Transportation I-35 right-of-way to the list of potential redevelopment project areas. The District Plan was further amended and the boundaries of the District were modified by the addition of area to the District by Ordinance No. 1464 passed by the Governing Body of the City on March 22, 2004. In 2006, the Governing Body passed Ordinance No. 1536 creating Project Area G within the District Plan area.

The more recent District Plan amendments include Ordinance No. 1686 that was approved by the Governing Body on April 9, 2012. That ordinance amended the District Plan by revising the descriptions and boundaries of Project Areas J and K and consolidating Areas K and L into one area, Project Area K. Then on July 24, 2017 the Governing Body approved Ordinance No. 1766 revising the Merriam Pointe project plan, Project Area F. The City Council approved Ordinance No. 1787 on July 23, 2018 amending the District Plan by creating a new Redevelopment Project Area, Project Area L. On June 14, 2021 when the City Council approved Ordinance No. 1823 adding the majority of the property at the southwest corner of Shawnee Mission Parkway and Antioch Road into the District and creating a new Redevelopment Project Area, Project Area M.

The next amendment to the District Plan is scheduled to be considered by the City Council on December 13, 2021. The proposed amendment will create new Redevelopment Project Area, Project Area N.

II. Redevelopment Project Plan

This plan is the Redevelopment Project Plan (“Project Plan”) for 8800 Shawnee Mission Parkway (Project Area N). Project Area N is located within the I-35 Redevelopment District, as defined herein. This Project Plan sets forth the information required by K.S.A. 12-1772, as amended, as follows:

A. Summary of the Feasibility Study

K.S.A. 12-1770a(k), as amended, requires that before any redevelopment project is undertaken, a comprehensive feasibility study must be completed. The feasibility study must demonstrate that the redevelopment project’s benefits and tax increment revenue and other available revenues under K.S.A. 12-1774(a)(1), as amended, are expected to exceed or be sufficient to pay for the redevelopment project’s costs.

The City’s financial advisor, Columbia Capital, prepared the comprehensive feasibility study. A summary of the study is attached (Exhibit A) to and made part of this Project Plan. The feasibility study includes the required state statute findings and that the request meets the “but-for” test outlined in City Council Policy 7.0.

B. Redevelopment District Plan Established under K.S.A. 12-1771 (as amended):

In 1994, the Governing Body established the I-35 Redevelopment District. The Governing Body has subsequently amended the associated District Plan as summarized in the Introduction hereto.

The District Plan defines the City’s goal to encourage sound development and redevelopment of the District to its highest potential. The District Plan identifies specific areas within the District that are either undeveloped or underdeveloped and further identifies key constraints that have hindered or inhibited the sound development thereof. The District Plan sets forth the City’s intent to seek to establish redevelopment project areas within the District and to utilize the authority provided in K.S.A. 12-1770 *et seq.*, as amended, to promote and assist the redevelopment of the identified areas within the District.

The proposed site for the 8800 Shawnee Mission Parkway Redevelopment Project is identified as Project Area N in the District Plan.

C. Description and Map of the Area to be Redeveloped

The area proposed to be redeveloped is located at 8800 Shawnee Mission Parkway and is an approximately .88 tract of land bounded by Shawnee Mission Parkway, Slater

Street, 8820 Shawnee Mission Parkway, and the current Johnson County Library parking lot. Attached (Exhibit B) is a general description of the Redevelopment Project Area. A map of the proposed Redevelopment Project Area is attached (Exhibit C) to this plan.

There is an existing building located on Project Area N. The building was constructed in 1993 and a Taco Bell restaurant was located in the building. The building has been vacant since 2015 when the Taco Bell relocated adjacent to a site adjacent to the IKEA store.

The Project Area is located in an area that has a variety of uses. Commercial uses are located to the south, east, and west of the Project Area. The commercial uses include retail and restaurants. Johnson County Library's parking lot is located to the north of the Project Area.

The Project Area is located in very close proximity to I-35 and is on Shawnee Mission Parkway, which is one of the busiest thoroughfares in the Kansas City metropolitan area.

D. Relocation Assistance Plan

In the event the City acquires any real property within the District in carrying out the provisions of the TIF Act, and as a result, any persons, families and businesses that move from real property located in the District or move personal property from real property located in the District, Developer shall make at least a \$500 payment to all such persons, families and businesses.

No persons or families currently reside in the District and the commercial building is unoccupied.

E. Description of the Buildings and Facilities Proposed to be Constructed

The Developer proposes that the 8800 Shawnee Mission Parkway Redevelopment Project include the following component in the designated area.

Area N: Commercial development consisting of a 2,000 to 5,000 square foot commercial building with the associated parking facility and necessary infrastructure.

EXHIBIT A
Summary of Feasibility Study



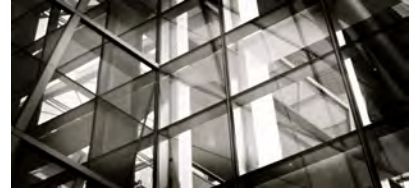
City of Merriam, Kansas

Merriam North Bell, LLC

TIF Project Plan

Financial Analysis | November 2021





Columbia Capital Management, LLC
6700 Antioch, Suite 250
Merriam, Kansas 66204
913.312.8077

Jeff White
Managing Member
jwhite@columbiacapital.com

Columbia Capital is an SEC-registered investment adviser and a registered municipal advisor. Columbia Capital provides advice as a fiduciary to its clients.



INTRODUCTION

Merriam North Bell, LLC, a Kansas limited liability company (the “Developer”), requests the City of Merriam (“City”) approve a tax increment financing project plan at 8800 Shawnee Mission Parkway in Merriam (the “Plan”). The Plan would be part of the existing I-35 Tax Increment Financing District (the “District”) and would result in the redevelopment of a former Taco Bell as a Chipotle restaurant with drive-through (the “Project”). According to the records of the Kansas Secretary of State, the Developer had fallen out of good standing but, as of November 23, 2021, was in the process of being reinstated.

The purpose of this financial analysis (the “Analysis”) is to satisfy the requirements of Kansas statutes related to the development of tax increment financing district (KSA 12-1770 *et seq.*), specifically the requirement found at KSA 12-1772(a)(1) and to address the Plan’s compliance with City policy.

Tax increment financing (TIF) is a tool that allows a city to identify a defined geographic area within which certain taxes, including *ad valorem* property taxes, sales taxes and other revenues, may be captured for a period of limited duration and redirected to the payment or reimbursement of certain eligible project costs.

In Kansas, TIF is limited to a 20-year duration from the effective date of a project plan, capturing incremental property taxes (i.e., those net new taxes created by the development above base year levels) plus other taxes pledged by the City for capture at its discretion, including but not limited to sales taxes and other locally-levied taxes and fees.

The Plan contemplates the use of \$300,000 of accumulated TIF increment within the District to reimburse eligible project costs in two installments at confirmed points in the Project’s development. The Developer reports a \$3.7 million total development cost budget for the Project.

RELATIONSHIPS

Columbia Capital Management, LLC (the “Financial Advisor”) is a registered municipal advisor and serves as the City’s financial advisor. The City engaged the Financial Advisor to provide a financial evaluation of the Plan and to make certain statutory findings. The Financial Advisor is not now, nor has ever been, engaged by the Developer or its related entities to provide it with similar services.

The Financial Advisor serves as a fiduciary to the City. The reader’s interests may vary from those of the City’s.

RELIANCE

This Analysis is not a projection of the likelihood of success of the project proposed in the Plan and as described more fully herein. In preparing this analysis, the Financial Advisor relied upon certain data and information supplied to it by the Developer, by the City and secured from third parties. Except where noted herein, the Financial Advisor has relied upon this data and information without independently verifying the veracity or reliability of such information. The Analysis may not be used except in the context of the City’s review of the Developer’s request for TIF incentives. The Analysis assumes all components of the Project are developed as described herein.

As with any work of this kind, the Analysis is almost exclusively forward-looking. The reader should note that small changes in modeling inputs could have significant impacts on modeled financial outcomes. The reader must consider this Analysis in light of contractual arrangements that the City would expect to undertake with the Developer to formalize the development components of the Plan and their anticipated timing for completion.

THE PROJECT

The Project includes the acquisition and at least partial demolition of a former Taco Bell, followed by the construction of a Chipotle fast-casual restaurant. The Project’s Chipotle restaurant will include a drive-through pick-up lane. The Project also includes required infrastructure to support the development, including limited work in the public right-of-way. The Developer reports it expects to enter into a ten-year lease with three five-year options with Chipotle Mexican Grill, Inc., a Fortune 500 company, prior to commencement of construction, for operation of the Project.

SOURCES OF FUNDS

Based upon information provided to us by the Developer and the City, the sources of the funds for the Project are as follows:

SOURCE	
Developer/Bank Loans	\$ 2,917,123
Developer/Equity	500,000
TIF Reimbursement	300,000
TOTAL SOURCES OF FUNDS	\$ 3,717,123

The Developer has secured site control. We were not able to independently verify the status of the Developer's equity contribution or construction loan, but we expect, based upon information provided to us by the Developer, that it will be able to make the equity contribution and secure the loan to permit the Project to proceed as planned.

DEVELOPMENT BUDGET AND PROJECT COST

The Developer's most recent project budget, dated October 29, 2021, shows the following expected total development costs. We have identified certain amounts that would be potentially eligible for reimbursement from TIF; additional project costs, particularly related to sitework and any soft costs related to those costs, could also be TIF eligible. Regardless of the amount of actual TIF eligible costs generated by the Project, however, we understand the City will limit TIF reimbursement to \$300,000 by contract.

USE	TOTAL BUDGET	TIF REIMBURSABLE
Acquisition & Site Preparation		
Land Acquisition	1,550,000	1,550,000
Sitework and Infrastructure	419,828	115,000
Vertical Construction		
Vertical Building Construction	1,274,658	0
Soft Costs		
Financing/Carry Costs	102,000	0
Arch/Engin/Surveying	120,552	0
Legal/Fees/Permits/Inspections	250,085	0
TOTAL DEVELOPMENT COSTS	\$3,717,123	\$1,570,000

POLICY FINDINGS

City Council Policy 7.0 on Tax Increment Financing (the "Policy") requires two levels of review with respect to TIF projects: (1) an assessment of the costs and benefits of the project to the public and (2) an assessment of the project's need for TIF incentive through a but-for review ("but for the presence of the TIF incentive, the project would not proceed").

Cost-Benefit Analysis. The Policy requires use of a cost-benefit analysis (a "CBA") "examining the costs and benefits to the public of the proposed TIF Plan." The Policy requires consideration of factors such as changes to property valuation, improvements to sales tax revenues, the potential for job creation, the impact on public services and public infrastructure and any related impacts, including indirect business development, environmental impacts and the like. The Policy also requires the CBA to assess the Developer's current and future projected strength and market viability.

Direct Benefits and Costs. The Project would replace a recently-abandoned fast food restaurant with a newly-developed fast food restaurant. City staff advises no direct public investment is required—other than the TIF incentives—to support the project. Similarly, City staff advises its belief that City services for the Project post-construction would be similar to those provided

to the former Taco Bell restaurant. As a result, other than with respect to the proposed \$300,000 TIF grant, we expect no change from status quo in direct public costs to support the Project.

For purposes of conservatism of the CBA, we assume the Project's as-completed property valuation would approximate that of the former Taco Bell and assume no property tax increment, as a result.

The Taco Bell that previously occupied the building moved to another location within the city and the redevelopment of the subject property is expected to generate new sales tax revenue. Consistent with our approach to calculating impacts to public services and on property valuation, we used *only* the incremental sales tax amount generated by the Project in performing the CBA. According to QSR magazine, average sales per store in 2016 (most recently available data) for Taco Bell restaurants were \$1,510,000 vs. \$1,868,000 for the average Chipotle restaurant. Over a 10-year analysis period, we assume the City would benefit from a net sales tax increase based upon these per store averages for nine years following a one-year construction and lease-up period.

Indirect Benefits and Costs. Similar to our analysis on direct benefits and costs, we expect job creation, community impacts, school district impacts and impact on the local business environment to be similar post-construction to status quo because we are replacing a current fast food use with a new fast food use. As a result, we assume no change from status quo in indirect benefits and costs.

Developer Capacity to Perform. Through its advisor, the Developer provided us with evidence sufficient to allow us to conclude that Developer is likely to be able to make the equity contribution, secure the anticipated private lending and close on a 10-year lease with Chipotle Mexican Grill, Inc. We understand from City staff that the expected TIF grant would be timed such that no TIF reimbursement would be made without the lease being in place, bolstering the quality of our assumptions here.

Conclusion

Our summary of the Project's net public benefits is negative \$258,000. For the purposes of the analysis, we used a discount rate of 4.54% comprised of two components: a risk-free rate, the 10-year US Treasury yield of 1.54% (as of November 19, 2021); and a risk premium rate of 3%, reflecting the opportunity cost to the City of using its finite public investment dollars on the Project versus some other project or financing.

“But-For” Analysis. The Policy requires TIF grants to be made on the basis of a but-for analysis: “the TIF must make such a difference in the decision of the applicant that the Project would not be economically feasible but for the availability of TIF.” In order to calculate the but-for need for the Project, we assessed the likely internal rate of return (IRR) of the Project with and without the \$300,000 TIF grant. IRR is an industry standard metric used in real estate investment to allow investors to measure the likely return on investment, assuming no financial leverage. The IRR tool is designed to permit investors to directly compare real estate projects having very different costs, income streams and other characteristics.

One commonly used approach to measure but-for is to compare the IRR for a project both with and without incentives, comparing the IRR for the project being evaluated against a market IRR benchmark. In this case, we are using a regional capitalization rate for retail uses for 2021 based upon publicly-available information from certain large real estate brokerages. The capitalization rate is the ratio of a project's net operating income to its market value. Real estate brokerages are able to track the market value of projects based upon their sale prices in the open market and to calculate and aggregate capitalization rates based upon the net operating incomes of those same projects.

Our research shows that a reasonable capitalization rate for retail projects in the central United States might be 7.75% today, providing us with a market benchmark against which to compare the Project's IRR. In this case, because there is a single known lessee with strong credit and a long-term lease, we believe a more aggressive benchmark rate of 6.00% to 6.50% is appropriate.

Based upon information provided to us by the Developer, we calculate the IRR for the Project without incentives to be approximately 3.5% and the IRR with the TIF incentives proposed to be approximately 6.0%.

We conclude that the Project's IRR without incentives is below market and would pose an impediment to investment at this site. We further conclude that the amount of TIF incentives grant is reasonable, but not excessive, in permitting the Project to produce an incentives-adjusted market rate of return. We, therefore, find that the Policy's but-for test is satisfied.

STATUTORY FINDINGS

Based upon our review of the information provided by the Developer, we find the following:

- the estimated total development costs of the Project are \$3,717,123
- this total development cost will be initially paid through a combination of Developer equity and private financing, with up to \$300,000 of TIF reimbursement to be made upon the Project meeting certain milestones
- we expect the Developer's TIF-eligible costs will exceed the maximum TIF grant permitted by the City.

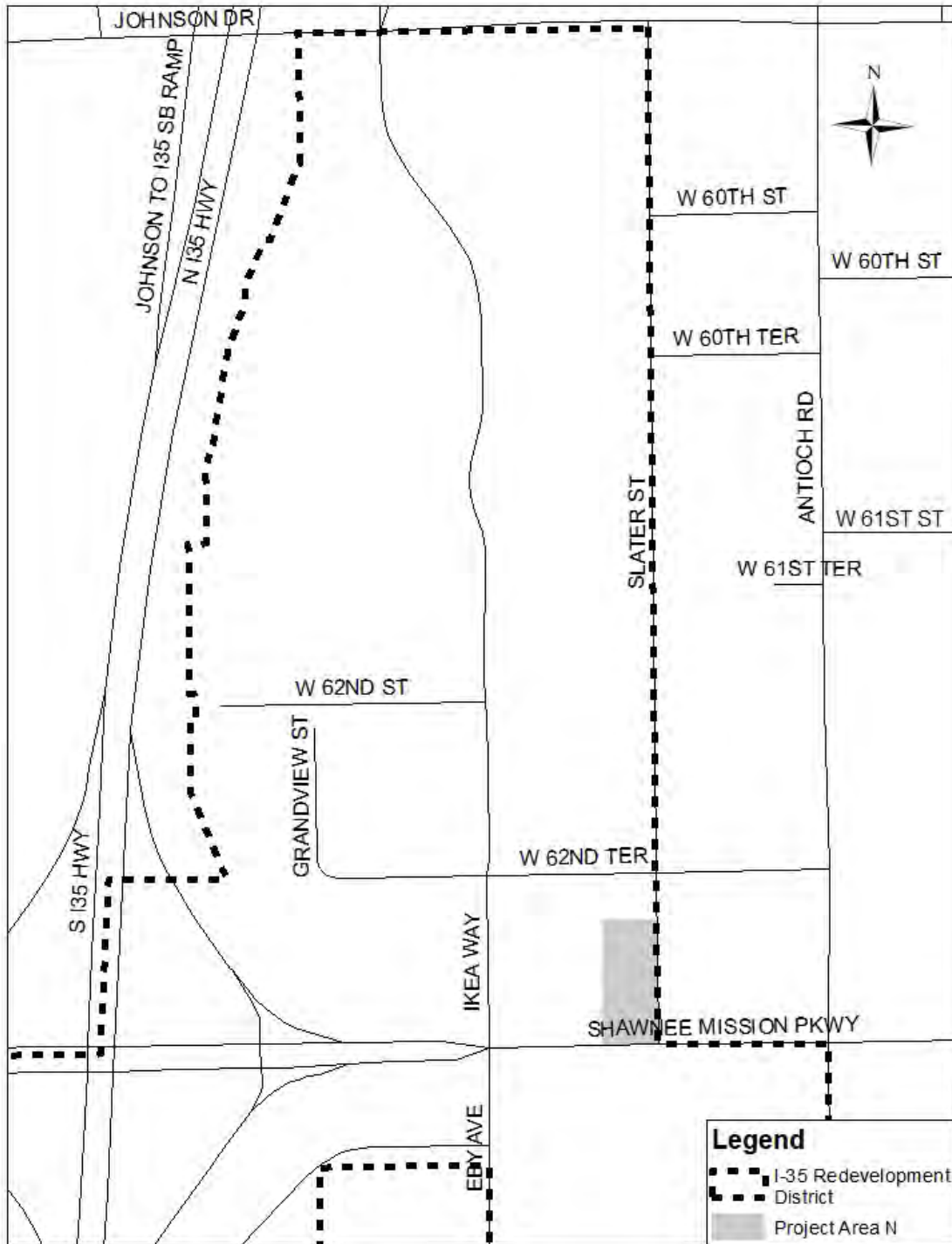
As such, the Plan's benefits and TIF revenue and other available revenues under subsection (a)(1) of K.S.A. 12-1774, and amendments thereto, are expected to exceed or be sufficient to pay for the Plan's project costs. The Plan will have no effect on any outstanding special obligation bonds payable from the revenues described in K.S.A. 12-1774(a)(1)(D), and amendments thereto.

EXHIBIT B
DESCRIPTION OF REDEVELOPMENT PROJECT AREA N

EBY SUBDIVISION MERRIAM PARK LTS 13 & 14 BLK 41; and,

EBY SUBDIVISION MERRIAM PARK S 110' LTS 1 & 2 BLK 41, INCLUDING TO THE CENTERLINE OF
THE RIGHT-OF-WAY ADJACENT TO BOTH PARCELS.

EXHIBIT C
Project Area N Map





Item Information Form

Subject/Agenda Item: Execute an Inter-Local Agreement with Johnson County for Johnson County's County Assistance Road System (CARS) funding of the public improvements to 55th Street from Merriam Drive to West City limits.

Submitted By: Jim MacDonald, Public Works Director

Meeting Date: December 13, 2021

Project Background/Description:

Staff requested funding from Johnson County's County Assistance Road System (CARS) program for the 2022 55th Street improvements from Merriam Drive to West City limits. The Johnson County Board of County Commissioners adopted the project for funding on October 28, 2021, with construction to begin in 2022.

The estimated project construction cost is \$2,649,309, a portion of which is CARS eligible. The CARS eligible portion (construction and construction engineering) is estimated to be \$2,348,000; CARS typically will fund 50% of eligible costs. However, this year the funding will not exceed \$1,049,000.

This project will consist of a full mill and overlay, the addition of new sidewalks on the south side of the street, replacement of substandard curbs and sidewalk sections, replacement and/or lining of failing corrugated metal stormwater pipes, installation of LED streetlights and bike lanes in both directions.

City Council Goals and Objectives:

Goal 3: Improve Physical Conditions and Property Values

3.2 Sustain capital improvement efforts.

3.4 Improve safety for all modes of travel throughout the community.

Financial Impact:

Amount of Request/Contract:

Amount Budgeted:

Funding Source/Account #:

\$2,649,309 CARS eligible \$2,348,000, maximum
CARS reimbursement \$1,049,000

CARS/Special Sales Tax

Recommended Motion:

Recommend City Council authorize the Mayor to sign the Inter-Local Agreement with Johnson County for the County's CARS program on 55th Street from Merriam Drive to West City limits.

Supporting Documents:

[Agreement 320001357 55th cars](#)

**Agreement between Johnson County, Kansas,
and the City of Merriam, Kansas, for the Public Improvement of
55th Street from Merriam Drive to Switzer Road
(320001357)**

THIS AGREEMENT, made and entered into this _____ day of _____, 202_ by and between the Board of County Commissioners of Johnson County, Kansas ("Board") and the City of Merriam, Kansas, ("City").

WITNESSETH:

WHEREAS, the parties have determined that it is in the best interests of the general public in making certain public improvements to 55th Street from Merriam Drive to Switzer Road (the "Project"); and

WHEREAS, the laws of the State of Kansas authorize the parties to this Agreement to cooperate in undertaking the Project; and

WHEREAS, the governing bodies of each of the parties have determined to enter into this Agreement for the purpose of undertaking the Project, pursuant to K.S.A. 12-2908 and K.S.A. 68-169, and amendments thereto; and

WHEREAS, the Project has been approved, authorized, and budgeted by the Board as an eligible project under the County Assistance Road System ("CARS") Program; and

WHEREAS, the Board has, by County Resolution No. 106-90, authorized its Chairman to execute any and all Agreements for County participation in any CARS Program project which has been approved and authorized pursuant to the Policies and Guidelines adopted by the Board and for which funding has been authorized and budgeted therefore; and

WHEREAS, the governing body of the City did approve and authorize its Mayor to execute this Agreement by official vote on the _____ day of _____, 202_.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, and for other good and valuable consideration, the parties agree as follows:

1. **Purpose of Agreement.** The parties enter into this Agreement for the purpose of undertaking the Project to assure a more adequate, safe and integrated roadway network in the developing and incorporated areas of Johnson County, Kansas.
2. **Estimated Cost and Funding of Project**
 - a. The estimated cost of the Project (“Project Costs”), a portion of which is reimbursable under this Agreement, is Two Million Six Hundred Forty Nine Thousand Dollars (\$2,649,000).
 - b. Project Costs include necessary costs and expenses of labor and material used in the construction of the Project and construction inspection and staking for the Project.
 - c. The Project Costs shall be allocated between the parties as follows:
 - i. The Board shall provide financial assistance for the Project in an amount up to but not exceeding Fifty Percent (50%) of the Project Costs. However, the Board's financial obligation under this Agreement shall be limited to an amount not to exceed One Million Forty Nine Thousand Dollars (\$1,049,000). For purposes of this Agreement, Project Costs shall not include any portion of costs which are to be paid by or on behalf of any state or federal governmental entity or for which the City may be reimbursed through any source other than the general residents or taxpayers of the City. Further, it is understood and agreed by the parties hereto that the Board shall not participate in, nor pay any portion of, the Costs incurred for or related to the following:
 1. Land acquisition, right-of-way acquisition, or utility relocation;
 2. Legal fees and expenses, design engineering services, Project administration, or financing costs;

3. Taxes, licensing or permit fees, title reports, insurance premiums, exactions, recording fees, or similar charges;
4. Project overruns;
5. Project scope modifications or major change orders which are not separately and specifically approved and authorized by the Board; and;
6. Minor change orders which are not separately and specifically approved and authorized by the Director of Public Works & Infrastructure of Johnson County, Kansas ("Public Works Director"). Minor change orders are those which do not significantly alter the scope of the Project and which are consistent with the CARS Program Policies and Guidelines and administrative procedures thereto adopted by the Board.

It is further understood and agreed that notwithstanding the designated amount of any expenditure authorization or fund appropriation, the Board shall only be obligated to pay for the authorized percentage of actual construction costs incurred or expended for the Project under appropriate, publicly bid, construction contracts. The Board will not be assessed for any improvement district created pursuant to K.S.A. 12-6a01 et seq., and amendments thereto, or any other improvement district created under the laws of the State of Kansas.

- ii. The City shall pay One Hundred Percent (100%) of all Project Costs not expressly the Board's obligation to pay as provided in this Agreement.

3. **Financing**

- a. The Board shall provide financial assistance, as provided in Paragraph 2.c. above, towards the cost of the Project with funds budgeted, authorized, and appropriated by the Board and which are unencumbered revenues that are on-hand in deposits of Johnson County, Kansas. This paragraph shall not be construed as limiting the ability of the Board to finance its portion of the costs and expenses of the Project through the issuance of bonds or any other legally authorized method.
- b. The City shall pay its portion of the Project Costs with funds budgeted, authorized, and appropriated by the governing body of the City.

4. **Administration of Project.** The Project shall be administered by the City, acting by and through its designated representative who shall be the City public official designated as Project Administrator. The Project Administrator shall assume and perform the following duties:

- a. Cause the making of all contracts, duly authorized and approved, for retaining consulting engineers to design and estimate the Project Costs.
- b. Submit a copy of the plans and specifications for the Project to the Johnson County Public Works Director for review, prior to any advertisement for construction bidding, together with a statement of estimated Project Costs which reflects the Board's financial obligation under the terms of this Agreement. The Public Works Director or his designee shall review the copy of the plans and specifications for the Project and may, but shall not be obligated to, suggest changes or revisions to the plans and specifications.
- c. If required by applicable state or federal statutes, solicit bids for the construction of the Project by publication in the official newspaper of the City. In the solicitation of bids, the appropriate combination of best bids shall be determined by the City.
- d. Cause the making of all contracts and appropriate change orders, duly authorized and approved, for the construction of the Project.
- e. Submit to the Public Works Director a statement of actual costs and expenses in the form of a payment request, with attached copies of all invoices and supporting materials, on or before the tenth day of each month following the

month in which costs and expenses have been paid. The Public Works Director shall review the statement or payment request to determine whether the statement or payment request is properly submitted and documented and, upon concurrence with the Finance Director of Johnson County, Kansas, ("Finance Director") cause payment to be made to the City of the Board's portion of the Project Costs within thirty (30) days after receipt of such payment request. In the event federal or state agencies require, as a condition to state or federal participation in the Project, that the Board make payment prior to construction or at times other than set forth in this subsection, the Public Works Director and the Finance Director may authorize such payment.

- f. Except when doing so would violate a state or federal rule or regulation, cause a sign to be erected in the immediate vicinity of the Project upon commencement of construction identifying the Project as part of the CARS Program. The form and location of the sign shall be subject to the review and approval of the Public Works Director.

Upon completion of the construction of the Project, the Project Administrator shall submit to each of the parties a final accounting of all Project Costs incurred in the Project for the purpose of apportioning the same among the parties as provided in this Agreement. It is expressly understood and agreed that in no event shall the final accounting obligate the parties for a greater proportion of financial participation than that set out in Paragraph 2.c. of this Agreement. The final accounting of Project Costs shall be submitted by the Project Administrator no later than sixty (60) days following the completion of the Project construction.

It is further understood and agreed by the City that to the extent permitted by law and subject to the provisions of the Kansas Tort Claims Act including but not limited to maximum liability and immunity provisions, the City agrees to indemnify and hold the County, its officials, and agents harmless from any cost, expense, or liability not expressly agreed to by the County which result from the negligent acts or omissions of the City or its employees or which result from the City's compliance with the Policy and Procedures.

This agreement to indemnify shall not run in favor of or benefit any liability insurer or third party.

In addition, the City of Merriam shall, and hereby agree to, insert as a special provision of its contract with the general contractor ("Project Contractor") chosen to undertake the Project construction as contemplated by this Agreement the following paragraphs:

The Project Contractor shall defend, indemnify and save the Board of County Commissioners of Johnson County, Kansas and the City of Merriam harmless from and against all liability for damages, costs, and expenses arising out of any claim, suit, action or otherwise for injuries and/or damages sustained to persons or property by reason of the negligence or other actionable fault of the Project Contractor, his or her sub-contractors, agents or employees in the performance of this contract.

The Board of County Commissioners of Johnson County, Kansas shall be named as an additional insured on all policies of insurance issued to the Project Contractor and required by the terms of his/her agreement with the City.

5. Acquisition of Real Property for the Project

- a. The Board shall not pay any costs for acquisition of real property in connection with the Project.
- b. The City shall be responsible for the acquisition of any real property, together with improvements thereon, located within the City's corporate boundaries, which is required in connection with the Project; such real property acquisition may occur by gift, purchase, or by condemnation as authorized and provided by the Eminent Domain Procedure Act, K.S.A. 26-201 et seq. and K.S.A. 26-501 et seq., and any such acquisition shall comply with all federal and state law requirements.

6. **Duration and Termination of Agreement**

- a. The parties agree that this Agreement shall remain in full force and effect until the completion of the Project, unless otherwise terminated as provided for in Paragraph 6.b. herein below. The Project shall be deemed completed and this Agreement shall be deemed terminated upon written certification to each of the parties by the Project Administrator that the Project has been accepted as constructed. The City shall provide a copy of the Project Administrator's certification to both the Public Works Director and the Finance Director within thirty (30) days of the Project Administrator's determination that the Project is complete.
- b. It is understood and agreed that the Public Works Director shall review the status of the Project annually on the first day of March following the execution of this Agreement to determine whether satisfactory progress is being made on the Project by the City. In the event that the Public Works Director determines that satisfactory progress is not being made on the Project due to the City's breach of this Agreement by not meeting the agreed upon project deadlines or otherwise not complying with the terms of this Agreement, the Public Works Director is authorized to notify the City that it shall have thirty (30) days from receipt of such notification to take steps to cure the breach (the "Cure Period"). It is further understood and agreed that the Board shall have the option and right to revoke funding approval for the Project and terminate this Agreement should the Board find, based upon the determination of the Public Works Director, that satisfactory progress is not being made on the Project and that the City has not taken sufficient steps to cure the breach during the Cure Period. Should the Board exercise its option as provided herein, it shall send written notice of the same to the City and the Board shall have no further liability or obligation under this Agreement.

7. **Placing Agreement in Force.** The attorney for the City shall cause sufficient copies of this Agreement to be executed to provide each party with a duly executed copy of this Agreement for its official records.

IN WITNESS WHEREOF, the above and foregoing Agreement has been executed by each of the parties hereto and made effective on the day and year first above written.

**Board of County Commissioners of
Johnson County, Kansas**

City of Merriam, Kansas

Ed Eilert, Chairman

Bob Pape, Mayor

Attest:

Attest:

Lynda Sader
Deputy County Clerk

City Clerk

Approved as to form:

Approved as to form:

Robert A. Ford
Assistant County Counselor

City Attorney



Interoffice Memo

Subject/Agenda Item: December CIP Update

Submitted By: Jim MacDonald, Public Works Director

Meeting Date: December 13, 2021

To: Governing Body

Background/Information:

Miscellaneous storm pipe lining improvements

- Issued notice to proceed to Municipal Pipe Tool on November 29th 2021 the contract allows for 60 days to complete the project.
- The contractor has visually inspected and cleaned all pipes prepping them to be lined.
- The lining crew is currently scheduled to begin mid-January

Supporting Documents:

[CIP active project list 2021](#)

PROJECT NAME	FUNDING SOURCES	BUDGETED CONSTRUCTION COST	ACTUAL CONSTRUCTION COST	STATUS	DESIGN CONSULTANT	PUBLIC MEETING #1	PUBLIC MEETING #2	ENGINEER'S ESTIMATE	BID OPENING	AWARD AT COUNCIL	CONTRACTOR	CONTRACT AMOUNT	NOTICE TO PROCEED	PROJECTED SUBSTANT COMPLETION DATE
East Frontage Road Improvements 67th to 75th	CARS/Sp. Sales Tax Street/Stormwater	\$1,549,000	\$720,653.03	Completed	Affinis	4/1/21		\$1,343,617.50	2/17/21	3/9/21	J.M Fahey	\$1,046,464.35	5/3/21	10/15/21
Sidewalk Maintenance/Repair Program	CIP Maintenance Program	\$150,000	\$182,831.50	Completed	Affinis	4/1/21		\$177,700.00	2/17/21	3/9/21	J.M Fahey	\$206,234.00	5/3/21	10/15/21
West Vernon Place PES	CIP Maintenance Program	\$50,000	\$27,464.70	Completed	BHC Engineering					3/9/21	BHC Engineering	\$49,682	3/12/21	10/15/21
2021 Storm drainage repairs	CIP Maintenance Program Drainage Repairs	\$350,000		Awarded	BHC Engineering			\$456,690.00	9/21/21	9/27/21	Municipal Pipe Tool Company LLC	\$288,337.50	11/29/21	

CITY OF MERRIAM PARK AND RECREATION ADVISORY BOARD MEETING MINUTES

Tuesday, November 23, 2021

6:00PM

Roll Call

The November meeting of the Merriam Parks & Recreation Advisory Board was called to order at 6:00 p.m. by Chairperson Staci Chivetta. Board members in attendance included: Billy Croan, Kathy Stull, LaVera Howard, Christopher Leitch, Katie Leary, Evan Quinley and Tony Scott.

Staff members in attendance were Anna Slocum, Director, Dave Smothers, Assistant Director and Abby Hall, Customer Service Representative. There was no public in attendance.

Public Comments

There were no public comments.

Approval of Meeting Minutes

Billy Croan made a motion to approve the October minutes. Kathy Stull seconded the motion. No questions or discussion of the minutes. Motion passed unanimously.

Staff Reports Director's Report

Community Center Update

A detailed memo was included in the packet. Updates to information shared in the memo included:

- Staff has scheduled an appointment with epoxy flooring vendor for Tuesday, November 23. This meeting will provide insight on repairs required to address the sealant that is peeling in this area as other flooring concerns that are occurring in the kitchen and men's locker room. Contractor to send dates for family changing room. Estimated closure for the family locker room is about 3 days in mid-December.
- Utilizing the idea from October meeting to plug membership addresses into Google, staff worked with Community Development to complete this task. Once the map was generated, the concentration of memberships was astonishing within 5 miles of the

facility. Working with the Highlights mail house vendor, staff identified an area of Shawnee from Switzer to Quivira and Kansas City, Kansas from 47th St to Turner to target a membership campaign. There are 8,591 addresses in this identified area. The next step is to bid out the project and determine if the scope needs to be reduced. The membership campaign postcard is being designed internally. The goal is to have this hit mailboxes between Christmas and New Year with around 8,600 postcards being mailed to non-resident households. Selling 4 new memberships will pay for the expense of the mailing.

- On Friday, November 19, staff attended a Mid-America Region of Design-Build Institute of America awards celebration. Merriam Community Center design-build project received the Institutional Award of Merit. The award, submitted by McCarthy, noted the “Lucy” persona created as a facility for all. Staff shared the “Lucy” persona and will forward the information to those who indicated more information regarding the process.

Monthly Community Center Membership Report

Included in the packet are the comparison reports for annual membership and daily visits.

During October there were a total of 198 memberships purchased taking the total number of membership sales to 1,524 for the year, of which 1,306 are currently active. This was the second largest month of membership sales behind June with 291.

October visitation fell 6% from September but when compared to 2020 there was a 46% increase. October is now the 5th highest attended month of the year. Day passes fell to 400 for the month, down 95 from September. This is now the 7th highest for the year. To date, 8,714 day-visits surpasses the pro-forma of 8,300.

Insurance visits increased in all categories with the exception of Active and Fit. This continues to be a popular benefit for residents. The increase in participation is due to the closing of the aquatic portion of a Shawnee private facility.

Assistant Director Report

Tim Murphy Art Gallery Updates

Highschool Visual Art Competition Updates

The reception will be held on Thursday, December 2 from 7 – 8:30 p.m. There were 22 high schools submitting 800 works of art. There were 105 accepted works representing 19 high schools.

Tim Murphy Art Gallery 2022 Schedule

Included in the packet is the 2022 schedule. There are several new artists in the line-up. January 6 will be the opening exhibit for 2022.

Program Evaluations

Merriam Drive Live

The report was included in the packet. There were 350 attendees . The new start time worked better and the beverage trailer provided by Embrace the Grape was a hit. Due to the rain at the beginning of the event yard games were not setup. Cornhole Tournament was cancelled due to lack of participation.

Halloween Happenings

Event evaluation was included in the packet. This event was well attended. Thanks to the many volunteers who helped make this event a success! Favorite activities included the mini-hole golf game and the photo booth.

Upcoming Events

Christmas in the Courtyard

Event flyer was included in the packet. The event will be Friday, December 3 from 6:30-8 p.m. and include carols by Merriam Park Elementary, Santa, hot coco, and live reindeer. Families will be able to start the holiday season off watching the classic “Charlie Brown’s Christmas” in the community center. While a free event, those in attendance are encouraged to bring a canned good, unwrapped toy or cash donation to support the North East Multi Service Center.

Breakfast with Santa

Event flyer was included in the packet. The event will be held at the Merriam Community Center Saturday, December 4 from 9-10:30 a.m.

There was a recommendation to consider ways to make holiday events more inclusive.

New Business

Review of Annual Election Protocol

Per the meeting procedures, staff read the election protocol to ensure the process was followed correctly. Those elected tonight will begin service at the January 2022 meeting.

Election of Chairperson commenced. LaVera Howard made a motion to nominate Tony Scott. Katie Leary seconded the motion. There was no discussion of motion and no other nominations. Motion passed unanimously.

Election of Vice-Chairperson commenced. Kathy Stull made a motion to nominate LaVera Howard as Vice-Chairperson. Billy Croan seconded the motion. There was no discussion of motion and no other nominations. Motion passed unanimously.

Other Business

Public Park and Facility Naming Policy

There were a few minor grammatical changes that staff were made aware of that have been corrected. Changes recommended at the October meeting were reviewed. The policy was approved.

Downtown Corridor Update

The committee met recently. The presentation was confusion, flipping between long term and short-term goals of the plan. This hindered progress and created tension among business owners. There are concerns of narrowing Merriam Dr. to three lanes and adding street parking. Since many of the properties are currently in the floodplain, there was discussion of

what it would look like to get properties out of the floodplain so improvements can occur.

JOCO Public Art Library Committee Update

Members of the committee had nothing to report.

Adjournment

Billy Croan called for a motion to adjourn. Katie Leary seconded the motion. The meeting adjourned at 6:50pm.

**REGULAR PLANNING COMMISSION MEETING
CITY OF MERRIAM, KANSAS
9001 W. 62nd St.
COUNCIL CHAMBERS
MINUTES**

**December 1, 2021
7:00 P.M.**

**Due to the Covid Pandemic the meeting was held virtually 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, December 1, 2021.

I. ROLL CALL

The following Planning Commissioners were present via Zoom meeting:

Bill Bailey, Secretary
Reuben Cozmyer
Brian Dailey, Chair
Judy Devereey
Russ Harmon
Shawn McConnell
Cole Stephens

Members Absent: Mitchell Fowler
Leah Ann McCormick, Vice Chair

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

II. APPROVAL OF MINUTES OF SEPTEMBER 1, 2021

Community Development Director Bryan Dyer stated that the Planning Commission members had received a copy of the September 1, 2021 meeting minutes and asked if there were any corrections or additions.

Hearing no additional comments, Mr. Dyer entertained a motion.

JUDY DEVEREY MOVED THAT THE MINUTES OF THE PLANNING COMMISSION MEETING OF SEPTEMBER 1, 2021 BE APPROVED. SHAWN MCCONNELL SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

III. ITEMS OF BUSINESS

1. Consider finding the 8800 Shawnee Mission Parkway Redevelopment Project Plan consistent with the intent of the Merriam Comprehensive Plan 2040.

Community Development Director Bryan Dyer stated that the city received a proposal from Block and Company to redevelop the vacant Taco Bell site located at 8800 Shawnee Mission Parkway.

Mr. Dyer stated that that Planning Commission must consider if the TIF Project Plan is consistent with the intent of the comprehensive plan for the development of the city per Kansas state statute KSA 12-1772.

Mr. Dyer stated that City Council has set a public hearing date on December 13, 2021 and will consider amending the I-35 Redevelopment District to create a new Redevelopment Project Area N. If this is approved the City Council will hold another public hearing meeting at the end of January 2022 to consider approval of the 8800 Shawnee Mission Parkway Redevelopment Project Plan.

Mr. Dyer stated that Block and Company has submitted a rezoning, preliminary development plan and final plat to Community Development today.

Mr. Dyer stated that staff recommends approval of this project and that a representative from Block and Company is present to answer any questions.

Mr. Dyer inquired if there were any questions or comments, hearing none he entertained a motion.

BILL BAILEY MOVED THAT THE PLANNING COMMISSION FINDS THAT THE PROPOSED 8800 SHAWNEE MISSION PARKWAY REDEVELOPMENT PROJECT PLAN FOR PROJECT AREA N IS CONSISTENT WITH THE INTENT OF THE COMPREHENSIVE PLAN FOR THE REDEVELOPMENT OF THE CITY. REUBEN COZMYER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED

1. Adoption of the 2022 Planning and Zoning Schedule

Community Development Director Bryan Dyer stated that the schedule for 2022 has one item to note. Mr. Dyer stated there would be one City Council meeting in December.

Mr. Dyer stated that the PC items for that month would be heard by the City Council on January 9, 2023.

Mr. Dyer inquired if there were any questions. Hearing none, he entertained a motion.

JUDY DEVEREY MOVED THAT THE PLANNING COMMISSION ADOPT THE 2022 PLANNING AND ZONING SCHEDULE. SHAWN MCCONNELL SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

BUSINESS FROM THE FLOOR

- Discussion amongst Planning Commissioners whether to resume in person meetings. The consensus was to resume in person meetings starting in January 2022, but the Planning Commission also acknowledged that a change in the pandemic could result in the Planning Commission returning to meeting via Zoom.
- No activity with the vacant K-Mart building at this time.
- Building permit submission has been received for AdventHealth for an interior remodel of the tower.
- Bike/Pedestrian Plan is nearing completion.
- Merriam Drive Planning Sustainable Places Advisory committee is having a second meeting on December 2, 2021 for those who were unable to attend the first meeting.

Mr. Dyer inquired if there were any questions from the Planning Commissioners.

IV. UNFINISHED BUSINESS

None

V. OLD BUSINESS

None

VI. ADJOURNMENT

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

SHAWN MCCONNELL MOVED FOR ADJOURNMENT. The meeting was adjourned 7:22 p.m.

Respectfully Submitted,

Nancy B. Yoakum

Recording Secretary

Approved:



Work Session

Agenda

City Hall, 9001 W. 62nd Street

December 13, 2021 - 7:00 PM

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.

WORK SESSION ITEMS

I. ECONOMIC DEVELOPMENT TRAINING

Economic Development Incentives

December 13, 2021

Tax Increment Financing (TIF)

Glossary Terms

- Increment
- TIF District vs. TIF Project
- TIF Application
- TIF-eligible expenses
- Funding Agreement
- Feasibility Study
- TIF Redevelopment Project Plan
- TIF Redevelopment Agreement

TIF Eligible Areas

- Blighted areas (including environmentally contaminated areas and 100-year floodplains)
- Conservation areas
- Pre-1992 enterprise zones
- Major tourism area
- Major commercial entertainment and tourism area
- A bioscience development area
- An intermodal transportation area

How TIF is Initiated

- Via Developer:
 - Developer has interest in an eligible area
 - Asks City for incentives
 - City may issue an RFP to redevelop the eligible area
 - Complies with City's TIF Policy
- Via City:
 - City issues RFP to redevelop an eligible area
 - Offers TIF or other incentives to create interest

How TIF Works

- Diverts **all or a portion** of **new** (incremental) local taxes created by a TIF Project
- Real Property Taxes
 - Diverts up to 100% of **new** property taxes to the Project
 - 20 mills for school finance NOT diverted, and for a project plan approved after July 1, 2017, 8 mills for capital outlay also NOT diverted
 - 1.5 mills for state NOT diverted
- City Sales Tax
 - Diverts up to 100% of City sales tax, utility franchise fees, transient guest taxes
- All local taxing districts included
- Up to 20 years per project area

The Increment:

How is it calculated?

Before Redevelopment:

Assessed Value "The Base"	\$	100,000
Base Taxes		10,000

After Redevelopment:

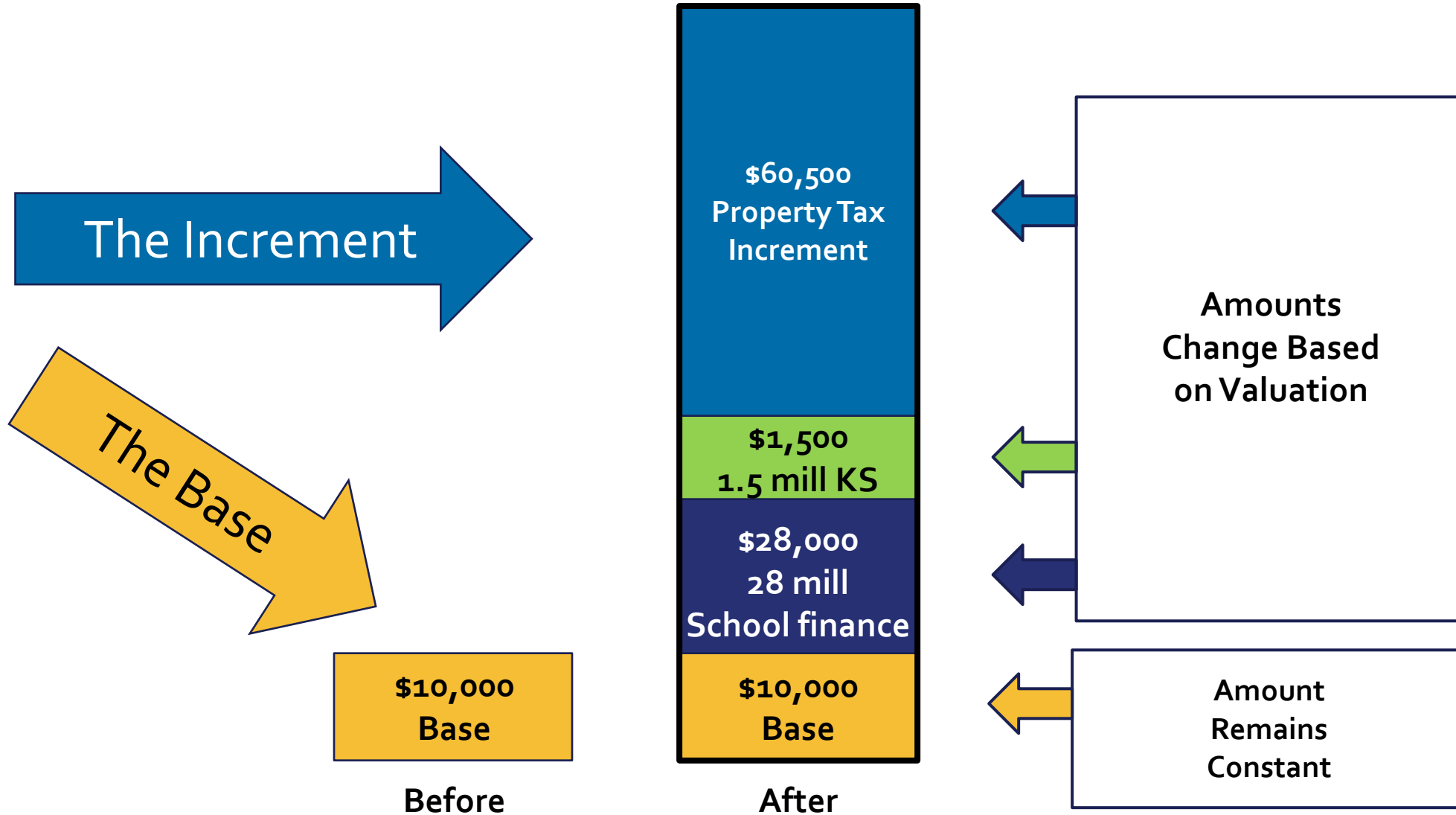
Assessed Value (Improved Value)	\$	1,000,000
Improved Taxes		100,000

The Increment:

How is it calculated?

	Amount	Recipients
Improved Value Taxes	100,000	
Less "The Base"	(10,000)	city, county, school, library, college
Less 28 mills	(28,000)	school finance
Less 1.5 mills	<u>(1,500)</u>	state
Total Increment	60,500	Available for the TIF district projects

The “Base” and the “Increment”



Effect on other Taxing Districts

- No impact to current taxing jurisdictions – no diversion of current (base) taxes
- Only new revenues generated by improvements are available to benefit the development
- Schools receive 28 mills on increased Assessed Valuation

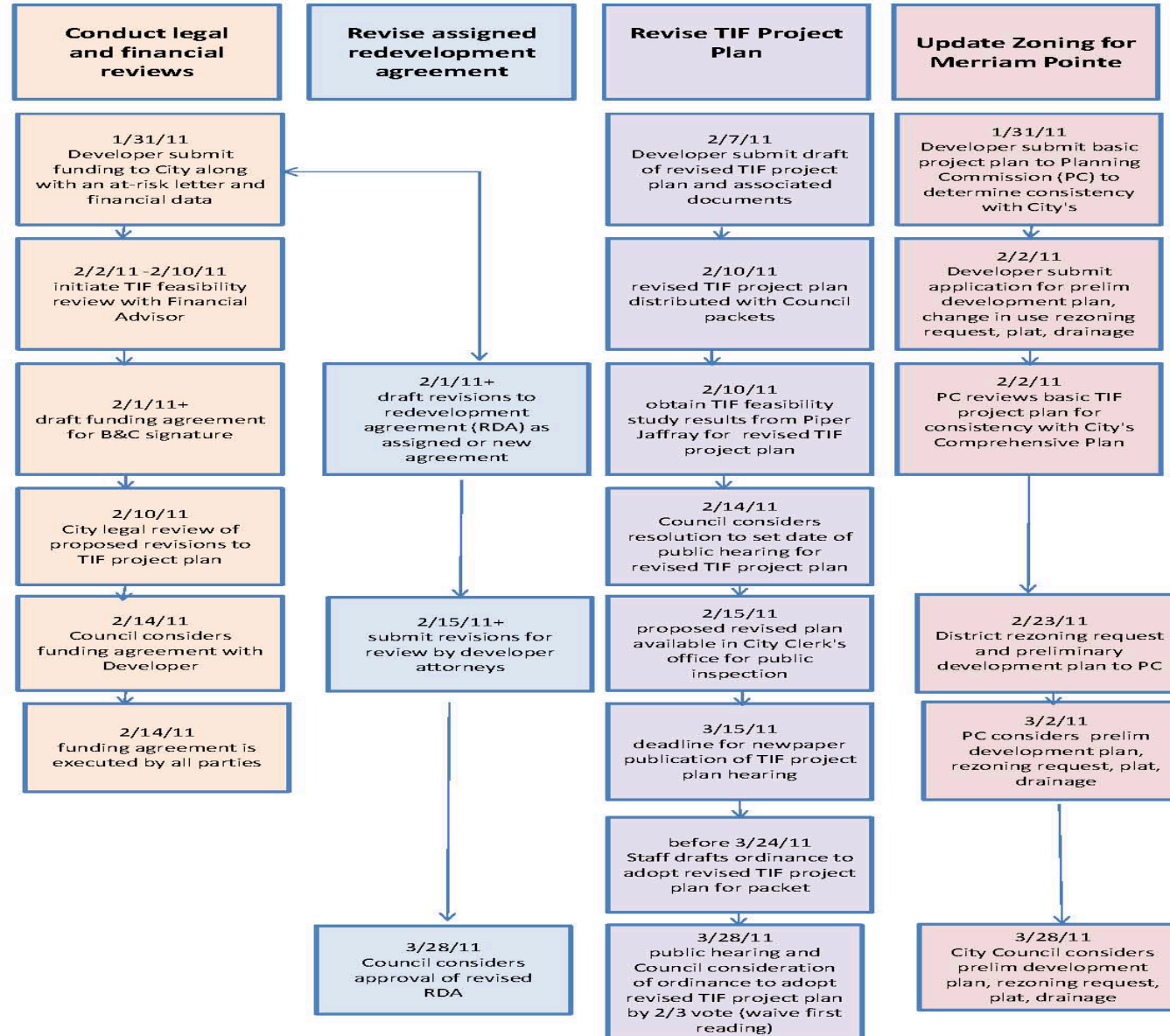
TIF Funding Methods

- Issuance of Bonds by City
 - Special Obligation Revenue Bonds
 - Full Faith and Credit Bond
- Developer Reimbursement (Pay-go) - preferred
 - Developer finances TIF-eligible expenditures
 - City reimburses them as increment received/available

Dealing with Developers

- Funding Agreements
 - Ensures developer pays for all/most City's out of pocket expenses
- Independent review of revenue/expenditure projections
- Sticking points
 - Use of TIF – public vs private costs
 - Performance Guarantees/clawbacks
 - Cost Caps

Sample Process for TIF Approval



TIF Questions?

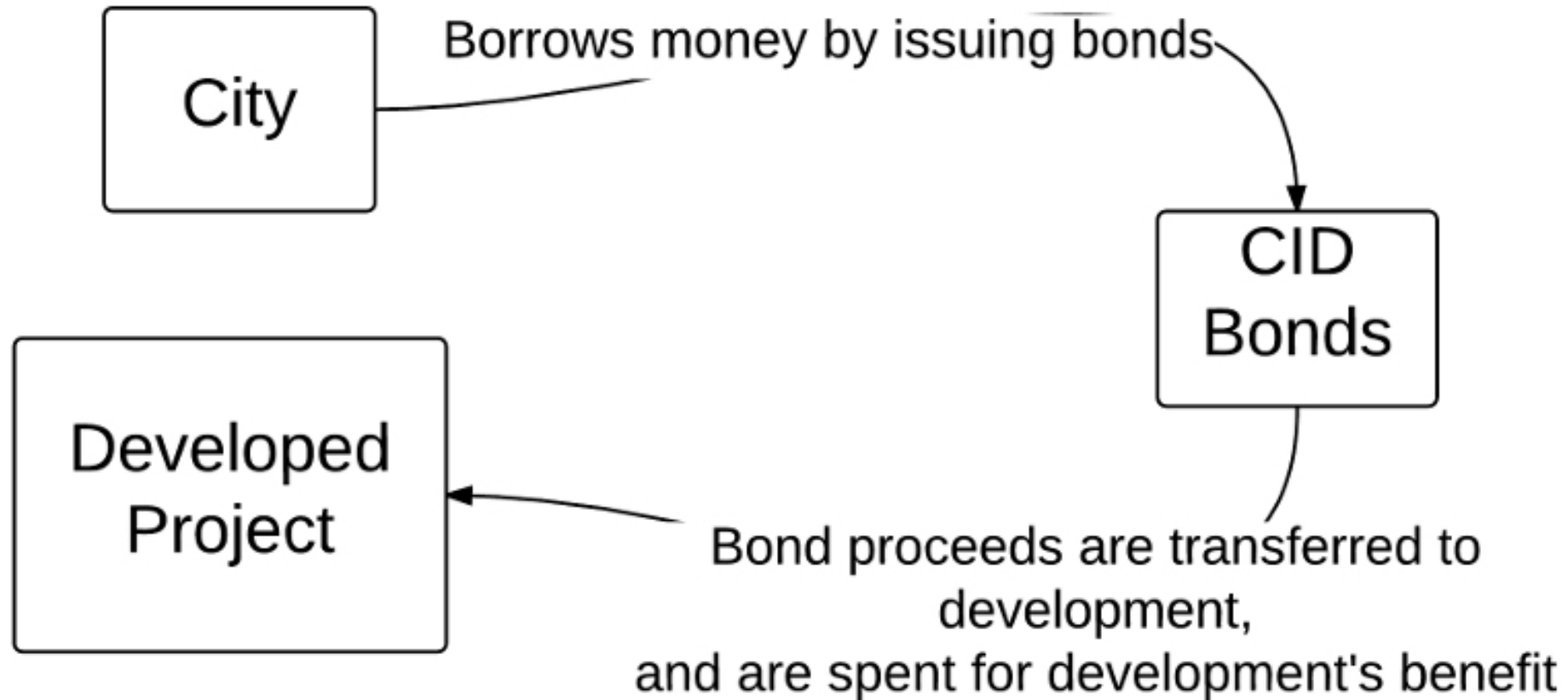
Community Improvement Districts (CIDs)

CID Funding Methods

- Issuance of Bonds
- Pay-as-you-go (preferred)

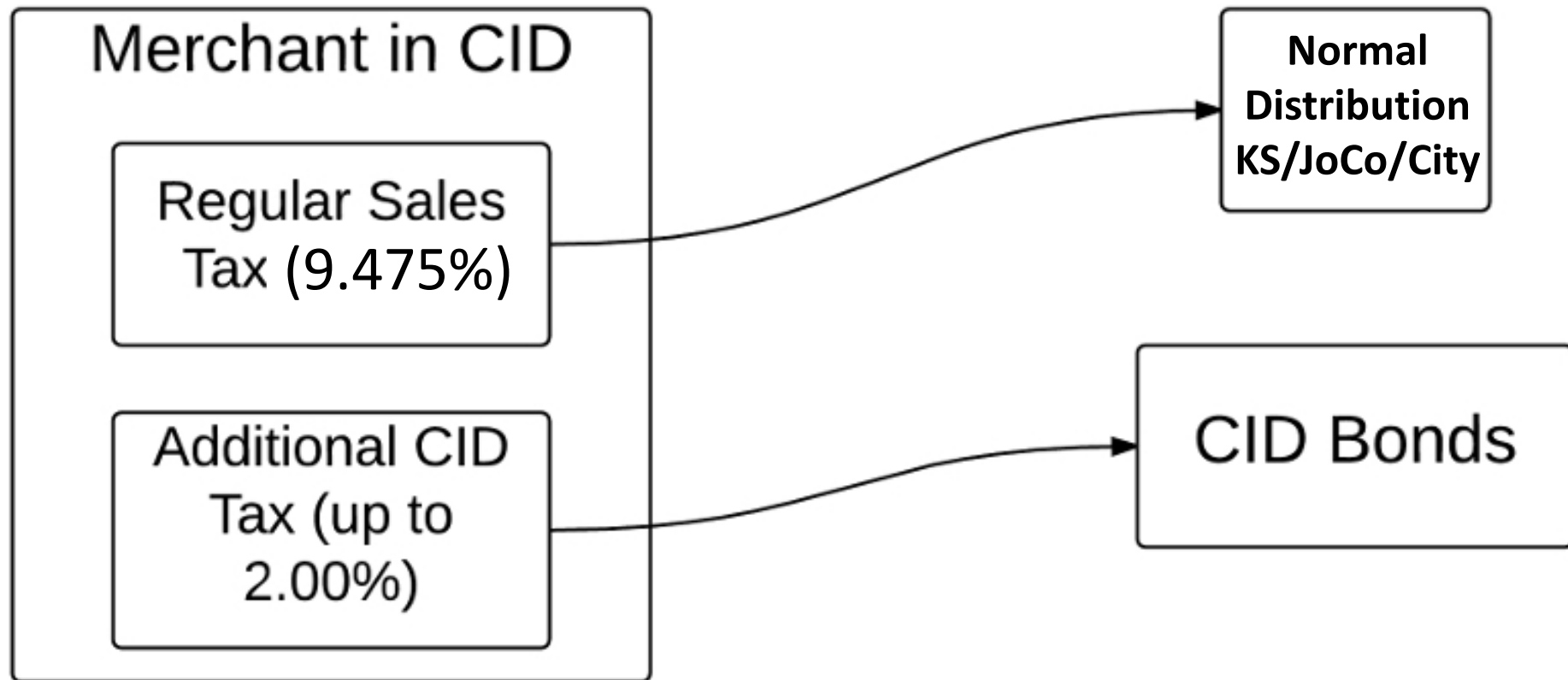
CID Bonds

Formation of the Community Improvement District



CID Bonds (cont.)

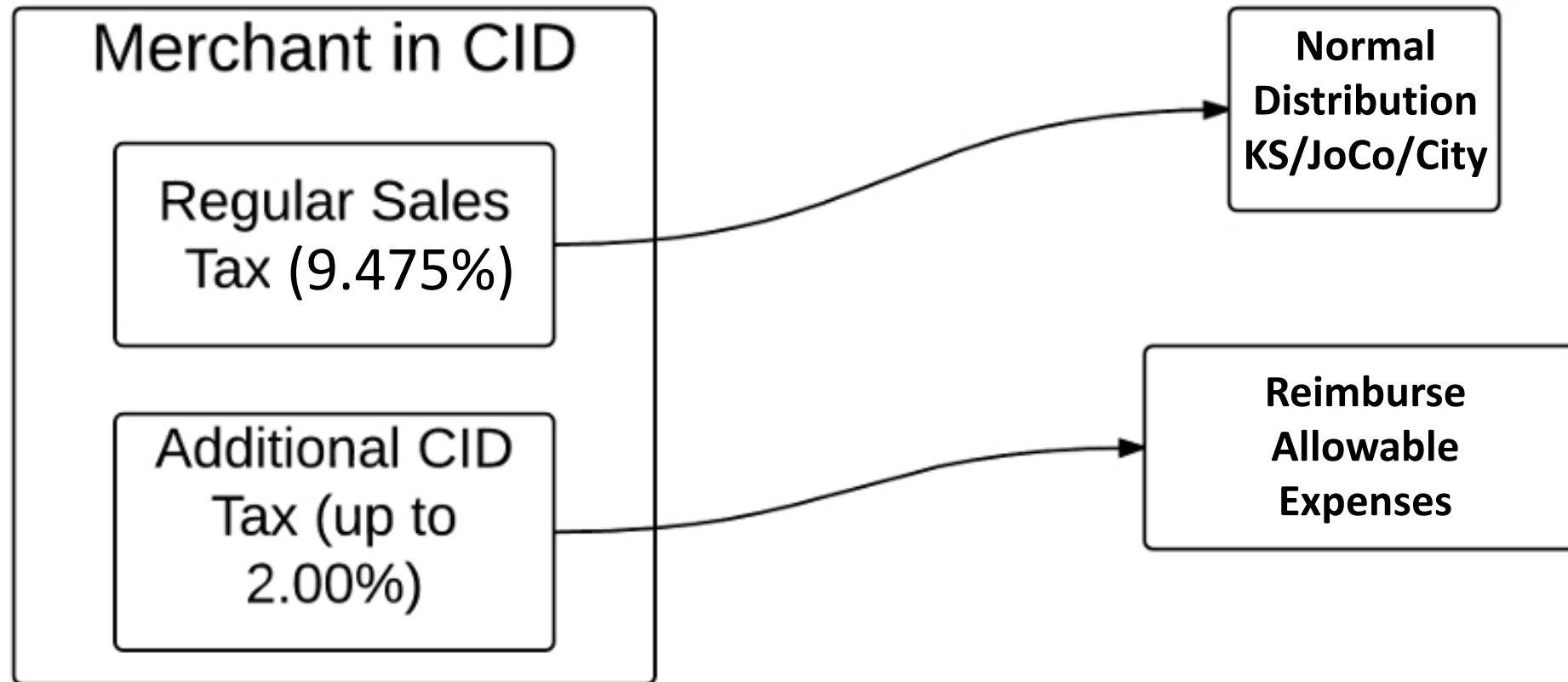
After Formation



CID Pay-as-you-go (preferred)

- At each point-of-sale within the CID, an additional sales tax is collected by the retailer. That special sales tax ends up in a special account held by the City of Merriam. Those proceeds can only be used to reimburse the Developer for items outlined in the Development Agreement.
- The City of Merriam holds all funds collected by the CID until the developer requests reimbursement for a verified eligible expense.
- The Developer only receives funds based on the amount of cash in the CID Fund.

CID Pay-as-you-go



CID Allowable Expenses

- Any and all structure costs
- Site improvement or enhancement (green / streetscape, art)
- Ongoing operating expenses, including security, entertainment, public events, business promotion, etc.
- Allowable expenses governed by Development Agreement.

CID Questions?

Other Common Incentives

Industrial Revenue Bonds (IRBs)

- Property tax abatement limited to 10 years
- Must provide notice to school district
- Cost/Benefit analysis required
- Public Hearing Required
- Sales Tax exemption for construction materials

Transportation Development District (TDD)

- Used to finance transportation projects
 - Roads, traffic signals, sidewalks, parking lots/structures, utilities, façade improvements
- Special assessment or new sales tax within the District
 - Up to 1% additional local sales tax
 - 22 yr. maximum
- No impact to current taxing jurisdictions

Sales / Property Tax Rebate Agreement

- Cheap and easy alternative to TIF
- Reimburse costs of public or private improvements
- Repayment limited to certain incremental sales tax revenues or property tax revenues received by the City from new project
- Contract between developer and City, no plans or other formalities required

Neighborhood Revitalization Act

- Neighborhood Revitalization Area is either a blighted area or an area that should be preserved because of its history or architecture
- Designated by City
- Must adopt revitalization plan after holding public hearing
- Increased increment can be rebated back to property owner
- Includes school district property taxes (20 mills)
- Years determined by revitalization plan

Questions?

