



Agenda

**REGULAR MEETING
GOVERNING BODY
CITY OF LENEXA, KANSAS
17101 W. 87th STREET PARKWAY**

**DECEMBER 20, 2022
7:00 PM
COMMUNITY FORUM**

CALL TO ORDER Pledge of Allegiance

ROLL CALL

**MODIFICATION OF
AGENDA**

APPOINTMENTS

Julie Sayers, Council President - January 1, 2023 through June 30, 2023
Geoff Garcia and Jeff Boone- Police Community Advisory Board, terms expiring December 31, 2026

PRESENTATIONS

Alcohol Tax Fund and Human Service Fund Annual Report
- United Community Services of Johnson County (UCS)

CONSENT AGENDA

Item Numbers 1 through 16

All matters listed within the Consent Agenda have been distributed to each member of the Governing Body for review, are considered to be routine, and will be enacted by one motion with no separate discussion. If a member of the Governing Body or audience desires separate discussion on an item, that item may be removed from the Consent Agenda and placed on the regular agenda.

1. Consideration of approval of two new Cereal Malt Beverage licenses for 2023
 - a. Approval of a new CMB license for MOD Pizza, located at 8742 Loiret Boulevard
 - b. Approval of a new CMB license for El Rinconcito Salvadoreno 2, located at 7936 Quivira Road

The owners of MOD Pizza and El Rinconcito Salvadoreno 2 have applied for Cereal Malt Beverage licenses for 2023.

2. Acceptance for maintenance

- a. Acceptance of the Arbor Lake, Sixth Plat, 91st Street Public Improvements Project for maintenance

This project constructed public street, storm, and streetlight improvements along 91st Street from Green Street east approximately 565 feet and was funded by private development.

- b. Acceptance of the Eurofins Viracor Turn Lane Improvements Project for maintenance

This project constructed public street and streetlight improvements in the Eurofins Viracor Turn Lane Improvements Project and was funded by private development.

- c. Acceptance of the College West Business Park Turn Lane Improvements Project for maintenance

This project constructed public street, storm, and streetlight improvements for the College West Business Park Turn Lane Improvements Project and was funded by private development.

- d. Acceptance of the Villas at Waterside Lot 1 Public Sidewalk Improvements Project for maintenance

This project constructed public sidewalk improvements for the Villas at Waterside Lot 1 and was funded by private development.

- e. Acceptance of the Kansas Commerce Center Lot 4 Right-Turn Lane Public Improvements Project for maintenance

This project constructed public street and streetlight improvements for the Kansas Commerce Center Lot 4 Right-Turn Lane Public Improvements project and was funded by private development.

3. Acceptance of drainage, utility, sewer, and landscape easements as shown on Watercrest Landing, Sixth Plat

This final plat is a replat of Watercrest Landing Third and Fourth Plats, both of

which were approved in the spring of 2021. The replat increases the size of several lots in the subdivision, resulting in a net reduction of 4 lots. The streets are not part of the replat.

4. Acceptance of right-of-way and drainage and utility easements as shown on CubeSmart Lenexa Plat

This is a one lot final plat to join an unplatted 2.68-acre parcel and a second lot (consisting of the northernmost 20 feet of Lot 3, College Crossings Business Park Replat) into one 2.83-acre parcel for development of a self-storage facility. Right-of-way and drainage and utility easements are being dedicated to the City with the final plat.

5. Acceptance of right-of-way, utility, drainage, sewer, and landscape easements as shown on Arbor Lake South, First Plat

The final plat is a 43-lot subdivision at the northwest corner of Prairie Star Parkway and Shady Bend Road. The final plat is being reconsidered due to a change to the perimeter boundary of the plat. The plat was originally approved in the fall of 2021. The boundary change requires reapproval of the plat. The public streets are identical to the original plat. Additional easements are shown on this plat that were not shown on the previously approved plat.

6. Acceptance of right-of-way, drainage, utility, landscape, and sidewalk easements as shown on Mize Hill, Second Plat

This is a 43-lot final plat for the second phase of Mize Hill to facilitate construction of two-family homes (duplexes). Right-of-way, drainage, utility, landscape, and sidewalk easements are being dedicated to the City with the final plat. PT22-24F

7. Consideration of resolutions adopting the FY 2023 Alcohol Tax Fund and Human Service Fund distributions
 - a. Resolution authorizing the Mayor to execute an agreement with United Community Services of Johnson County ("UCS") for the administration of Alcohol Tax Funds for FY 2023
 - b. Resolution authorizing the City Manager to execute an agreement with UCS for the administration of funds appropriated to the Human Service Fund for FY 2023

The City budgets and appropriates funds to support drug abuse and

alcoholism prevention programs and human service programs through United Community Services of Johnson County's (UCS) Drug and Alcoholism Council and Human Service Fund. The amounts the City allocated for FY 2023 are \$135,000 and \$22,350, respectively.

8. Resolution approving and authorizing the Mayor to execute an amendment to the agreement with Trustmark Health Benefits, Inc. for the 2023 healthcare benefit plan term

Trustmark Health Benefits, Inc. ("Trustmark") serves as the third-party administrator for the provision of medical services and benefits for the City's healthcare plans. The City's current agreement expires on December 31, 2022. Staff proposes amending the agreement with Trustmark for fiscal year 2023 for an estimated total cost of \$227,546.

9. Resolution approving Addendum #2 to the contract with Custom Lighting Services, LLC d/b/a Black & McDonald for the streetlight maintenance agreement

In 2021, the City Council approved an agreement with Black & McDonald for streetlight maintenance with the option to extend the contract up to two additional one-year terms. This addendum will update the unit price schedule and extend the contract for an additional one-year term. The contract amount for 2023 is \$329,765.21.

10. Resolution authorizing the Mayor to execute a Community Development Block Grant project extension request with Johnson County

Pursuant to the sub-recipient agreement with Johnson County, the City must formally request an extension of the Community Development Block Grant funds for any work not completed by December 31, 2022. Due to the extended delay times for the delivery of street light poles, the City requested that the project completion be extended until June 30, 2023.

11. Resolution establishing the fiscal year 2023 Schedule of Fees

Staff has reviewed the 2022 Schedule of Fees to determine if any adjustments are appropriate for fiscal year 2023. Based on this review, staff proposes changes for certain parks and recreation fees, right-of-way management fees, dumpster fees, and cemetery fees. If approved, the fee changes will be effective January 1, 2023.

12. Resolution amending the fiscal year 2023 Transportation Improvement Program fees

Staff is adding three new land uses to the proposed fiscal year 2023 Transportation Improvement Program (TIP) Fees, including Medical Office, Sit-Down Quality Restaurant and Sit-Down High Turnover Restaurant. In addition, staff revised the Bank w/Drive-Thru land use to the more generic Bank use.

13. Ordinance amending the fiscal year 2023 Tow and Storage fees

The Police Department is requesting an increase to the City's fiscal year 2023 tow and storage fees. City code requires that tow and storage fees be set by Council with the passage of an ordinance.

14. Resolution approving the City Council's 2023 Legislative Priorities

Each year, the City Council adopts a set of policy positions pertaining to the governance and finances of the City, which may be affected by action at the state or federal level. These Legislative Priorities are organized according to the City Council's Guiding Principles and guide staff in advocating for municipal issues to state legislators and the state's Congressional delegation.

15. Resolution consenting to an assignment and assumption of lease, bond documents, and the payment in lieu of taxes agreement and transfer of bonds (Lackman Business Center - Building D)

On April 1, 2013, the City issued its industrial revenue bonds in the amount of \$6,276,700 to finance the construction of Building D in the Lackman Business Center and authorizing a tax abatement for the project as set forth in a payment in lieu of tax (PILOT) agreement. The Developer is conveying the property to new entities to own the property as tenants-in-common. The Developer has requested the City consent to the assignment and assumption of the lease, and the PILOT by the new entities.

16. Resolution authorizing the assignment and assumption of base lease, lease and the payment in lieu of taxes agreement and transfer of bonds (Lackman Business Center - Building E)

On July 1, 2017, the City issued its industrial revenue bonds in the approximate amount of \$2 million to finance the construction of Building E in the Lackman Business Center and authorizing a tax abatement for the project as set forth in a payment in lieu of tax (PILOT) agreement. The Developer is selling the property to new entities to own the property as tenants-in-common. The Developer has requested the City consent to the assignment and assumption of the base lease, lease, and the PILOT by the new entities.

END OF CONSENT AGENDA

**BOARD
RECOMMENDATIONS**

17. Consideration of rezoning and companion preliminary plat (plan) for Creekside Park located at the southeast corner of 91st Street and Clare Road from the AG, Agricultural, and RP-1, Planned Residential Single-Family (Low-Density), Zoning Districts to the RP-1, Planned Residential Single-Family (Low-Density) Zoning District

- a. Ordinance rezoning property from AG, Agricultural and RP-1, Planned Residential Single-Family (Low-Density) districts to RP-1, Planned Residential Single-Family (Low-Density) district

- b. Approval of companion preliminary plat (plan) for Creekside Park

The applicant is requesting approval to rezone 44.45 acres, located at the southeast corner of 91st Street and Clare Road, and approval of companion preliminary plat (plan) to develop a 60-lot single-family subdivision.

18. Ordinance approving a permanent Special Use Permit for Lenexa Smart Storage located at the northwest corner of 87th Street Parkway and Maurer Road within the CP-2, Planned Community Retail District

- a. Ordinance approving a permanent Special Use Permit for Lenexa Smart Storage

- b. Approval of a preliminary plan for Lenexa Smart Storage

The applicant is requesting approval of a special use permit to allow self-service storage and approval of a preliminary plan for a three-story, 118,560 square foot building consisting of 697 storage units. The site is an undeveloped lot west of an existing multi-tenant commercial building near the northwest corner of 87th Street Parkway & Maurer Road.

19. Consideration of a revised preliminary plan for Prairie Star Medical Office Building located at 9741 Meadow View Drive in the CP-1, Planned

Neighborhood Commercial, Zoning District to allow for a multi-tenant medical office building

The applicant is requesting preliminary plan approval to allow the development of an 11,641 square-foot medical office building at the northeast corner of Prairie Star Parkway and Meadow View Drive. The one-story building includes three separate medical office tenants. The overall site includes space for bicycle parking, sidewalk connections, and patio areas on both the east and west sides of the building.

PUBLIC HEARINGS

20. Consideration of a resolution to amend the fiscal year 2022 budget

a. Public Hearing to consider amending the fiscal year 2022 budget

b. Resolution amending the fiscal year 2022 budget

State law requires cities to publish notice and hold a public hearing before considering amendments to increase the annual budget. The Governing Body adopted a resolution setting the public hearing for December 20, 2022 to consider amendments to the fiscal year 2022 budget for the Special Parks and Recreation Fund and the Prairie Creek Community Improvement District Fund. Staff published the public hearing notice in the Kansas City Star on December 9, 2022.

21. Consideration of right-of-way vacation located at the southeast corner of 95th Street and Aurora Street

a. Public hearing to consider a request to vacate right-of-way

b. Ordinance vacating the right-of-way

The applicant requests approval to vacate a portion of right-of-way south of 95th Street and east of Aurora Street in order to create a tract for the purpose of landscaping and buffering 95th Street from the adjacent Brampton West subdivision.

NEW BUSINESS

22. Resolution approving Amendment No. 3 to the construction contract with J.E. Dunn Construction Company for the Lenexa Justice Center Project

J.E. Dunn Construction Company ("Dunn") proposes to amend the Construction Agreement for the Lenexa Justice Center for GMP #3. Dunn has submitted the third guaranteed maximum price package consisting of several major trade packages including: HVAC, electrical, carpentry, and plumbing for a total of \$39,622,036.

BUSINESS FROM FLOOR

Comments will be accepted from the audience on items not listed on the agenda. Please limit remarks to a maximum of five (5) minutes per person/issue.

COUNCILMEMBER REPORTS**STAFF REPORTS****ADJOURN****APPENDIX**

23. Police Community Advisory Board Appointments Memo
24. United Community Services Alcohol Tax Fund Presentation
25. United Community Services Human Service Fund Presentation
26. Item 7 -- UCS 2023 Alcohol Tax Fund Recommendations Report
27. Item 7 -- UCS 2023 Human Service Fund Recommendations Report
28. Item 8 -- Trustmark Agreement
29. Item 11 -- 2023 Schedule of Fees
30. Item 14 -- 2023 Legislative Priorities

31. Item 22 -- JE Dunn Amendment

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

IF YOU NEED ANY ACCOMMODATIONS FOR THE MEETING, PLEASE CONTACT THE CITY ADA COORDINATOR, 913/477-7550. KANSAS RELAY SERVICE 800/766-3777. PLEASE GIVE 48 HOURS NOTICE