

**MERRIAM CITY COUNCIL MINUTES
CITY HALL
9001 WEST 62ND STREET
March 27, 2017
7:00 P.M.**

I. CALL TO ORDER - PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

Scott Diebold
Al Frisby
Chris Evans Hands
Nancy Hupp
Bryan Knaff
Cheryl Moore
Bob Pape
Robert Weems

Staff present: Chris Engel, City Administrator; Mike Daniels, Police Chief; Anna Slocum, Parks and Recreation Director; Bryan Dyer, Community Development Director; Meredith Hauck, Assistant City Administrator; Bryan Dehner, Fire Chief; Cindy Ehart, Finance Director; Kevin Bruemmer, Public Works Director; Nicole Proulx Aiken, City Attorney; and Juli Pinnick, City Clerk.

III. PUBLIC ITEMS

Members of the public are encouraged to use this time to make comments about matters that do not appear on the agenda. Comments about items on the regular agenda will be taken as each item is considered. ***Please note: individuals making Public Comments will be limited to 5 minutes.***

IV. COUNCIL ITEMS

1. Consider approval of the minutes of the City Council meeting held March 13, 2017.

COUNCILMEMBER MOORE MOVED THAT THE COUNCIL APPROVE THE MINUTES OF THE MARCH 13, 2017 CITY COUNCIL MEETING. COUNCILMEMBER HANDS SECONDED AND THE MOTION WAS APPROVED. COUNCILMEMBERS PAPE AND DIEBOLD ABSTAINED.

V. CONSENT AGENDA

All items listed under the heading are considered to be routine by the City Council and may be enacted by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case that item will be removed from the Consent Agenda and considered separately.

1. Consider approval of an Interlocal agreement between Merriam and Overland Park for Antioch Rd from 54th to 47th St.

Councilmember Hands requested this item be removed from the Consent Agenda as there was a discrepancy between the agreement and the Action Form provided.

Public Works Director Kevin Bruemmer commented that the initial engineers estimate was \$1,00,200.00 when the city executed the 3-way agreement with Cars and both cities. Since that time the engineer's estimate has increased slightly to \$1,011,000.00. The difference between the two estimates for the Merriam portion is only \$4,500. Staff would recommend approving the agreement as presented which lists an estimated city cost of \$255,000.00.

The City of Overland Park has opened the bids for this project and the bids were favorable. Since they have not fully reviewed all the bids yet, staff will be bringing that recommendation for a construction contract at a later time.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MERRIAM AND OVERLAND PARK FOR ANTIOCH RD. FROM 54TH TO 47TH ST. AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT. COUNCILMEMBER HUPP SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

V. MAYOR'S REPORT

VI. PLANNING COMMISSION

1. Consider approval of an ordinance adding and amending Chapter 74 of the Merriam Code of Ordinances.

COUNCILMEMBER MOORE MOVED THAT THE GOVERNING BODY CONCUR WITH THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVE REVISIONS TO CHAPTER 74, ZONING OF THE MERRIAM CODE OF ORDINANCES AND AUTHORIZE THE MAYOR TO SIGN THE EFFECTUATING ORDINANCE. COUNCILMEMBER WEEMS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

VII. COUNCIL ITEMS

A. Finance and Administration

1. Visitors Bureau Annual Report.

Visitors Bureau Director Karen Crane presented the 2016 Annual Report.

2. Community Center funding presentation.

City Administrator Chris Engel presented information as a follow-up to the presentation at the last council meeting which outlined options for issuing bonds for the purpose of funding a new Community Center. If it is decided that issuing bonds to fund a new Community Center is the best option and if paying for the bonds from a new $\frac{1}{4}$ cent sales tax is also deemed the preferred option, the city would want to ensure that increasing our sales tax rate would not deter folks from making purchases in Merriam over another area city.

Mr. Engel displayed a chart depicting the sales tax rates for the cities surrounding Merriam and throughout Johnson County. As of April 1, 2017, Merriam's sales tax rate will be 9.225%. If an additional $\frac{1}{4}$ cent sales tax were added, the rate would be 9.480. This rate is still lower than Shawnee, Fairway and Mission.

In looking at Olathe's sales tax rate, which is slightly lower at 9.475%, you don't get the full picture as there are many CID and TDD districts that have special sales taxes that increase those rates to 10.475 and up to 11.475. The areas of Olathe that charge these sales tax rates are located in the I-35 and 119th St. area and the I-35 and 135th St. area This is where a lot of new retail has been built over the past few years. So, most shopping destination areas in Olathe will have a higher sales tax rate than Merriam.

Kansas City, Kansas sales tax rate is 9.375%, unless you are shopping at the Legends, anything around the race track, and 39th and Rainbow; then the rates range from 9.475% to 11.375% because of the TDD and CID taxes in those areas. These rates all still higher than Merriam.

Next Mr. Engel illustrated the rates for Roeland Park and Lenexa. Roeland Park sales tax rates for the area off Roe Avenue where the Lowe's, Wal-Mart and Price Chopper shopping areas have sales tax rates between 9.72% to 10.225% as many of these areas have CID and TDD sales taxes added on.

Lenexa's sales tax rate for areas around Oak Park Mall, 87th and Renner, 87th and Rosehill, 95th and Quivira all have sales tax rates of 10.350% as these areas also have an additional CID tax that is added on to their sales tax.

Overland Park, while they have a rate of 9.10%, most of their shopping areas that include the 95th St., 135th St., and 119th St. corridors have rates of 10.10%. The 91st and Metcalf area, which has a CID tax for two car dealerships has the 10.10% tax rate. So, all of Merriam's car dealerships have a lower sales tax rate than this area of Overland Park.

Leewood's rate is 9.100% but the areas at 119th and Roe, 119th and Nall and Town Center Plaza all have CD and TDD taxes, making those rates 10.100%.

Prairie Village has two main shopping areas; The Village and Corinth Square. The sales tax rates in these two shopping areas is 9.975% due to their CID tax, while all other areas are 8.975%.

Merriam does not have any CID or TDD areas in the city. Our rate of 9.480% which includes an additional ¼ cent for recreation facilities would be the rate that folks would pay no matter where they shop in Merriam. This is lower than almost all other Johnson County cities when looking at the whole sales tax pictures which includes CID and TDD taxes.

Staff has reviewed this information to understand and illustrate that increasing the sales tax rate for Merriam ¼ cent will not create a competitive disadvantage for shopping dollars. Most folks aren't in tune with sales tax rates when purchasing items. However, if you are purchasing a big-ticket item like a car or furniture, you might look at the sales tax rates you will be charged on these items and the sales tax can make a difference on a large purchase.

Mr. Engel further commented that he would not recommend a sales tax increase if he thought it would harm the city and our retail sales. This illustration shows that it would not harm those retail sales as the sales tax rate for Merriam is lower than most other cities in Johnson County.

B. Community Development/Public Works/CIP

1. Consider approval of an ordinance amending section 44-275 of the Merriam Code of Ordinances.

COUNCILMEMBER HANDS MOVED THAT THE COUNCIL APPROVE AN ORDINANCE AMENDING SECTION 44-275 OF THE MERRIAM CODE OF ORDINANCES. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

2. Consider approval of an ordinance amending section 11-120 of the Merriam Code of Ordinances.

COUNCILMEMBER HUPP MOVED THAT THE COUNCIL APPROVE AN ORDINANCE AMENDING SECTION 44-275 OF THE MERRIAM CODE OF ORDINANCES. COUNCILMEMBER WEEMS SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

3. Consider approval of a Professional Services Agreement (PSA) with TREKK Design Group, LLC for storm drain condition assessment and inventory services.

Public Works Director Kevin Bruemmer provide the background for this item.

In 2013, the City invested in Lucity Software as an asset management system with an ultimate goal of inventorying and assessing the City's aging infrastructure. As part of the 2016 budget, staff proposed to begin video inspection of the existing storm drain system. This effort was to report the condition of the system as well as to perform a physical inventory.

On December 16, 2015, the City Merriam opened one bid for the Storm Sewer Video Inspection Service. The only bidder was TREKK Design Group, LLC. In June of 2016, TREKK videoed approximately 6150 feet of storm drain. Based on TREKK's past performance and fees, City Staff contacted TREKK to request a bid to complete inspection and inventory of the remainder City Storm Drain Condition Assessment/Inventory project. TREKK's bid was \$256,190.75.

In 2016, only \$10,000 of the \$200,000 budgeted amount was used. Therefore, with a favorable contract amount Staff is recommending to do all of the work in 2017.

Once the inspections and inventory are completed this information will be input into the Lucity system. This will assist staff in analyzing and prioritizing projects. It is the hope that some pipes could be lined and or repaired before they fail and need an emergency repair.

COUNCILMEMBER MOORE MOVED THAT THE COUNCIL APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH TREKK DESIGN GROUP LLC. FOR STORM DRAIN CONDITION AND INVENTORY SERVICES. COUNCILMEMBER PAPE SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

4. Community Development Update.

Community Development Director Bryan Dyer commented that the Neighborhood Services Manager will be meeting with the Antioch Hills Homes Association next month at their annual meeting. In addition, he is working on the storm water Best Management Practices project to get the information out to businesses and residents. The Parks and Recreation Department is holding a rain barrel workshop in conjunction with that program.

The Planning Commission approved a site development plan for the school district's warehouse facility at the old American Cast Iron Pipe property.

The house at 6120 Slater is having asbestos remediation going on this week. After that is complete the fire department will be using the house for some roof penetration training. They will not be setting the house on fire for training.

VIII. STAFF ITEMS

City Administrator Chris Engel commented that staff was informed around 3:00 pm today that KDOT will be closing a portion of E. Frontage Road in front of Shawnee Mission Hospital due to a storm sewer pipe that is undermining the east side of I-35. They have concerns about E. Frontage Road as well, and anticipate that the road will be closed for approximately one month while they make repairs.

Councilmember Pape asked City Administrator Chris Engel the status of the Wayside Horns project.

Mr. Engel responded that the contractor, CTC indicated the project would be complete by July 1st. They inquired about the rainy season in Kansas and Mr. Engel informed them that around May the rainy season should be over.

IX. NEW BUSINESS

X. EXECUTIVE SESSION

XI. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COUNCIL, COUNCILMEMBER HANDS MOVED TO ADJOURN AT 8:15 PM. COUNCILMEMBER HUPP SECONDED AND THE MOTION WAS UNANIMOUSLY APPROVED.

Approved: April 10, 2017

Respectfully submitted,

Juliana Pinnick

Juliana Pinnick
City Clerk

