



**MINUTES OF THE  
APRIL 18, 2023  
LENEXA CITY COUNCIL 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, Nolte, Roh, Arroyo, Sayers, and Denny were present with Mayor Boehm presiding.

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

**APPROVE MINUTES**

*Councilmember Roh made a motion to approve the April 4, 2023 City Council meeting draft minutes and Councilmember Eiterich seconded the motion. Motion passed unanimously.*

**MODIFICATION OF AGENDA**

There were no modifications to the agenda.

**PROCLAMATIONS**

Arbor Day - April 28

**PRESENTATIONS**

Dale Trott, Lenexa Arts Council Chair, presented the annual report. He talked about the highlights of the past year and how the arts inspire, as well as generate economic development and business. He thanked the Governing Body for its support of the Council's efforts.

**CONSENT AGENDA**

1. Award a contract to Superior Bowen for the 2023 Pavement Management Program - Thoroughfare Overlay Project  
*This project consists of a 2-inch mill and asphalt overlay with repair of deteriorated curb and gutter, sidewalk panels and replacement of ADA ramps where needed in specific areas along Marshall Drive, Pflumm Road, and Renner Boulevard. Superior Bowen bid \$3,693,981.92 for the contract.*

2. Award a contract to McConnell & Associates for the 2023 Sidewalk Repair and Improvement Program  
*Deteriorated sidewalks in the Brookwood and Wyldwood Hills subdivisions will be replaced as part of the 2023 Sidewalk Repair and Improvement Program. McConnell & Associates bid \$248,602.20 for the contract.*
3. Consideration of updated project funding allocation and a change order for the Lenexa Skatepark Rebuild Project  
*City staff believes there is adequate budget within the Indian Trails Aquatic Center Project and Parks and Pedestrian Improvement Project budgets to complete them without the allocation of Skatepark Rebuild Project funds. Staff proposes updating the fund allocations for the projects. Also, the final design of the skatepark now includes ADA-accessibility and a sign feature, requiring a change order to the contract with New Line Skateparks, Inc. ("New Line") for \$256,674.*
  - a. Approval of updated project funding reallocation
  - b. Approval of Change Order #1 to the contract with New Line Skate Parks, Inc. for the Lenexa Skatepark Rebuild Project  
*Funding allocations for the project have changed, requiring Governing Body approval. A change order is needed to adjust the contract to include final costs for design and construction services of the skatepark. The additional \$256,674 increases the total contract to \$1,006,674.*
4. Resolution approving the closure of Penrose Lane from eastbound 87th Street Parkway to 88th Street for Friday Night Sound Bites on May 5, 2023  
*The Public Market plans to co-host a Cinco de Mayo-themed Friday Night Sound Bites in partnership with Made in KC Marketplace. The road closure will allow the Public Market to obtain a temporary event permit from the Kansas Division of Alcoholic Beverage Control (ABC) to allow both the Market and Made in KC Marketplace to extend their respective licensed/permitted premises onto the street for the duration of the event.*
5. Resolution approving adjustments to the pay ranges contained in the fiscal year 2023 Pay Plan and authorizing the City Manager to implement the updated pay plan  
*The City's pay plan is a key component in recruiting and retaining a quality workforce. Staff worked with Lockton Companies, Inc. to review the plan's internal equity and market competitiveness. Staff recommends changes to the pay grades and salary ranges. The estimated cost of annual pay increases and the market pay adjustments is \$2 million.*
6. Resolution authorizing the Mayor to execute an addendum to the Master Services Agreement with ConvergeOne Inc. for networking equipment at the Lenexa Justice Center  
*This addendum to the Master Services Agreement with ConvergeOne, Inc., is for the purchase of networking equipment. All hardware, licensing, and three years of extended maintenance have a total not-to-exceed cost of \$262,903.49.*
7. Resolution approving and authorizing the Mayor to execute a Communications System and Services Agreement and Maintenance, Support, and Lifecycle

Management Addendum with Motorola Solutions, Inc. for dispatching equipment, software, and services to be installed at the Lenexa Justice Center

*Enhancing and upgrading the City's public safety and police department dispatch communications center is needed and with the construction of the Lenexa Justice Center it is logistically the most effective time to upgrade these systems for use in the new facility. The cost of the equipment and one-year warranty is \$1,304,249.*

### **END OF CONSENT AGENDA**

*Councilmember Nolte made a motion to approve items 1 through 7 on the consent agenda and Councilmember Nicks seconded the motion. Motion passed unanimously.*

### **BOARD RECOMMENDATIONS**

8. Approval of Lenexa Arts Council's 2023 recommendations for public art priority locations

*Annually, the Lenexa Arts Council submits a list of priority locations for public art in the city to the Governing Body for approval.*

Logan Wagler, Parks and Recreation Director, reviewed the public art policy and procedures for the Arts Council.

Mr. Wagler presented the public art located across the city by zone and the seven recommended locations for future public art. He said the Arts Council discussed the priority locations over multiple meetings and toured the city to look at locations as well.

Mr. Wagler presented a map showing the priority locations, as well as existing art, by zone. He said both staff and the Lenexa Arts Council recommend approval.

Councilmember Nicks asked about the size of Cedar Station Park and Mr. Wagler said it is close to 50 acres. Councilmember Nicks said he feels like this is a good list.

Mayor Boehm asked if the list's order is by priority and Mr. Wagler concurred. Mayor Boehm talked about activity and construction in some of the priority areas and not in others and said he would like the list to be flexible as the locations develop.

Councilmember Nolte talked about past Councilmember Linver being the leader in Lenexa Arts and the time when there was one piece of public art and one location. He said he liked that there is an inventory now and multiple locations to consider. He thanked the Arts Council members for sharing their time and talents.

*Councilmember Sayers made a motion to approve Item 8 and Councilmember Roh seconded the motion. Motion passed unanimously.*

9. Approval of a final plan for an office building known as the Kiewit K3 Building, located at the southwest corner of 89th Street & Hampton Street in the CC, Planned City Center Zoning District

*The applicant proposes to construct a 177,551 square foot, six-story office building as*

*part of the Kiewit campus at the southwest corner of 89th Street & Hampton Street in City Center. The building is designed to complement both the recently constructed Kiewit office building and the L-shaped building (formerly Perceptive Software).*

Stephanie Kisler, Planning Manager, said that the Kiewit K3 building will be located at the southwest corner of 89th Street and Hampton Street, the vacant piece of property between the two existing Kiewit buildings on the south side of Penrose Lane.

Ms. Kisler presented a site plan reflecting all of the Kiewit buildings and a proposed parking structure. She said the K3 building is 177,000 square foot and six stories tall, similar to the K4 building to the west. She added that there would be associated site improvements to parking, as well as a realignment of the trail on the property, plaza amenities, and plantings around the building.

Ms. Kisler talked about the Kiewit Campus parking and said that there is a proposed deficiency of about 400 spaces. She noted that staff and the Planning Commission reviewed the deficiency and is supportive of it based on Kiewit's business operations.

Ms. Kisler presented renderings of the building from different views, pointing out the similarities to existing buildings and the parking deck with optional solar array. She reviewed the landscaping, specifically pointing out the plaza area landscaping with pedestrian amenity zones, and the emergency access.

Ms. Kisler said that both staff and the Planning Commission recommend approval.

The applicant was present

Alan Lincoln, Kiewit, talked about the company's 20-year history in Lenexa. He said that City Center is great place to do business.

Councilmember Roh asked about the number of employees and Mr. Lincoln said the new building would have 800, bringing the total to 2,500.

Councilmember Eiterich said this is a pretty building that fits in to City Center and she is happy to see them doing well and bringing jobs to Lenexa. She asked how many remote workers they have, and Mr. Lincoln talked about how their workforce works all over the country, in the office and then gone for weeks or months at a time on projects.

Councilmember Sayers asked about the plans for the parking structure solar array and Mr. Lincoln said they are working on plans to distribute the power to the buildings as well as to EV chargers. He said it will happen.

Mayor Boehm said since power is Kiewit's business this is a great place to do the solar array. He thanked Kiewit for its partnerships with the City. He talked about how this campus looks like it was planned this way from the start and its attractiveness.

Councilmember Roh asked if a walkway connecting the buildings has been considered. Mr. Lincoln pointed out where the buildings would have egress providing

quick passage to the adjacent buildings.

*Councilmember Denny made a motion to approve Item 9 and Councilmember Karlin seconded the motion. Motion passed unanimously.*

10. Ordinance amending Sections 4-1-B-24, 4-3-B-7, and 4-3-B-24 of the City Code related to regulations for fences, walls, and retaining walls

*Adopted development codes are periodically reviewed by staff to determine if any revisions are necessary and appropriate for the needs of the City. Staff believes revisions to these Sections of the City Code are necessary to address updates to regulations.*

Ms. Kisler said this is a proposed code amendment for fences, walls, and retaining walls. She reviewed the process staff used to determine these changes, saying that the balance of regulations with practicality was a goal of the review. She said there has been an increase in requests for fences on corner lots to be allowed closer to the street. She added that staff's intent with this proposal is to reduce requests for variances and deviations, increase resident satisfaction, and add clarity for administering the code.

Ms. Kisler reviewed the proposed changes:

- Revised: allowing corner lot fences to extend closer to the sideyard street;
- New: fences on top of retaining walls - maximum height of 10 feet total;
- New: retaining walls to be maximum of 10 feet in height and tiered if needed to be taller;
- Revised deviation process: appeals go to the Board of Zoning Appeals; and
- Added: a new table of regulations with graphics to illustrate.

Ms. Kisler presented a diagram reflecting current and proposed code for corner lot fences and explained how the proposed code would allow an open-style fence to be located 10 feet closer to the sideyard property line than current code allows.

Mayor Boehm expressed some concern with how this change could affect or obstruct the adjacent property's view.

Ms. Kisler talked about adjacent houses being perpendicular or parallel to each other and how one house's sideyard can be the adjacent house's front yard. She said staff chose the 15-foot setback in the proposal because that is typically where there is an easement along the front of all properties.

Ms. Kisler talked about non-conforming fences throughout the city and how these proposed changes would bring a lot of them into conformity. Mayor Boehm said he would not want to fix a problem by writing the code to legalize it.

Scott McCullough, Community Development Director, talked about trying to address competing values; homeowners on corner lots are restricted to fencing a significantly smaller portion of their yard than non-corner lot owners. He said staff considered the adjacent owners in the proposed code by keeping the setback at 15 feet to allow for site distance. He added that owners staff hears from feel the 25-foot setback is too

restrictive; owners are not complaining about neighbor's fences blocking their view.

Discussion followed regarding building setbacks, curbs, and sidewalks; properties that are perpendicular and the corner lot building a fence that blocks the neighbor's view; types and heights of fences allowed in various locations on properties; consideration for all property owners; fence maintenance; allowed fence attachment to the house from the front corner or rear corner depending on type of fence; non-conforming fences in the city; and how fences can cause a lot of problems in neighborhoods. Throughout the discussion, Ms. Kisler presented several different example photos of fences throughout the city.

Mr. McCullough talked about this being a staff-initiated code change that does not have to be approved now if the Governing Body is not ready to do so. He added that staff could study this further and discuss more with the Planning Commission.

Amanda Williams, 23600 W. 90<sup>th</sup> Street, spoke about her property and how she would like to be able to fence more of her corner lot sideyard for her family.

Ms. Kisler presented the new regulation proposed in the code changes, which holds retaining walls to a maximum of 10 feet in height. She added that fences are sometimes necessary on top of retaining walls for safety or esthetics, so the maximum height proposed for the retaining wall and fence in total would be 10 feet. If more than 10 feet is necessary, the requirement would be for tiered 10-foot retaining walls. She presented photos of retaining walls as examples.

Discussion followed regarding existing retaining walls and situations where the height or tiering would not work.

Ms. Kisler talked about the deviation process change proposed and said that appeals would be heard by the Board of Zoning Appeals and not the Planning Commission.

Ms. Kisler presented the table proposed to be added to the code that outlines requirements of fences, heights, locations, and materials to help property owners discern what they can do with fences, walls, and retaining walls.

Ms. Kisler said both staff and the Planning Commission recommend approval.

Discussion followed about continuing this item to the May 16<sup>th</sup> meeting. Councilmember Roh suggested staff consider making the corner lot sideyard fence height maximum 4 feet.

Craig Cherry, 20036 W. 89<sup>th</sup> Street, spoke about his property's existing 10-12-foot tall retaining wall and the need to put a fence on top of it for safety, but it will be well over 10 feet tall.

Mr. McCullough said those types of existing conditions would be what qualify for staff deviation.

*Councilmember Roh made a motion to table Item 10 to the May 16 City Council*

meeting and Councilmember Eiterich seconded the motion. Motion passed unanimously.

## **PUBLIC HEARINGS**

11. Consideration of establishing Project Plan 3H in the City Center Tax Increment Financing District (Advent Health Phase 1 - Hospital)

a. Public Hearing

b. Ordinance approving TIF Project Plan 3H by a 2/3 vote of the Governing Body

c. Adopt a resolution approving the Disposition and Development Agreement (DDA) with Shawnee Mission Medical Center, Inc.

*Tax Increment Financing (TIF) Project Plan 3H contemplates construction of a 240,000 square foot medical center and a 54,000 square foot medical office building, structured and surface parking, sidewalks, landscaping and associated infrastructure, located in the northwest corner of 86th Street Parkway & Renner Boulevard in the City Center TIF District. After the public hearing, the Governing Body will consider adoption of TIF Project Plan 3H. If passed by a 2/3 vote, the Governing Body will consider adoption of a Disposition and Development Agreement with Shawnee Mission Medical Center, Inc. dba Advent Health setting forth the terms and conditions for reimbursement of TIF eligible costs with TIF revenues generated from the TIF District.*

Sean McLaughlin, City Attorney, said that TIF Project Plan 3H, Advent Health Phase 1 (the hospital and medical office building) covers 13.5 acres on the north side of 86<sup>th</sup> Street & Renner Boulevard. He said the project plan uses tax increment to finance eligible site development costs associated with the construction of a 240,000 square foot hospital and a 54,000 square foot medical office building.

Mr. McLaughlin said the project plan approves up to \$9.05 million in private eligible reimbursement and is anticipated to generate \$4.45 million in TIF increment over 20 years. He added that upon approving the project plan, there would also be a disposition and development agreement with the developer to consider approving.

The applicant's representatives were present.

Councilmember Karlin asked if hospitals are tax exempt and Mr. McLaughlin concurred, adding that the increment is low because it would only come from the medical office building. Mayor Boehm said that this is a not-for-profit hospital that is tax exempt, but for-profit hospitals are not tax exempt.

Mayor Boehm opened the public hearing at 8:54 PM.

No one from the public spoke.

*Councilmember Nolte made a motion to close the public hearing and Councilmember Denny seconded the motion. Motion passed unanimously.*

The public hearing closed at 8:54 PM.

*Councilmember Denny made a motion to approve Item 11b and Councilmember Roh seconded the motion. Motion passed unanimously.*

*Councilmember Sayers made a motion to approve Item 11c and Councilmember Nolte seconded the motion. Motion passed unanimously.*

## **NEW BUSINESS**

12. Acceptance of the Lenexa Old Town Activity Center Public Art Committee's recommendations regarding a mural at the Lenexa Old Town Activity Center  
*The Lenexa Old Town Activity Center (LOTAC) is one of the Lenexa Arts Council's priority locations for public art. The committee has identified potential artists, style, and locations for a mural with the goal of adding vibrancy by expressing civic pride and community identity to this area.*

Mr. Wagler said that when the Governing Body accepted the 2022 list of public art priorities there was some discussion about a mural at the Lenexa Old Town Community Center (LOTAC). In June 2022, he said the City contracted with Public Art & Practice and formed the LOTAC Public Art Committee to provide recommendations for such a mural. He said that the Arts Council, Councilmembers Arroyo and Sayers, Dan Zeller and Sean Zaudke of Multi-Studio, and a few City staff make up the LOTAC Public Art Committee.

Mr. Wagler said the committee has concluded phase one and is bringing recommendations for approval to determine how to proceed. He thanked everyone on the committee for being engaged and sharing their time, passion, and energy.

Steven Boody, Public Art & Practice, talked about public art efforts being guided by the goals and vision, and said it was determined that this project's goal is to add vibrancy to the building, express civic pride/community identity, and attract residents and visitors to the community. He said the three important questions the committee worked to answer were:

1. Where is the artist from? An artist from the Kansas City region is desired.
2. What motif/style of mural is desired? Contemporary/abstract style mural with a Lenexa identity.
3. Where should the mural be located? Where it will be visible, and the public can interact with it.

Mr. Boody described the visual listening process he used with the committee to objectively rate images of murals to determine priorities. Through this process, he said the committee narrowed the list of artists to 3 from the region, Alexander Austin, JT Daniels, and Evan Brown (aka Doodle Dood). He talked about the process artists use to create murals, starting with doodles on the façade.



Mr. Boody said Multi-Studio identified locations for the mural on the LOTAC building. He said that the committee determined the south wall wrapping around to the west wall was the top priority, followed by the north façade, and then the interior hallway wall. He talked about the costs of murals being determined by square foot, and the façade's surface.

Mr. Wagler presented the funding sources for the mural and said that there is enough to cover the top priority selection at \$35,000. He said upon approval of these recommendations, the project would move to phase two working with Mr. Boody, getting artist proposals and development of concepts, obtaining public input, and developing a final recommendation for City Council consideration in spring 2024. This process, he said, would align the mural's painting at the end of 2024 in conjunction with the facility improvements.

Councilmember Sayers said that the southwest corner of LOTAC became a priority in an effort to conceal the mechanical enclosure and draw attention to the entrance and pickleball court area. She said she wants to see the community taking pictures there and interacting with it and these three artists can accomplish that.

Councilmember Arroyo said she initially preferred the north façade but thinking about concealing the mechanical spaces made her change her mind. She also said she would like to see an art gallery in the hallway that showcases community art from classes in LOTAC to reflect community involvement.

Councilmember Denny asked about the possibility of doing multiple murals and if the artists could submit proposals for both. Mr. Wagler and Mr. Boody talked about how the proposals would work and Mr. Wagler said while committee would love to do multiple locations, this first one needs to be done well.

Councilmember Eiterich talked about liking the ground-level mural and the idea of people interacting with it, not just driving past it, and her family's experiences with murals. She said she appreciates that this project is allowing the artists to express their visions in their murals.

Councilmember Nicks talked about initially envisioning the mural on the north wall, but now really liking the mural proposed to be on the south wall and wrapping around to the west where it would be even more visible. He added that he thinks doing one really well would be best and less is more.

Councilmember Nolte talked about not liking the north location but liking the approachability of it on the south side, his experiences with public art where he grew up, and the style of this as an art form. He said his biggest concern is that the message and purpose of the mural tell a story and is meaningful as well as a piece of art.

Councilmember Roh thanked the committee for all the work. He said he is excited about this project. He talked about his experiences with public art in California.

Mayor Boehm thanked the committee. He talked about the mural on the north not drawing people in, while the wrap-around mural is engaging; the mural inside the building would only be accessible when it is open and activities could block it. He said that the message of the mural is important, and he does not want to see scenes of Lenexa in it, but for it to speak to Lenexa. He added that he is pleased with the recommendations and the public engagement.

*Councilmember Roh made a motion to approve Item 12 and Councilmember Denny seconded the motion. Motion passed unanimously.*

### **COUNCILMEMBER REPORTS**

Mayor Boehm talked about the Advent and Standard Beverage groundbreakings that occurred this week.

### **STAFF REPORTS**

Beccy Yocham, City Manager, said there would be no Committee of the Whole meeting next week and the Volunteer Recognition Dinner will be Monday at Sierra Grill.

### **END OF RECORDED SESSION**

### **BUSINESS FROM FLOOR**

There was no business from the floor.

### **ADJOURN**

*Councilmember Nolte made a motion to adjourn and Councilmember Eiterich seconded the motion. Motion passed unanimously.*

The meeting adjourned at 9:31 PM.

/s/ Jennifer Martin  
City Clerk