



**MINUTES OF THE  
JANUARY 16, 2018  
LENEXA CITY COUNCIL MEETING  
COMMUNITY FORUM, 17101 W 87<sup>th</sup> STREET PARKWAY  
LENEXA, KS 66219**

**CALL TO ORDER**

The meeting was called to order at 7:00 PM.

**SWEARING IN CEREMONY**

Bill Nicks, Corey Hunt, and Mandy Stuke were sworn into office.

**ROLL CALL**

The following Councilmembers were present with Mayor Mike Boehm presiding: Steve Lemons, Bill Nicks, Thomas Nolte, Dan Roh, Corey Hunt, Andy Huckaba, and Mandy Stuke. Councilmember Joe Karlin was absent.

Staff present included Eric Wade, City Administrator; Todd Pelham, Deputy City Administrator; Mike Nolan, Assistant to the City Administrator; Beccy Yocham, Community Development Director; Cindy Harmison, City Attorney; Danielle Dulin, Interim City Clerk; and other City Staff.

**APPROVE MINUTES**

*A motion to approve the minutes of the December 19, 2017 City Council meeting was made and seconded. Motion passed unanimously.*

**PRESENTATIONS**

Bryan Murphy with ETC Institute presented the methodology and results from the 2017 Citizen Survey.

## CONSENT AGENDA

1. Acceptance for maintenance.
  - a. Post Oak Storm Drainage Improvements

*This is a storm sewer rehabilitation project located between 83rd Street and 79th Street from Pflumm Road east to Rosehill Road. The project repaired over 6,500 feet of storm sewer. The project also included construction of 1,400 feet of trail through Post Oak Park.*

- b. Prairie Creek Apartments Phase 2 Turn Lanes

*This project constructed a short public street extension, turn lanes, storm sewer, and street lighting improvements on Prairie Star Parkway related to the Prairie Creek Phase 2 apartments.*

- c. Lenexa Logistics Center North Special Benefit District #2 - Stormwater Detention

*This project constructed street and storm sewer improvements related to the Lenexa Logistics Center North development. The work included two turn lanes along College Boulevard, minor stormwater conveyance extensions, and a private stormwater quality and detention facility.*

2. Acceptance of public right-of-way, drainage easements, and utility easements as shown on the Final Plat for Olathe Elementary School 36. PT17-25F

*This Final Plat is for the construction of a new elementary school in the Olathe School District. Public right-of-way, drainage easements, and utility easements are being dedicated to the City as part of the Olathe Elementary School 36 Final Plat.*

3. Change order to contract with GBA Builders, LLC for construction services and maintenance of city bridges.

*At the September 5, 2017 City Council meeting, the Council approved a contract with GBA Builders for \$237,526 to design and construct repairs to a number of the City's 26 bridges. The repairs were identified through routine inspections. As work progressed, it was determined that additional deterioration had occurred since the last inspections and additional work would be necessary. The cost of the additional work is \$55,698.*

4. Resolution authorizing the Mayor to execute a permanent electric utility easement to Kansas City Power & Light Company.

*The proposed 10' wide permanent KCP&L easement is located within Sar-Ko-Par Trails Park east of Rose's Pond. The easement is necessary to allow the installation of new conduit and electrical equipment to serve the new Sar-Ko-Par Trails Park Pavilion.*

5. Resolution approving and authorizing the Mayor to execute agreements between the City and the Kansas Department of Health and Environment regarding access to certain city-owned property to conduct assessments and/or subsurface investigation work.

*The Kansas Department of Health and Environment (KDHE) is requesting access to Bois D'Arc and Sar-Ko-Par Trails Park in order to assess and evaluate the extent of off-site contamination attributed to the Pride Cleaners drycleaning facility located at 8740 Lackman Road. The access agreements permit KDHE to perform soil and groundwater sampling and, if necessary, install groundwater monitoring wells.*

6. Resolution approving and authorizing the Mayor to execute an agreement between the City and Joe O'Connell Creative Machines, Inc. d/b/a Creative Machines, Inc. for the purchase of artwork entitled *Body Politic*.

*On December 5, 2017, the Governing Body directed staff to commence negotiations with Joe O'Connell Creative Machines, Inc. to agree on price and contract terms for the purchase of the artwork entitled *Body Politic*. The City agrees to pay the artist a fixed fee of \$180,000 which will constitute payment in full for the purchase of the artwork.*

7. Resolution approving and authorizing the Mayor to execute an addendum to the Alexander Open Systems, Inc. Master Services Agreement dated April 20, 2011 to purchase storage hardware for the replacement and expansion of the City's backup infrastructure.

*The City currently has a Master Services Agreement (MSA) with Alexander Open Systems, Inc. (AOS) to provide networking and technology consulting services. Under the MSA, the City can also purchase hardware through AOS. This addendum provides for the purchase of storage hardware for the replacement and expansion of the City's backup infrastructure in an amount not to exceed \$195,496.00.*

8. Resolution authorizing the sale of City-owned conduits along 87th Street Parkway between Renner Boulevard and Haven Street to Unite Private Networks, LLC.

*The City installed a conduit telecommunications duct bank during construction of 87th*

*Street Parkway improvements between Renner Boulevard and Haven Street Unite Private Networks, LLC is interested in purchasing one 4-inch conduit within in the duct bank for \$6,950.*

9. Resolution calling for a public hearing to consider approving Redevelopment Project Plan 3G (KSMC Project, formerly referred to as the GOK Project).

*In accordance with State law, after the Planning Commission finds a TIF project plan consistent with the City's Comprehensive Plan, the City Council must pass a resolution calling for a public hearing. This action is strictly procedural and merely sets a public hearing for February 20, 2018 at which time the Governing Body will consider adoption of a TIF Project Plan covering approximately 1.6 acres at the northeast corner of 87th Street Parkway and Winchester Street within the City Center TIF district to help finance construction of a multi-phase commercial development.*

10. Ordinance granting a telecommunications franchise to MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services.

*The ordinance will renew the franchise with MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services to construct, operate and maintain a telecommunications system in City. The franchise ordinance includes a 5% fee on gross receipts and a two-year term with four automatic renewals terms of two years for a total of 10 years.*

11. 2018 Legislative Agendas

- a. Resolution adopting the 2018 State Legislative Program.
- b. Resolution adopting the 2018 Federal Legislative Program.

*The second session of the 115th United States Congress convened on January 3, 2018 and the 2018 session of the Kansas Legislature convened January 8, 2018. Each year the Governing Body adopts formal positions on a number of matters which are likely to affect the governance and finances of the city.*

## **END OF CONSENT AGENDA**

*A motion to approve items 1 through 11 on the consent agenda was made by Councilmember Huckaba, seconded by Councilmember Lemons. Motion passed unanimously.*

## PUBLIC HEARINGS

12. Hold a public hearing and consider an ordinance vacating certain Gleason Road right-of-way south of Prairie Star Parkway for the future Olathe Elementary School to be located at 97th Terrace and future Gleason Road. (Continued from the December 19, 2017 agenda.)
  - a. Conduct a public hearing.
  - b. Ordinance vacating right-of-way for Olathe Elementary School 36

*This is a request to vacate two pieces of right-of-way along future Gleason Road south of 97th Terrace. In conjunction with the platting of the property for a future elementary school within the Olathe School District, right-of-way for the construction of Gleason Road will be dedicated.*

Beccy Yocham, Community Development Director, stated that a both a 30-foot and 50-foot easement existed on the property, but a 40-foot easement is needed to build Gleason Road. Therefore, staff is recommending to vacate both the 30- and 50-foot easements with the dedication of a 40-foot easement that was previously approved as Item 2 on the consent agenda.

*A motion to close the public hearing was made by Councilmember Stuke, seconded by Councilmember Roh. Motion passed unanimously.*

*A motion to approve Item 12b. was made by Councilmember Roh, seconded by Councilmember Nolte. Motion passed unanimously.*

## NEW BUSINESS

13. Consideration of a contract and other necessary agreements for the design and construction of the Ridgeview Road Infrastructure Project.

*The City intends to award a design-build contract to Pyramid Contractors in the amount of \$20,982,800 for the design and construction of the Ridgeview Road Infrastructure Project. Additionally, the City proposes retaining HNTB Corporation for project management consultant services to provide supplemental design and construction oversight services through the duration of the construction. The total fee for HNTB's services is \$632,012. Further, the City proposes purchasing stream and wetland mitigation credits from Swallow Tail L.L.C in the amount of \$216,450 as a condition of the Section 404 Permit from the U.S. Army Corps of Engineers. Finally, the City proposes executing an encroachment agreement with Southern Star Central Gas Pipeline to permit the construction of public improvements over their easement.*

- a. Resolution authorizing the Mayor to execute a contract with Pyramid Contractors, Inc. for the design and construction of Ridgeview Road (K-10 to Prairie Star Parkway) and 99th Street (Ridgeview Road to Britton Street) and waiving the sealed bid process.

Ms. Yocham described the selection process for the design and construction of Ridgeview Road and 99th Street, and after calculating the scores for technical elements and combining those scores with the contract amounts submitted by the three teams, the Pyramid Contractors, Inc. team was determined to be the best value proposer and staff recommends award of a design-build contract to Pyramid Contractors, Inc.

*A motion to approve Item 13a was made by Councilmember Lemons, seconded by Councilmember Roh.*

*Councilmember Nicks proposed an amendment to to the motion to direct Pyramid Contractors to provide an on-road bike lane on Ridgeview Road.*

Councilmembers Nolte, Lemons, and Huckaba supported the consideration of bicycle infrastructure, but did not agree to amend the contract before the City Council.

Ms. Yocham stated there are still many design elements that need to be determined and several options will be brought to the City Council prior to construction of the roadway. However, the contract before the City Council is for a scope of services at a specific price that did not include an on-road bike lane and if the City Council wishes to add an on-road bike lane, it would need to be done via a change order to the approved contract. She explained that the approval of this contract does not preclude the inclusion of bike infrastructure in the project.

*Councilmember Lemons declined the amendment to his motion. The standing motion passed unanimously.*

- b. Resolution authorizing the Mayor to execute an amendment to the consultant agreement with HNTB Corporation for project management consultant services.

Ms. Yocham stated the city previously retained HNTB to provide project management consultant services through procurement. However, their experience with the design-build process of projects of this size and complexity has been invaluable, and staff recommends extending the contract with HNTB for project management consultant services through construction. The project budget includes \$632,012 for this service.

*A motion to approve Item 13b was made by Councilmember Huckaba,*

*seconded by Councilmember Roh. Motion passed unanimously.*

- c. Resolution authorizing the Mayor to execute an agreement with Swallow Tail L.L.C. for the purchase of stream and wetland credits.

Ms. Yocham stated that a Section 404 permit from the Army Corps of Engineers is necessary because of certain impacts to regulatory waters in the vicinity of the project. She stated as a condition of the permit, the city must purchase stream and wetland credits or construct wetlands. The upfront cost is similar; however, the purchase of credits does not involve the ongoing maintenance costs of constructing wetlands, and the Corps prefers the purchase of credits for this particular project. Staff is recommending purchasing the \$216,450 in stream and wetland credits; this sum is also included in the project budget.

Councilmember Huckaba inquired about the formula that is used to calculate the number of credits that are to be purchased. Phil Eilers, HNTB, stated that the largest factor is the area impacted.

*A motion to approve Item 13c was made by Councilmember Nolte, seconded by Councilmember Stuke. Motion passed unanimously.*

- d. Resolution authorizing the Mayor to execute an encroachment agreement with Southern Star Central Gas Pipeline, Inc. ("SSG") to allow construction associated with the Ridgeview Road project over SSG's easement.

Ms. Yocham stated that Southern Star Gas Pipeline, Inc. has agreed to allow construction over their easement. Staff is recommending approval of the standard encroachment agreement.

*A motion to approve Item 13d was made by Councilmember Roh, seconded by Councilmember Lemons. Motion passed unanimously.*

## **STUDENT INTRODUCTIONS**

The following Boy Scouts were in attendance: Alex Martin, Paul W., Jonathan M., Ben K., Logan B., and Sam Safly, Christopher Ashner, Colby Rupp, and Owen O'Neill. The following American Government students were in attendance: Nicolette Callaghan, Rylie Barnum, Caroline Schmidt, Lindsey Chavey, and Rachel Hall.

## **COUNCILMEMBER REPORTS**

Councilmembers Lemons & Roh complimented Municipal Services & Communications on their snow removal and ice prevention and communication efforts the last few weeks.

Councilmembers Nicks & Hunt thanked everyone for the warm reception.

Councilmember Huckaba welcomed Councilmembers Nicks & Hunt and stated he is looking forward to working with them to do wonderful things for the city. He also stated that he will be going to Washington, DC next week to continue his work for the National League of City's Broadband Deployment Advisory Committee.

Councilmember Stuke praised the results of the citizen survey that were presented earlier.

## STAFF REPORTS

### 14. Bike Share Opportunity

*MidAmerica Regional Council has allocated \$250,000 in Congestion Mitigation Air Quality (CMAQ) funds for bike share projects in FY 2019 and 2020. BikeWalkKC has notified the City about the opportunity to apply as a project sponsor for bike sharing in Lenexa using a portion of these funds. The CMAQ funds can cover up to 80% of the cost of capital equipment with the City paying the remaining 20% in costs.*

Ms. Yocham explained the bike share opportunity presented to the city by BikeWalkKC. To participate in the program and potentially receive CMAQ funds for the bike share program, the city must express interest and present a plan to deploy Bcycles. Ms. Yocham stated the initial cost of the program is \$60,000, and the city's share would be \$12,000 and an estimated additional \$18,000 for site preparation. The city's ongoing annual cost of the program is estimated to be \$7,500.

Logan Wagler, Deputy Parks and Recreation Director, presented a map of possible Bicycle stations. He stated specific locations had not been identified yet as staff wanted to work with community partners to determine the best locations. However, Old Town, Little Mill Creek Park, Sar-Ko-Par Trails Park, City Center and Block Hoof Park have been identified initially as good areas.

Councilmember Roh asked how the city's portion of the implementation cost would be funded.

Ms. Yocham indicated general fund dollars would be reallocated.

There was consensus to move forward with expressing interest in the program to BikeWalkKC.

### 15. Municipal Court fines and fees collection follow up



Ms. Dulin presented additional information on Municipal Court fines from the December 12, 2017 Committee of the Whole meeting. The city collects approximately 97% of the fines and fees that are assessed each year. Staff is recommending using a civil collections law firm to collect the remaining 3%. Ms. Dulin stated Judge DeMarco has drafted a Standing Order indicated that civil collections will be used when a payment plan is not workable or the individual is not capable of performing community service due to an extended period of incarceration or when the individual has failed to make three consecutive payments on a payment plan.

### **EXECUTIVE SESSION**

16. Discuss potential litigation subject to the attorney-client privilege.

*A motion to recess into executive session subject to the attorney client privilege to discuss potential litigation for 30 minutes with the following staff members present: City Administrator Eric Wade, Deputy City Administrator Todd Pelham, City Attorneys Cindy Harmison and MacKenzie Harvison, and Peter Simonsen, and Police Chief Tom Hongslo and Human Resources Director Jim Bowers by Councilmember Roh, seconded by Councilmember Lemons. Motion passed unanimously.*

The regular meeting recessed at 8:30 PM. The executive session began at 8:35 PM in the Prairie Star Conference Room.

*At 9:05 PM, a motion to extend the executive session for 10 minutes was made by Councilmember Lemons, seconded by Councilmember Stuke. Motion passed unanimously.*

The executive session ended at 9:15 PM, and the Governing Body reconvened into regular session at 9:20 PM in the Community Forum. No votes were taken and no decisions were made during the executive session.

### **ADJOURN**

*A motion to adjourn was made by Councilmember Nolte, seconded by Councilmember Roh. Motion passed unanimously.*

Meeting adjourned at 9:25 PM.

/s/ Danielle Dulin

Danielle Dulin

Assistant to the City Administrator/Interim City Clerk