



**MINUTES OF THE  
JULY 17, 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.

**ROLL CALL**

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

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

**APPROVE MINUTES**

*A motion to approve the minutes of the July 3, 2018 City Council meeting was made and seconded. Motion passed unanimously.*

**MODIFICATION OF AGENDA**

Item 8 will be continued to the August 7, 2018 City Council meeting. The bond amount on item 13 will change from \$24,460,000 to \$23,000,000. The note amount on item 14 will change from \$3,715,000 to \$3,690,000.

**CONSENT AGENDA**

1. Resolution approving a real estate purchase agreement with AC City Center Lenexa, LLC. (City Center Area A)  
*Pursuant to the terms of a development agreement with City Center Lenexa, LLC (CCL), the City intends to sell approximately 4.42 acres located on the southwest corner of Renner Boulevard and 87th Street Parkway to AC City Center Lenexa, LLC (the Buyer). The Buyer is a related entity to CCL. The closing date is anticipated in August 2018, and the purchase price is estimated to be \$1,040,404.*

2. Resolution calling for a public hearing to consider establishing a community improvement district for the Sonoma Plaza Retail Center.

*The City received an application and petition from Sonoma Plaza, Inc. to establish a community improvement district (CID) for its Sonoma Plaza Retail Center project located on the southeast corner of 87th Street Parkway and I-435. The petition requested the levy of a 1% CID sales tax on all sales within the proposed CID area. A public hearing will be held at the August 21, 2018 City Council meeting to consider establishing a CID.*

3. Resolution approving a Petition for the Enlargement of the Consolidated Main Sewer District designated as the Mill Creek No. 1, Contract No. 2 for city-owned property at Prairie Star Parkway and Britton Street.

*On June 5, 2018 the City Council consented to the enlargement of a sewer district at the southwest corner of Renner Boulevard and Prairie Star Parkway. Thereafter, the property owners located within the proposed enlargement area took the next step and circulated a petition to enlarge the sewer district and implement the sewer improvements. The City owns approximately 36.4 acres within the boundaries of the proposed enlargement area. The petition has been signed by all other property owners within the proposed enlargement area. This resolution approves and authorizes the Mayor to execute the petition as owner of the City property.*

4. Resolution amending the Volumetric Rate Calculation Form used in determining the fee paid for natural gas transported within the City in accordance with the City's natural gas franchise ordinances.

*The City previously adopted franchise ordinances with natural gas providers allowing the City to receive compensation based on the volume of natural gas transported within the City. The franchise ordinances require the City to annually update the Volumetric Rate Calculation Form and this resolution allows the City to continue to collect this fee in 2019.*

5. Resolution revising the Victim's Rights Policy.

*This resolution adopts a revised Victim's Rights Policy and repeals the existing policy. Changes were made to this policy to conform to the City's new policy format, delineate the rights afforded to victims of crime, and clarify the process for reviewing restitution requests.*

6. Ordinance amending City Code Sections 3-8-A-14 and 3-8-A-15 regarding driving

under the influence.

*This ordinance updates the language of the City's DUI Code Sections to reflect changes made during the 2018 Kansas Legislative Session. The changes in this ordinance primarily deal with the sentencing provisions and are important to ensure the City's continued ability to prosecute DUI violators in municipal court.*

## **END OF CONSENT AGENDA**

*A motion to approve items 1 through 6 on the consent agenda was made by Councilmember Huckaba, seconded by Councilmember Hunt. Motion passed unanimously.*

## **PUBLIC HEARINGS**

7. Consideration of City Center Tax Increment Financing (TIF) District - Redevelopment Project Plan 1I (The Area E Building - AC City Center Lenexa, LLC)
  - a. Public hearing to consider adoption of TIF Redevelopment Project Plan 1I.
  - b. Ordinance adopting TIF Redevelopment Project Plan 1I.
  - c. Resolution approving Disposition & Development Agreement with City Center Lenexa, LLC regarding the TIF Redevelopment Project Plan 1I.

*TIF Project Plan 1I contemplates construction of a two-story office building, surface parking, and associated infrastructure and improvements on approximately 2.6 acres located west of Renner Boulevard and north of 89th Street. After the public hearing, the Governing Body will consider adoption of TIF Project Plan 1I. If passed by a 2/3 vote, the Governing Body will consider adoption of a Disposition & Development Agreement with AC City Center Lenexa, LLC setting forth the terms and conditions for reimbursement of TIF eligible costs with TIF Revenues generated from the Project Plan 1I area.*

Eric Wade, City Administrator, stated the proposed TIF district would be the ninth TIF project plan within the City Center Lenexa project area. He stated the project includes a 20,000 retail/office building, surface parking, sidewalks, landscaping and associated infrastructure. The increment generated over the 20-year TIF term will be used to reimburse the developer for its TIF eligible expenses and the city for special assessments for the construction of Scarborough Drive and Hampton Street, a portion of the amenity zone, and utilities and landscaping associated with the public improvements. This is a pay-as-you-go TIF so reimbursement is only made to the extent TIF revenues are received. Private and public improvements are estimated

to be \$3.3 million, and the estimated increment generated is \$2.2 million.

Keith Copaken, Copaken Brooks, presented a drone video of the City Center development area to the Governing Body.

Nobody spoke at the public hearing.

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

*A motion to approve Item 7b was made by Councilmember Nolte, seconded by Councilmember Hunt. Motion passed unanimously.*

*A motion to approve Item 7c was made by Councilmember Karlin, seconded by Councilmember Nicks. Motion passed unanimously.*

### **BOARD RECOMMENDATIONS**

8. Ordinance amending Unified Development Code (UDC) Section 4-1-D-3 regarding flood prevention, Article 4-1-N regarding land disturbance, and Article 4-1-O regarding stream setbacks--**This item will be continued to the August 7, 2018 City Council Meeting.**

*A motion to continue Item 8 to the August 7, 2018 City Council meeting was made by Councilmember Huckaba, seconded by Councilmember Hunt. Motion passed unanimously.*

9. Ordinance approving a special use permit renewal for Southern Star Central Gas, located at 18399 West 87th Street Parkway, to allow a Utility use in an Agricultural Zoning District.

*This is a request for approval of a special use permit renewal for a 10 year time period to allow a utility use, located at 18399 W 87th Street Parkway. SU18-09*

Magi Tilton, Planning and Development Administrator, stated the request is for a renewal of a special use permit to allow a utility use. The property had previously had a 10-year special use permit for the same use. Nobody spoke at the public hearing held at the Planning Commission, and the city is not aware of any complaints or negative impact. Staff and Planning Commission recommend approval for the 10-year special use permit renewal.

Mayor Boehm thanked the representative from Southern Star Central Gas for its cooperation in maintaining the property.

*A motion to approve Item 9 was made by Councilmember Stuke, seconded by Councilmember Huckaba. Motion passed unanimously.*

10. Consideration of rezoning ordinance, companion concept plan and preliminary plan for The Vistas at Canyon Creek located at the northwest corner of Canyon Creek Boulevard and Highway 10.

a. Ordinance rezoning property located at the northwest corner of Canyon Creek Boulevard and Highway 10 for The Vistas at Canyon Creek Development from AG, CP-O, and CP-2 to CP-2 and RP-4.

b. Concept plan for The Vistas at Canyon Creek convenience store.

c. Preliminary plan for The Vistas at Canyon Creek multi-family complex.

*This development application will rezone 25 acres of property located at the northwest corner of Canyon Creek Boulevard and Highway 10 from AG, Agricultural, CP-O, Planned General Office, and CP-2, Planned Community Commercial Zoning Districts to CP-2, Planned Community Commercial and RP-4, Residential Planned (High-Density) Zoning Districts. The companion concept plan would allow for the construction of a convenience store, approximately 4,800 square feet in size, with gas pumps. The companion preliminary plan shows the development of 294 multi-family units in 12 buildings, 3- and 4-stories in height. RZ18-05, PL18-04CP & PL18-11P*

Ms. Tilton stated the rezoning request would allow a three-acre site to be developed into a convenience store and a multi-family development with 294 units to be developed on 22 acres. There will be a new public road that will provide access from Canyon Creek Boulevard to the multifamily development and the convenience store. Ms. Tilton indicated the apartments are three-four splits—three stories on the front side and four stories on the rear side. The apartment footprint is approximately 12,000 square feet; whereas an office development would typically require a larger footprint. There are several factors that limit development of this site: the narrowness of the property, the need to extend a public road to the west, the topography, and limited access from Canyon Creek Boulevard.

Ms. Tilton stated there are not architectural drawings or plans for what the convenience store with a canopy and gas pumps will look like with landscaping or lighting because it is only a concept plan.

For this zoning request there are eight acres that are zoned CP-2 and five of those acres will be rezoned to RP-4. The remainder of the property is zoned CP and AG and will also be rezoned to residential. The three-acre site where the convenience store is to be located is currently zoned CP-2 and will remain CP-2; a convenience store is an allowed use in CP-2. In regards to the factors taken into consideration when reviewing rezoning requests, Ms. Tilton indicated that the character of the area has changed over the last 15 years to include a variety of uses; however, the proposed zoning is not consistent with future land use map. She stated there are

no anticipated adverse effects on the street network, staff compared the traffic of an office use with a multifamily use and the peak morning and evening hours are greater for an office use than the proposed use. The property to be rezoned is adjacent to city-owned park land to the north which provides a buffer between the single-family residences to north and this property.

Ms. Tilton indicated one person spoke at the public hearing at Planning Commission regarding pedestrian and cyclist safety at Canyon Creek Boulevard. Several emails have been received after the Planning Commission and a copy of those correspondences have been provided to the Governing Body. Ms. Tilton stated staff and Planning Commission recommend approval of the rezoning, preliminary plan and concept plan.

Gary Hassenflu, Garrison Development, addressed the Governing Body. Mr. Hassenflu discussed the topography and development challenges of this site. John Waynick, Clockwork Architects, described the development and architectural design in additional detail. He stated the materials would include masonry and some stucco; he emphasized using high quality materials that are also low maintenance and are complementary to the neighborhood.

Mayor Boehm stated the public hearing was held at the Planning Commission, but he would accept public comment.

Kristin Kippes, 9710 Hollis Lane, and Richard Baumgartner, 9892 Hollis Lane, shared concerns regarding the architecture of the multifamily units along with safety and traffic concerns.

Several councilmembers shared concerns about changing from an office use to a multifamily development and the contemporary architecture of this development fitting into the neighborhood. There was discussion to remand the item to the Planning Commission to relook at the design.

Ms. Yocham stated a remand is required to be heard at the next Planning Commission; however, the next Planning Commission meeting is August 7. At the request of the applicant, the item could be remanded to the next week. The applicant indicated the August 27 Planning Commission was a more reasonable timeframe to look at the design concerns raised by the Governing Body.

*Councilmember Huckaba made a motion to remand Item 10 to the August 27, 2018 Planning Commission to review the architectural design of the multifamily development. Councilmember Lemons seconded.*

Councilmember Hunt asked if traffic concerns raised could be addressed by the Planning Commission during the remand as well. Ms. Yocham stated that staff would review that with the applicant as well.

Councilmember Nicks asked if the voting requirements change after an item returns to the City Council after it has been remanded. Cindy Harmison, City Attorney, stated only a simple majority vote is necessary to override the recommendation of the Planning Commission after a remand.

*The motion passed 4-3 with Councilmembers Karlin, Nicks and Nolte voting nay.*

*A motion to elect Councilmember Huckaba the Acting Council President in absence of Councilmember Roh was made by Councilmember Lemons and seconded by Councilmember Karlin. Motion passed unanimously.*

11. Ordinance amending Unified Development Code (UDC) Section 4-2-L-19 regarding the Parks and Recreation Impact Fee.

*The Bureau of Labor Statistics will no longer be publishing a consumer price index for the Kansas City metro area. In order to ensure that the Parks and Recreation Impact Fee rate adjusts annually, the City is proposing to amend Section 4-2-L-19 to reference the Consumer Price Index for All Urban Consumers (CPI-U); U.S. city average; all items.*

Steven Shrout, Assistant City Attorney, stated the Bureau of Labor Statistics is no longer publishing the Kansas City Metropolitan Area Consumer Price Index (CPI) which is referenced in the UDC to annual adjust the Parks and Recreation Impact Fee (PRIF) rate. The proposed amendment references the CPI to all urban consumers, all city items.

*A motion to approve Item 11 was made by Councilmember Nicks, seconded by Councilmember Karlin. Motion passed unanimously.*

12. Resolution accepting the Quivira Road Corridor Study.

*As part of the Mid-America Regional Council's Planning Sustainable Places initiative, the City of Lenexa was awarded a grant to study the Quivira Road Corridor, from 79th to 99th Streets. The overall goal of the study was to make recommendations regarding appropriate land uses and multi-modal opportunities along the corridor. By accepting the document, the Governing Body acknowledges the planning process is complete and the recommendations should be considered with future planning activities, but does not attach a time frame or money to the completion of the recommendations.*

Ms. Tilton stated the city received a Planning Sustainable Places grant in 2017 to study the Quivira Road Corridor from 79<sup>th</sup> Street to 99<sup>th</sup> Street. Ms. Tilton explained the process of the study and reviewed the recommendations of the study and the short- and long-term goals suggested to implement the recommendations.

*A motion to approve Item 11 was made by Councilmember Nolte, seconded by Councilmember Stuke. Motion passed unanimously.*

## NEW BUSINESS

13. Approval of winning bid for Series 2018A general obligation bond issue (approximate par amount of \$23,000,000).
  - a. Ordinance authorizing the issuance and delivery of \$23,000,000 principal amount of general obligation bonds, Series 2018A.
  - b. Resolution prescribing the form and details of and authorizing the delivery of \$23,000,000 principal amount of general obligation bonds, Series 2018A.

*The City will conduct a competitive sale for the Series 2018A general obligation bonds on July 17 until 11:00 AM Central Time. Staff will present a recommendation to the Governing Body at the July 17 City Council meeting after Springsted Incorporated (the City's financial advisor) reviews and verifies the bid information. The \$23,000,000 principal amount of the bond issue is preliminary and subject to change depending on the results of the bond sale.*

Doug Robinson, Chief Financial Officer, stated the city conducted a competitive sale for the Series 2018A general obligation bonds. A summary of the results of the sale, along with credit rating information, was provided to the Governing Body. The true interest cost is 2.7643%.

Ben Hart, Springsted, stated nine bids were received representing 53 banks. He stated the high-quality triple-A rating of the city made this a very attractive opportunity for investors. He indicated the bid winner was Fifth Third Securities, Inc.

Mr. Robinson stated that approximately \$11 million of this issuance is refinancing and the present value savings is approximately \$1 million.

*A motion to approve Item 13a was made by Councilmember Huckaba, seconded by Councilmember Karlin. Motion passed unanimously.*

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

14. Resolution authorizing the issuance and delivery of \$3,690,000 general obligation temporary notes, Series 2018B.

*The City will conduct a competitive sale for the Series 2018B general obligation temporary notes on July 17 until 11:00 AM Central Time. Staff will present a recommendation to the Governing Body at the July 17 City Council meeting after Springsted Incorporated reviews and verifies the bid information. The \$3,715,000*



*principal amount of the temporary note issue is preliminary and subject to change depending on the results of the note sale.*

Mr. Robinson stated Series 2018B general obligation temporary notes were sold this morning and the bid winner is Hitchinson, Shockey, Erley & Co. The true interest cost is 2.0575%. The ratings for short-term category are the best ratings offered by Moody's and S&P.

*A motion to approve Item 14 was made by Councilmember Karlin, seconded by Councilmember Hunt. Motion passed unanimously.*

15. Approval of the Final Design and Fabrication Documents for the artwork Splash by Shan Shan Sheng to be installed in the atrium near the south entrance of the Lenexa Rec Center.

*The City's agreement with Shan Shan Sheng for the purchase of artwork entitled Splash requires the Governing Body to approve the final design and fabrication documents. Staff has reviewed the final design and fabrication documents and believes the documents are consistent with the approved concept and the agreement.*

Gary Ristow, Parks and Recreation Director, stated staff has reviewed the final design and fabrication documents and believe they are consistent with the approved concept. He described the artwork and referenced the images included in the packet for the Governing Body. Staff recommends approval of the documents.

*A motion to approve Item 15 was made by Councilmember Nicks, seconded by Councilmember Lemons. Motion passed unanimously.*

## **BUSINESS FROM FLOOR**

None.

## **COUNCILMEMBER REPORTS**

Councilmember Lemons shared positive feedback he received from a resident regarding the wayside horns being pursued for the railroad crossings in Old Town.

Councilmember Stuke praised the Kid Makers Market event in the Public Market the previous Saturday.

Mayor Boehm asked for feedback on the letter drafted to Senators Moran and Roberts regarding the Streamlining the Rapid Evolution and Modernization of Leading Edge Infrastructure Necessary to Enhance (STREAMLINE) Small Cell Deployment Act.

## **STAFF REPORTS**

None.

**ADJOURN**

*It was moved and seconded to adjourn the meeting. Motion passed unanimously. Meeting adjourned at 9:10 PM.*

/s/ Danielle Dulin

Danielle Dulin, Assistant to the City Administrator/  
Interim City Clerk