



## Agenda

**COMMITTEE OF THE WHOLE  
GOVERNING BODY  
CITY OF LENEXA, KANSAS  
17101 W. 87TH STREET PARKWAY**

**NOVEMBER 9, 2021  
7:00 PM  
PRAIRIE STAR CONFERENCE ROOM**

### **CALL TO ORDER**

### **ROLL CALL**

### **APPROVE MINUTES**

October 26, 2021 Committee of the Whole Meeting draft minutes

### **DISCUSSION**

1. Comprehensive Plan roundtable discussion with the Planning Commission

### **ADJOURN**

Dist. Governing Body; Management Team; Agenda & Minutes Distribution List

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**MINUTES OF THE  
OCTOBER 26, 2021  
LENEXA COMMITTEE OF THE WHOLE MEETING  
COMMUNITY FORUM, 17101 W 87<sup>th</sup> STREET PARKWAY  
LENEXA, KS 66219**

**CALL TO ORDER**

Mayor Boehm called the meeting to order at 7 PM.

**ROLL CALL**

Councilmembers Karlin, Eiterich, Nicks, Roh, Sayers, and Stuke were present with Mayor Boehm presiding. Councilmembers Nolte and Hunt were absent.

Beccy Yocham, City Manager; Todd Pelham, Deputy City Manager; Mike Nolan, Assistant City Manager; Sean McLaughlin, City Attorney; Jennifer Martin, City Clerk; Scott McCullough, Community Development Director, and other City staff were present.

**APPROVE MINUTES**

September 28, 2021 Committee of the Whole Meeting draft minutes

*Councilmember Roh made a motion to approve the September 28, 2021 Committee of Whole Meeting draft minutes and Councilmember Eiterich seconded the motion. Motion passed unanimously.*

**DISCUSSION**

1. Legislative Platform discussion

Mike Nolan, Assistant City Manager, presented a review of the City's legislative priorities and explained that they have been reorganized to align with the Governing Body's Guiding Principles.

Mr. Nolan explained why the following four items have been removed from the legislative platform.

- **Increased mental health funding and the development of regulations that are needed to establish Crisis Stabilization Centers (CSC).** Mr. Nolan said the process for establishing CSC regulations is still ongoing and \$2 million in additional mental health funding was part of the FY 2022 state budget. To address this issue and provide flexibility in advocacy, he said that staff incorporated a statement regarding law enforcement and community mental health in the plank dedicated to local control of policing.

- **Repeal of the local government tax lid.** He said this is because the tax lid was repealed with the institution of the Truth in Taxation law.
- **Delaying budget adoption to November 30 each year.** He said that budget adoption was pushed to October 1 with the enactment of the Truth in Taxation law.
- **Requiring the collection and remittance of internet sales and use tax.** Mr. Nolan said that Senate bill 50 enacted remote sales tax collection, including a hold harmless provision for small businesses.

Mayor Boehm said these items should be considered wins.

Mr. Nolan said that the City advocates for a lot of state level items, but there are federal level items as well, such as tax-exempt status and municipal bonds, infrastructure and transportation. He added that these are legislative issues the City supports, not divided by local, state, or federal platform.

Mr. Nolan then explained why the following five items have been added to the list.

- **The ability of local governments to provide services that taxpayers have specifically requested and supported, including facilities like recreation centers, which compete with similar private sector providers.** Mr. Nolan said that recent legislation aimed at broadly exempting businesses from taxation if a local government provides a "competing" service received significant discussion in 2021 and the issue will likely come up in 2022.
- **Amending the Truth in Taxation law to allow cities to account for new growth and expiring economic development investment tools in the calculation of the city's Revenue Neutral Rate as well as requiring state and school district mill levies to be published as part of the taxpayer notice process.** Mr. Nolan said that property tax revenue increases due to expiring incentives and new growth are not accounted for in the Truth in Taxation law's Revenue Neutral Rate calculation provisions, disincentivizing responsible economic development and planned growth.
- **Supporting the reinstatement of advance refunding municipal bonds (federal issue).** Mr. Nolan said that tax law changes in 2017 eliminated the ability of local governments to advance refund bonds to take advantage of interest savings. The proposed infrastructure bill includes the reinstatement of advance refunding bonds.
- **Supporting the current structure of City/County sales tax revenue sharing.** Mr. Nolan said that changes to the way sales tax is apportioned between cities and counties were considered in 2021 that would have upended a longstanding structure of revenue sharing between cities and counties.
- **Supporting the replenishment of the Unemployment Security Trust Fund.** Mr. Nolan said that state ARPA funds are budgeted to replenish the state's

unemployment trust fund due to the payment of fraudulent claims during the pandemic.

Mayor Boehm said that the replenishment of the Unemployment Security Trust Fund is relevant because the city pays into it and draws on the tax.

Mr. Nolan agreed with Mayor Boehm, adding that several employees were victims of the fraud.

Mr. Nolan explained what has been done to the list of altered items:

- Reorganized the plank supporting local control of law enforcement and added a provision highlighting the importance of mental health well-being to law enforcement and the community.
- Reworded the statement supporting the valuation of property based on fair market value and added a provision opposing caps to that fair market valuation.
- Broke out support for infrastructure investment into two planks - one aimed more broadly at federal, state, and local cooperation and the other specifically supporting the Eisenhower Legacy Transportation Program (IKE).

Mr. Nolan said this is a first draft of the document and that some things have been brought to his attention since it was published in the packet. He said that a more complete version would be brought back for consideration in the future.

Councilmember Karlin said he thinks the document looks great and he likes how everything has been tied to the Guiding Principles; the pictures tell the story and staff did a great job. He asked for some background on the item allowing cities to use technology in the provision of city services to counterbalance the need for more staff, promote public safety, reduce accidents and solve crimes.

Mr. Nolan said that item applies to the use of technology for city services and ties in with some issues other cities have experienced with technology.

Councilmember Roh said he likes how the document highlights content in a few areas and he would like to see that added throughout for context and explanation.

Councilmember Sayers asked if there are any League of Kansas Municipality issues that should be considered.

Mayor Boehm said there are some things that could be added to align with the League.

Mr. Nolan reviewed the legislative platform development, presentation, and approval process. He said that Federico Consulting would have an interim session update for the Governing Body soon, and there would be another review of this document before the Governing Body considers it for final acceptance.

Mayor Boehm asked what the difference column means in the household by income chart on page 16.

Mr. Nolan said it is the percentage of households in Lenexa as deviated from the percentage of households in Kansas.

Mayor Boehm asked that be made clear in the document.

## 2. Standard Traffic Ordinance discussion

Steven Shrout, Assistant City Attorney, said that the adoption of the 2021 Standard Traffic Ordinance (STO) impacts several departments and he thanked everyone for their work and input during the review process.

Mr. Shrout said that this presentation would explain what the STO is, compare the current 2017 STO with the proposed 2021 STO, detail local amendments to the STO, propose regulations for electric-assisted bikes and electric-assisted scooters, and propose regulations for micro-mobility network companies such as Bird and Lyme.

Jonathan Zadina, City Prosecutor, explained that the STO is published annually by the League of Kansas Municipalities (LKM) and is a comprehensive traffic code that is similar to the state traffic act. He said that Lenexa reviews the STO annually to determine if the newest version should be adopted.

Mr. Zadina reviewed some of the updates made in the 2021 STO.

- Updates language regarding preliminary breath testing.
- Additional requirements regarding the passing of stationary waste collection vehicles and stationary telecommunication vehicles.
- Added increasing fines for repeat violations of overtaking/passing a school bus.
- Added a new offense for littering from a Motor Vehicle.
- Updated requirements for the display of emergency lights and hazard signals on larger classes of vehicles and permits the display of lights identifying a ride-share driver.
- Provides procedures for conducting funeral processions.
- Added specific requirements for horns/warning devices on waste collection vehicles.

Councilmember Karlin asked if items coming out of the back of trucks was considered littering.

Mr. Zadina said that would fall under the spilling loads ordinance, not littering.

Mr. Zadina then reviewed two local amendments for driver's licenses and vehicle licenses.

Discussion followed about about expired vehicle tags and enforcement.

Councilmember Nicks asked if regulations require bike riders to use bike lanes.

Beccy Yocham, City Manager, said staff will get an answer to that question for the Governing Body.

Mr. Shrout presented the proposed definitions of and regulations for electric-assisted bikes, electric-assisted scooters, and motorized skateboards.

- Electric-assisted bicycles are essentially the same as a traditional bicycle with an electric motor that provides assistance only when the rider is pedaling; power output of 750 watts or less; incapable of propelling the device more than 20 mph on level ground; and incapable of increasing the speed of the device when human power can propel it beyond 20 mph.

Mr. Shrout said that the STO definition of electric-assisted bicycles allows up to 1,000 watts, but other local jurisdictions have reduced that to a maximum of 750 watts following some pilot programs. He explained the difference between the three classes of electric-assisted bicycles and said that the class 1 cannot propel a person more than 20 mph on level surface and is pedal-propelled, a class 2 is throttled, and a class 3 can go 28 mph and is closer to the 1,000 watts. He said that these classes are important when it comes to determining where these devices are allowed to go.

Mr. Shrout said the code is written for the class 1 electric-assisted bicycle, which is the most common. He said the class 2 and class 3 are addressed as motorized bicycles in the STO and are essentially like motorcycles, only allowed on streets.

Councilmember Sayers asked how to tell the classes of electric-assisted bicycles apart.

Mr. Shrout said he would have to investigate that, but the throttle devices would be more obvious.

Mr. Shrout continued defining the devices.

- Electric-assisted scooters are self-propelled vehicles that have at least two wheels in contact with the ground, an electric motor, handlebars, a brake, and a deck designed to be stood upon when riding.
- Motorized skateboards are any wheeled device powered by a gas or electric motor that has a skateboard-type deck and may have handlebars, designed to be stood on by a rider or one with a seat mounted on the deck, but shall not include an electric-assisted scooter.

Mr. Shrout said that motorized skateboards would only be allowed to operate on sidewalks; may not be operated between sunset and sunrise or at any time where visibility is less than 1,000 feet; may not be operated at speeds over 15 mph; and not operated in a dangerous manner.

Mayor Boehm asked about the speed differences between the devices.

Mr. Shrout said the industry standard for the electric-assisted bicycles is 20 mph, but some of the devices can operate over these speeds, so in these specific locations they are being limited to a maximum speed.

Councilmember Stuke said someone in her neighborhood rides a one-wheel in the street at all times of the day and she feels it would be dangerous in the street or on the sidewalk.

Mr. Shrout said under the current definition a one-wheel would be considered as a vehicle and required to be in the street, not allowed on the sidewalk. He said that under the revised code they would be required to be on the sidewalk. Staff has concern with low-profile vehicles like the one-wheel being in the street, and the reasoning is that the operator would be safer on the sidewalk than in the street. He added that all these regulations require the operators to yield to pedestrians.

Discussion followed regarding enforcement of the regulations. Chief Layman said that enforcement is very difficult, but the regulations provide a way to have enforcement.

Mayor Boehm commented that it is important to be able to enforce the law. He said it seems like these regulations are protecting the operator and not the pedestrians.

Councilmember Roh requested the actual language proposed and Mr. Shrout said that would be in the meeting packet for the agenda when the City Council will consider the code changes for approval.

Councilmember Eiterich asked if the class 1 bicycles would be allowed on the trails. She said she does not understand why motorized skateboards would only be allowed on sidewalks and not on trails.

Mr. Shrout said that the definition of motorized skateboards includes gas-powered devices, like the pocket-rocket motorbikes. He added that motorized skateboard regulations are already in the code, which were not being changed at this time, but changes could be considered if that is what the Governing Body wants.

Mayor Boehm asked if it would be possible to differentiate between gas-powered and electric devices.

Mr. Shrout said that could be added to the supplemental regulations.

Councilmember Karlin said he shares the same concerns as Councilmember Roh and Mayor Boehm and that these riders should not be in the path of pedestrians. He said he feels that trails are for recreation and exercise, not vehicle travel.

Ms. Yocham said the current regulations that have allowed these devices to be on sidewalks for the last 15 years are intended to keep young children who frequently ride these low-profile devices off the streets and safely out of the path of vehicles.

Mayor Boehm allowed a resident in the audience to comment. She said she is a bike rider and that when riding on the trails, bike riders and pedestrians regulate themselves well.

Ms. Yocham said there are challenges with this, which is why staff is making this presentation and asking the Governing Body to take these regulations into

consideration. She said staff will address the Governing Body's concerns and questions and come back with additional information.

Mr. Shrout said that electric-assisted bicycles would be allowed to go anywhere a traditional bike is permitted, including sidewalks; must have a front white light and either a red rear reflector or red rear light if operated between dusk and dawn; and not operated in a dangerous manner.

Councilmember Roh asked for the penalty for violation of the regulations.

Mr. Zadina said the penalty would depend on the circumstances and situation.

Ms. Yocham said it would likely be tickets or fines.

Mr. Shrout said that electric-assisted scooters would only be allowed to operate on streets with a speed limit of less than 25 mph, sidewalks, and recreational trails and paths; shall not be capable of propelling the device more than 15 mph on level ground; must have a front white light and either a red rear reflector or red rear light if operated between dusk and dawn; and not operated in a dangerous manner.

Councilmember Sayers asked if this includes operation while under the influence.

Mr. Shrout said all DUI regulations apply to all motorized vehicles.

Mr. Shrout presented a city map of streets and speed limits where devices would be allowed to operate.

Mr. Shrout said that one of the questions staff has yet to answer is whether to allow electric-assisted scooters in public parks. He said there are pros and cons, and parks do not currently allow motorized vehicles.

Mayor Boehm asked if there is interconnectivity for these who are using these for transportation throughout the city.

Mr. Shrout said they would be able to move from a trail to the sidewalk to keep traveling.

Logan Wagler, Parks and Recreation Director, said every community is working on this and most people are either users or are against the devices. He said he is on board with pedal-assist bikes for exercise, but the e-scooters and devices are completely motorized, fairly new on the market, and not a form of exercise. Staff is trying to anticipate what the community wants and how to manage these devices in the future.

Councilmember Karlin asked if these regulations affect an impaired person's use of motorized chair.

Mr. Shrout said that those devices are covered by the ADA and in compliance.

Councilmember Karlin asked how people would keep track of where different devices are allowed. He said challenges could be addressed in the future if necessary, so he has no problem with this.

Councilmember Eiterich said she sees motorized skateboards and scooters helping kids keep up on a family outing, so there is value in allowing that. She said she is concerned about regulating micro-mobility companies so that users are not abandoning scooters all over trails.

Mr. Shrout reviewed the proposed regulations for micromobility companies and agreements with the City.

Councilmember Nicks said there is speed on the trails now and he feels like motorized scooters would be okay on trails, but not in parks with more people.

Councilmember Roh said he feels motorized scooters should not be in parks and asked if they are allowed in Shawnee Mission Park. He thinks it needs to be communicated well to educate the community.

Mr. Wagler said they are not allowed in Shawnee Mission Park.

Councilmember Sayers said she understand wanting to limit them in the parks, but she is not sure that will stop users.

Mr. Wagler said that in his research, several municipalities have successfully kept these out of specific areas like parks and riverfronts.

Councilmember Sayers said that is possible for the micro-mobility company devices, but not personally owned devices and Mr. Wagler agreed, saying he has seen users on these in the parks just this week. He said that ultimately staff wants to have some ability to enforce the regulations should there be a problem.

Councilmember Stuke asked if these devices make noise and said she does not want to allow increased noise. She also said they should not be in parks, and she does not want to see scooters left all over the city.

Mayor Boehm said he would also support them on the trails but not in the parks.

Mr. Shrout said there is a provision in the code to allow the police department to impound abandoned devices.

Mr. Shrout said that he would make some adjustments based on this discussion and bring the Code changes to a future City Council meeting for consideration for approval.

Councilmember Karlin asked if it is unlikely for the micro-mobility companies to want to be in Lenexa.

Ms. Yocham said the city has been approached in the past and again recently by

these companies.

Councilmember Karlin said he does not like the look of scooters abandoned everywhere, so he would like for there to be designated areas for users to leave them.

Ms. Yocham said that would be part of the agreement.

Sean McLaughlin, City Attorney, said that the adoption of the STO is to allow the kids to use their personal scooters. He said that if a micro-mobility company wants to be in Lenexa, they would have to have an agreement approved by the Governing Body to operate.

Councilmember Nicks asked if this would be coming back to a Committee of the Whole meeting for further discussion.

Ms. Yocham said that the intent was to bring it back to a City Council meeting with revisions based on these discussions.

Mr. McLaughlin said that this STO needs to be adopted by the end of the year, if not sooner. He added that this is a continually changing subject and the City needs to get the regulations set with the ability to make changes to it in the future as things evolve.

Mayor Boehm said that he agrees that the STO needs to be set in place and then adapted as necessary.

## **ADJOURN**

Councilmember Roh congratulated Fire Chief Vaughn on his recent graduation from Fire Service Executive Development Institute.

Mayor Boehm adjourned the meeting at 8:42 PM.



**ITEM 1**

**SUBJECT:** Comprehensive Plan roundtable discussion with the Planning Commission

**CONTACT:** Scott McCullough, Community Development Director  
Magi Tilton, Planning & Development Administrator

**DATE:** November 9, 2021

**PROJECT BACKGROUND/DESCRIPTION:**

In August, the City Council authorized the Mayor to execute a contract with Houseal-Lavigne for professional services to develop a new comprehensive plan for the City. Since that time, the consultant and staff have developed community education pieces, including the recently released Town Talk article, and a project webpage. Included on the City's website is a community survey and a map.social mapping exercise intended to solicit input from the broader community. The consultant team has begun the process of sifting through data sets related to land use and development, such as parcels, zoning districts, traffic volumes, and inventories of sidewalks, bike routes and trails.

The consultant team will be in Lenexa from Tuesday, November 9th through Thursday, November 11th. As part of this trip, they will be gathering input from a cross section of the community, including a discussion with the Governing Body and Planning Commission during this November 9th Committee of the Whole meeting. Houseal-Lavigne will make a brief presentation before leading the group in an exercise to gain input for the new comprehensive plan. They will also be meeting with the Steering Committee, Parks & Recreation Advisory Board, St. James Academy students, members of the business community, and the Technical Advisory Committee (composed of city staff). In addition, smaller focus groups will be held with representatives from homeowners associations, homebuilders, utility and infrastructure providers, industrial developers, multi-family developers, commercial brokers, planning professionals from other cities, the three school districts, and Vision 2040 participants.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

- Healthy People
- Inviting Places
- Vibrant Neighborhoods
- Integrated Infrastructure & Transportation
- Thriving Economy

**Guiding Principles**

- Superior Quality Services
- Prudent Financial Management
- Strategic Community Investment
- Extraordinary Community Pride
- Inclusive Community Building
- Responsible Economic Development
- Sustainable Policies and Practices