



**MINUTES OF THE
MAY 16, 2023
LENEXA CITY COUNCIL MEETING
COMMUNITY FORUM, 17101 W 87th STREET PARKWAY
LENEXA, KS 66219**

CALL TO ORDER

Mayor Boehm called the meeting to order at 7 PM. Scout Troop 394 led the Pledge of Allegiance.

RECOGNITION

Mayor Boehm recognized Alex Wright, Scout Troop 394, for achieving the rank of Eagle Scout and for earning every possible badge, as well as for his many other accomplishments and awards. Details of Alex's accomplishments have been published by the Boy Scouts of America at <https://www.hoac-bsa.org/lenexa-scout-earns-every-merit-badge-possible-2023-04-26>.

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 Denny made a motion to approve the May 2, 2023 City Council meeting draft minutes and Councilmember Eiterich seconded the motion. Motion passed unanimously.

PROCLAMATIONS

National Gun Violence Awareness Day - June 2

MODIFICATION OF AGENDA

There were no modifications.

APPOINTMENT

Mayor Boehm requested the City Council's approval of a 60-day extension to appoint a member to the vacant position on the Building Code Board of appeals.

Councilmember Nicks made a motion to approve the extension request and Councilmember Roh seconded the motion. Motion passed unanimously.

CONSENT AGENDA

1. Bid award to V.F. Anderson Builders for the 99th Street and Clare Road Improvement Project
This project constructs 99th Street as a four-lane, divided roadway from 98th Street to future Clare Road and the easternmost two lanes of Clare Road from 97th Terrace to the proposed 99th Street extension. Improvements include standard arterial roadway sections, sidewalks, multi-use trails, storm sewers, street lighting, and water quality facilities, as well as bike lanes on 99th Street. V.F. Anderson Builders bid \$6,495,701.20 for the project.
2. Acceptance of utility, drainage, and landscape easements and rights-of-way as shown on Creekside Park, First Plat located at the southeast corner of 91st Street & Clare Road
Creekside Park, First Plat, is a 14-lot, two-tract single-family residential development on 7.26 acres at the southeast corner of 91st Street & Clare Road. Easements and rights-of-way are being dedicated to the City as part of the final plat.
3. Acceptance of the 87th Street Parkway & I-435 Interchange Improvement Project for maintenance
This project included signal replacements, widening 87th Street Parkway, construction of additional turn lanes, mill and overlay, and improvement of the existing storm sewer, street lighting, and trail system. The total cost of construction was \$6,831,668.61.
4. Authorize the purchase of an aerial bucket lift truck for the Police Department
This truck will allow Police Department staff the ability to safely work around traffic signals and street lights while installing and performing maintenance on traffic cameras and license plate readers. The total purchase price is \$169,800.
5. Authorize the purchase of three vehicles from the 2023 Equipment Reserve Fund for the Parks and Recreation Department
The City annually replaces vehicles through the Equipment Reserve Fund and the Parks Department was approved to replace three vehicles with three 2023 Chevy Silverado 3500 Cab and Chassis. The total purchase price is \$176,574.
6. Resolution authorizing the Mayor to execute an agreement with the City of Shawnee for the Monticello Road Mill and Overlay Project
The City of Shawnee will be performing a mill and overlay maintenance project on Monticello Road from 71st Terrace to 83rd Street as part of its pavement management program. A portion of this work is within Lenexa city limits and an interlocal agreement is required for Lenexa to pay for their portion of the work. The total cost for Lenexa is estimated at \$90,000.
7. Resolution calling for a public hearing to consider establishing a community improvement district for the City Center North Central Green MXD Project
Central Green, LLC has petitioned to establish a Community Improvement District (CID). In order to establish a CID, a public hearing must be held. The resolution provides notice of a public hearing to consider the establishment of a CID over

property located at the northeast corner of 87th Street Parkway & Penrose Lane.

8. Resolution approving and authorizing the Mayor to execute an amendment to the Payment Agreement with Creekside Woods Investors, LLC regarding property located at the northeast corner of 92nd Street & Clare Road
The proposed amendment grants the developer additional time to make payments to the City in lieu of constructing certain stormwater facilities associated with the Creekside Woods subdivision located at 92nd Street & Clare Road.
9. Resolution approving a Payment Agreement with Ruf Construction Co. for construction of stormwater improvements associated with the Creekside Park subdivision
Ruf Construction Co. ("Developer") intends to develop a single family subdivision known as Creekside Park east of 91st Street & Clare Road, adjacent to the Clear Creek Stormwater Project ("Project"). In lieu of constructing stormwater facilities within the subdivision, the Project will serve as its detention. Per this agreement, the Developer will pay the City \$7,000/acre in lieu of constructing such stormwater facilities for an estimated total of \$200,410.
10. Resolution approving and authorizing the Mayor to execute Addendum Three to the Employment Agreement with the City Manager
In June 2020, the City entered into a one-year employment agreement with Beccy Yocham appointing her City Manager and setting forth the terms and conditions of her employment. The agreement was subsequently amended in 2021 and 2022 to extend the term, amend compensation, and establish new performance goals. The proposed amendment extends the agreement for an additional year and revises the compensation terms and the performance goals.
11. 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 October 31, 2023.
12. Resolution approving and authorizing the execution of an agreement with ComPsych Corporation for the provision of an employee assistance program and related behavioral health services to the City's employees and dependents
The City's health benefits consultant and staff recommend entering into an agreement with ComPsych Corporation for the provision of an employee assistance program and related behavioral health services for the City's employees and dependents beginning July 1, 2023. The annual estimated cost of the program is \$82,912.
13. Resolution authorizing the termination of a base lease and lease with Meritex Lenexa Development I, LLC as a result of an industrial revenue bond redemption (Meritex Surface Buildings 1 & 2 Project)
Meritex Lenexa Development I, LLC has submitted a request to redeem the industrial revenue bonds (IRBs) the City issued in 2019 for constructing two approximately 120,000 square foot industrial/flex buildings located at the northwest corner of 99th

Street & Britton Street. Termination of the base lease and lease, as well as any other needed documents, is necessary to terminate the IRBs associated with the project.

END OF CONSENT AGENDA

Councilmember Arroyo recused herself from item 12 due to a potential conflict of interest.

Councilmember Roh made a motion to approve items 1 through 11 and 13 on the consent agenda and Councilmember Sayers seconded the motion. Motion passed unanimously.

Mayor Boehm asked if there was any discussion for item 12.

Councilmember Karlin said he is happy to see this item on the agenda as he believes in strong mental health for the community and the employees and he wanted to commend the City for it.

Councilmember Nolte made a motion to approve item 12 on the consent agenda and Councilmember Nicks seconded the motion. Motion passed 7-0-1 with Councilmember Arroyo abstaining.

BOARD RECOMMENDATIONS

14. 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.

Stephanie Kisler, Planning Manager, said this code amendment was discussed at length at the April 18th City Council meeting, so she would quickly review the proposed changes and then focus her presentation on the additional changes that have been made at the Governing Body's request since that meeting. She said staff reviewed the entire code section for fences, walls, and retaining walls and proposes revisions to clarify the code requirements, add new code to account for review practices, and to amend code to decrease requests for variances and deviations.

Ms. Kisler said that fences on corner lots were the main item of concern at the April 18th Council meeting. She said other changes include limiting retaining wall heights to 10 feet per tier, appeals being heard by the Board of Zoning Appeals, and the addition of a new table to make the code easier to understand.

Ms. Kisler presented graphics reflecting the allowed, current and proposed, locations for corner lot, street-side sideyard fences. She explained that staff has further amended the previously presented code changes, at Council's direction, to only allow a corner lot to have a fence at the 15-foot setback in the street-side sideyard if it is a 4-foot open-style fence. She added that the fence would be allowed to attach to the

home's front corner, regardless of height or style, and that the height and style would dictate the setback; for example, a privacy fence, fence taller than 4 feet, or a wall would only be allowed to the 20-foot setback, where a 4-foot open-style fence would be allowed to the 15-foot setback.

Councilmember Sayers said she thought there had been discussion about different styles connecting to the house at different locations. Ms. Kisler said that current code allows a 6-foot privacy fence to attach at the front corner, but only allows a 20-foot setback.

Scott McCullough, Community Development Director, clarified that staff took away from the previous meeting's discussion not to change where privacy fences can connect to the home. He said that the only change that has been made now is to allow a 4-foot open-style fence to have a 5-foot reduction in setback.

Ms. Kisler presented a graphic detailing the changes for retaining walls. She said that the code will allow a retaining wall to be a maximum of 10 feet per tier with a 36-inch differential between tiers if there will be more than 10 feet of retaining wall. She said that the 10-foot measurement includes any fence on top of the wall; for example, a 6-foot retaining wall would only be allowed to have a 4-foot fence on top.

Mayor Boehm asked if an existing, over 10-foot retaining wall that needed a fence on top for safety would be allowed. Ms. Kisler said that would be a great example of an appeal that could be made to the Board of Zoning Appeals where the unique circumstances could be reviewed and considered for deviation. She noted that appeals going to the Board of Zoning Appeals is also a code change because the current code has appeals going to the Planning Commission.

Ms. Kisler concluded her presentation by showing the new table of regulations to be added to the code, which is intended to make understanding and administering this code easier for everyone.

Councilmember Eiterich asked if the current code allows an appeal to Planning Commission and then if denied, appealed further to the Board of Zoning Appeals and Ms. Kisler said no, just to the Planning Commission and if denied, the appeal ends.

Councilmember Sayers made a motion to approve Item 14 and Councilmember Roh seconded the motion. Motion passed unanimously.

15. Approval of a preliminary plan for an accessory office building for Westside Family Church located at 8500 Woodsonia Drive in the R-1 Residential Single-Family Zoning District

The applicant requests preliminary plan approval for construction of a two-story 19,838 square foot office building to serve as a care center for Westside Family Church. The site is located southeast of the existing church and includes classrooms, meeting rooms, playrooms, and counseling rooms.

Ms. Kisler said this request is for approval of a preliminary plan for Westside Family Church's Care Center Building at 8500 Woodsonia Drive. She showed the project location map reflecting the building location, which is south of the existing church.

Ms. Kisler presented a zoning and future land use map and said the property zoned R-1 with a use designation of public/open space. She said it is surrounded by various other zoning and land uses.

Ms. Kisler said that staff requested an overall site plan to see how the south parcel could develop in the future, but this approval is only for the area within the red boundaries on the site plan. She said that churches are allowed in R-1 zoning, so since the use is allowed as accessory, it would have to be rezoned in the future if it were to be used as an office building not associated with the church.

Ms. Kisler said that the developer would have to construct a portion of Woodsonia Drive to connect at the south part of the existing roundabout on the site.

The two-story building would be 20,000 square feet with counseling rooms, meeting rooms, playrooms, and other services as part of the care center that will be focused on the congregation. She said there would be sidewalk added to connect the main building to this accessory building, as well as to Woodsonia Drive.

Ms. Kisler presented a landscape plan showing new trees and plantings, which is still preliminary and will be more complete with the future submittal. She showed photos of the existing church reflecting architecture and materials that will be used in the accessory building as well, using brick and stone veneer, aluminum and synthetic stucco.

The elevations presented reflect the two-story building and Ms. Kisler said there will be colored elevations at final plan.

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

The applicant was present.

Mayor Boehm asked why this location was chosen.

Pastor Jeff Manford, Westside Family Church, talked about the surge in the need for care and support in the community and how they want to provide counseling and care groups, doing those things within the church and move some of that out of the church building to a specifically focused location. He said they want this to be community facing and take some of these services out of the church for those who need it, but do not want to go into the church. He said the focus is on healing and health, finances, and pre-marital counseling.

Councilmember Roh asked about the building's height. Ms. Kisler said that a place of worship is not subject to same height requirements, so there is no need for a deviation.

Councilmember Nicks asked if the drive in the parking lot to the roundabout will construct the street to the property line. Ms. Kisler said that negotiations are currently underway, and Mr. McCullough said that would be a requirement of this project.

Councilmember Arroyo said that as a mental health professional, she really values this incredible resource in the community. She asked for confirmation that there would not be any conversion therapy offered.

Connie Horosz, Westside Family Church, said that all of their counselors are licensed professional counselors in Kansas, and some are also licensed in Missouri. She said that they fall under the ACA code of ethics, which aligns with not offering any kind of conversion therapy based on the research around how it can be damaging to individuals. She added that this will be fee-based to make everything affordable and to decrease stigma and increase accessibility.

Councilmember Karlin made a motion to approve Item 15 and Councilmember Denny seconded the motion. Motion passed unanimously.

16. Approval of a final plan for a mixed-use building with hotel and retail space known as Midas Lenexa City Center on 87th Street Parkway between Elmridge Street and Penrose Lane in the CC, Planned City Center Zoning District
The applicant proposes to construct a 79,956 square foot, five-story mixed-use building with two hotels, ground floor retail and an internalized parking garage on 87th Street Parkway between Elmridge Street and Penrose Lane.

Ms. Kisler said this final plan is for the Midas City Center project, which will be just north of City Hall. She presented an aerial image of the property on 87th Street Parkway between Elmridge Street and Penrose Lane and said it is zoned CC. She showed the site plan, which includes two hotels, AC Hotel and Residence Inn, along with retail space and a parking garage. She noted that there are two versions of the site plan, one that includes an additional level of parking garage.

Ms. Kisler said the 5-story building is 80,000 square feet with the hotels wrapping the northeast and southeast sides along Penrose Lane and the retail component on the west side. The parking garage is accessed from Elmridge Street and will have 284 spaces; if the developer constructs an additional parking deck, that will add 70 more spaces.

Ms. Kisler presented the landscape plan, saying the developer has refined the pedestrian amenity zones since the preliminary plan was approved and all outstanding prior items have been cleared. She said that no deviations have been requested and there are no outstanding Planning Commission items.

Ms. Kisler presented elevations reflecting some minor changes made from the preliminary plan. She said that the trash enclosure will have transparent-looking garage doors. She showed a rendering of the building with the additional parking level and said it will make the garage a little taller than the building, but it will still fit in with other City Center buildings.

Ms. Kisler said that staff proposes approving both versions of the plan so they do not have to go back through the process to add the parking level.

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

The applicant was present.

Councilmember Sayers asked if Elmridge or Penrose would be closed during construction. Mr. McCullough said that part of the construction plan has not been determined, but staff will do their best to coordinate traffic flow through and around City Center.

Councilmember Roh asked about the criteria needed for the additional parking deck and Beccy Yocham, City Manager, said staff is currently in discussions with the applicant about what that would look like. She said that since this would provide additional public parking, the City would need to make an investment and she anticipates bringing that forward with other incentives related to this application in the future.

Steve Medford, Midas Development, was present.

Councilmember Eiterich asked if the public parking would be on the bottom levels of the garage and if there would be valet services. Mr. Medford said public parking would be on the lower levels and that no valet is planned.

Councilmember Nolte said this is a great project with the streetscape on all sides and filling the entire block. He said the designers have been thoughtful with the courtyard and with the integration of the parking structure. He thinks you would feel good being in City Center and walking around the block.

Mayor Boehm asked if the additional parking deck would be from the street and staff said no.

Councilmember Arroyo made a motion to approve Item 16 and Councilmember Sayers seconded the motion. Motion passed unanimously.

STUDENT INTRODUCTIONS

Tim Reardon, Scout Troop 181, attended the meeting for a merit badge.

Members of Scout Troop 394 attended for Alex Wright's recognition and a merit badge.

PUBLIC HEARINGS

17. Consideration of establishing Project Plan 1K in the City Center Tax Increment Financing District (Kiewit Penrose Lane Building Project)
 - a. Public Hearing
 - b. Ordinance approving TIF Project Plan 1K by a 2/3 vote of the Governing Body
 - c. Resolution approving the Disposition and Development Agreement (DDA) with Kiewit Engineering Group Inc.

- d. Ordinance amending Project Plan 1C within the City Center TIF District *Tax Increment Financing (TIF) Project Plan 1K contemplates construction of a six-story office building, structured and surface parking, sidewalks, landscaping and associated infrastructure, located south of 89th Street/Penrose Lane and west of Renner Boulevard in the City Center TIF District. After the public hearing, the Governing Body will consider adoption of TIF Project Plan 1K. If passed by a 2/3 vote, the Governing Body will consider adoption of a Disposition and Development Agreement with Kiewit Engineering Group Inc. setting forth the terms and conditions for reimbursement of TIF eligible costs with TIF revenues generated from the TIF District. Finally, the Governing Body will consider an Ordinance amending Project Plan 1C to remove land acquisition costs associated with Project Plan 1K.*

Sean McLaughlin, City Attorney, said that this item is consideration of TIF incentives for Project Plan 1K for the Kiewit Penrose Lane Building Project. This plan covers about one acre on Penrose Lane and will use tax increment to reimburse the developer for eligible project costs, up to \$20.68 million in eligible private improvements, with a projected \$13.1 million in revenue produced over the 20-year TIF term.

Mr. McLaughlin said that this also includes an amendment to Project Plan 1C formerly known as the Perceptive Project. He pointed out the locations on the map and explained how the amendment removes an eligible cost out of Project Plan 1C and cleans it up for Project Plan 1K.

Mr. McLaughlin said that this deal provides special event parking for the City in the Kiewit structured parking.

Mayor Boehm opened the public hearing at 7:54 PM.

No one from the public spoke.

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

The public hearing closed at 7:54 PM.

Councilmember Roh made a motion to approve Item 17b and Councilmember Sayers seconded the motion. Motion passed unanimously.

Councilmember Arroyo made a motion to approve Item 17c and Councilmember Nicks seconded the motion. Motion passed unanimously.

Councilmember Sayers made a motion to approve Item 17d and Councilmember Roh seconded the motion. Motion passed unanimously.

NEW BUSINESS

There was no new business.

COUNCILMEMBER REPORTS

Councilmember Sayers said the Art Fair was a great event and there was a great crowd.

Councilmember Nicks said he used Kiewit's special event parking for the Art Fair.

Mayor Boehm said that the interaction between the Art Fair, Farmers Market, and Public Market was great and congratulated everyone on a well-done event.

STAFF REPORTS

18. Lenexa Old Town Activity Center Improvement Project update

Logan Wagler, Parks and Recreation Director, said that the project team is wrapping up the site development phase of the design and would like some feedback. He said this presentation is to update the Governing Body on the process; there will be another update next month before the project goes to the Planning Commission at the end of June. He provided a brief history review of the project to this point and introduced Sean Zaudke, Multistudio, and Matt Evett, Confluence.

Mr. Zaudke said that all of the design decisions have taken Vision 2040 into consideration, particularly the idea that this is about healthy people, inviting places, and a vibrant community.

Mr. Evett presented a review of the existing site and talked about how it will transition to the new building layout and parking configurations, how it will have site amenities and activities like pickleball courts and shuffleboard, yard games, flexible lawn space, awnings, string lighting, and landscaping with native plants and rain gardens, as well as a plaza with tables and chairs. He showed elevations reflecting many of various activities on the site.

Councilmember Roh asked where the light poles would be located in the west area and Mr. Evett said the electrical engineers are still working on that with MUSCO, but that there would be sports court lighting. Mr. Wagler said there are no lighting concerns for the neighborhood.

Mr. Zaudke discussed how the project has evolved and developed and said that the team has been working with Turner Construction an estimate standpoint to bring forward with a high level of confidence what the project will actually look like. He showed how the project scope is organized by renovations of existing and new connections. He said that studies are underway for the exterior design, and they are considering a variety of panels with varied colors and textures, creating an inviting walkway and entrance to the building while screening the mechanical systems, and creating a high degree of transparency to connect inside to outside. He showed elevations reflecting these ideas.

Mr. Zaudke discussed the building's interior and how the outside canopy becomes the inside ceiling and connects them. He showed diagrams of the building addition and the renovations, pointed out different spaces inside the building, and talked about how they are looking for opportunities to create flexibility inside for a variety of events.

Mr. Zaudke discussed the project schedule and said they intend to return to the second City Council meeting in June and then go before the Planning Commission at the end of June for final approval.

Councilmember Nicks asked how this will impact the Chili Challenge and Mr. Wagler said the event will still happen and there would be a reorganized layout. Councilmember Nicks said he also likes how the addition comes out at an angle now and the textures and colors add interesting details. He asked if there will be a reception area at the Senior Center entrance and Mr. Zaudke said there will be an office at that entry with a window for service.

Councilmember Roh said he appreciates the collaborative efforts and thanked the team for listening to the suggestions that have been made. He hopes this project is so successful that more parking is needed. He asked about parking for City events and Mr. Wagler said there is plenty of on-street parking in Old Town.

Councilmember Sayers said she agreed with Councilmember Nicks that the wood detail and shift of the building really made a difference in the look. She really likes the fact that this creates a destination and a gathering space that connects to Old Town. She added that this is just what Old Town needs.

Councilmember Eiterich agreed with the other councilmembers.

Mayor Boehm inquired about the flow of traffic through and around the building, saying he felt there appears to be some landscaping that is in the way of moving from one side of the site to the other, making it feel like you have to go in and through the building even if you are not there to participate in any indoor activity. Mr. Wagler said that they will consider that in the final site design, which is still being worked on.

Councilmember Nolte said he thinks this is a good example of how someone can just enjoy a nice walk around the building, noting that every path does not have to be efficient and straight.

Councilmember Denny asked if the facility would be open during construction and Mr. Wagler said it would never be completely out of service with the exception of the AB Room. He said the plan is to get the Senior Center wing in place before demolishing the existing Senior building.

END OF RECORDED SESSION

BUSINESS FROM FLOOR

Craig Wood, 8602 Dice, said he has been a Lenexa resident for 37 years. He voiced his concerns about loud music and noise coming from the Grand Pavilion in Sar-Ko-Par Trails Park and asked that the City not allow noise to reach those loud levels in the future.

ADJOURN

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

The meeting adjourned at 8:32 PM.

/s/ Jennifer Martin
City Clerk