MINUTES OF THE
JUNE 16, 2026
LENEXA CITY COUNCIL MEETING
COMMUNITY FORUM, 17101 W 87th STREET PARKWAY
LENEXA, KS 66219

CALL TO ORDER

Mayor Sayers called the meeting to order at 7 PM.

ROLL CALL

Councilmembers Handley, Eiterich, Charlton, Nicks, Bell, Williamson, Denny, and Herron were present with Mayor Sayers 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 Bell made a motion to approve the June 2, 2026 City Council meeting draft minutes and Councilmember Eiterich seconded the motion. Motion passed unanimously.

MODIFICATION OF AGENDA

Item 2 was removed from the Consent Agenda and placed on the Regular Agenda.

APPOINTMENTS

Chelsea Williamson, Council President - July 1, 2026 through December 31, 2026

CONSENT AGENDA

1. Bid award to JM Fahey Construction Company to construct the Santa Fe Trail Drive (95th Street to south city limit) Public Improvements Project
   This project treats 9.36 lane-miles with a 2-inch asphalt mill and overlay. Work also includes removing and replacing deteriorated curbs and gutters, sidewalk panels, and ADA ramps as needed, and upgrading traffic signal detection at the College Boulevard & Lackman Road and 95th Street & Santa Fe Trail Drive intersections. JM Fahey Construction Company bid $1,286,997 to perform the work.

3. Approval of the 2026-2027 insurance program and authorization for the City Manager to execute all documents necessary to procure property and liability insurance and associated lines of coverage
   The proposed 2026–2027 insurance program covers the City's property (except inland marine), liability (except cyber), automotive, and umbrella/excess policies and begins the process of aligning coverage renewal dates. The cost of this program is $640,960.

4. Approval of a Community Development Block Grant project extension request with Johnson County for the 2025 CDBG Streetlight Replacement Program
   The City must formally request an extension of the Community Development Block Grant (CDBG) funds for any work not completed by August 30, 2026. Due to a delay in the delivery of the streetlight poles and the timing of the City's sod season, the City is requesting that the project completion be extended until October 30, 2026. The City received $194,924.80 in CDBG funds from Johnson County for the 2025 project.

5. Dedication of easements on City-owned property to Johnson County Wastewater for Solera, 2nd Plat
   The dedication of a permanent sanitary sewer easement and a temporary construction easement is necessary for a sanitary sewer extension to serve the proposed Solera development.

6. Resolution calling for a public hearing to consider establishing a community improvement district for the Solera Retail Development
   The developer of the Solera Retail Development 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 southeast corner of Prairie Star Parkway & K-7 Highway.

7. Resolution terminating the base lease and lease agreement with Meritex Lenexa Development II, LLC associated with the City's industrial revenue bonds (Meritex Surface Buildings 3, 4, & 5 Project)
   In 2022, the City issued $24 million in industrial revenue bonds (IRBs) for multiple light industrial/warehouse buildings totaling 300,000 square feet located along 99th Street between Ridgeview Road and Britton Street in the Meritex surface business park. The project is complete and the proposed resolution authorizes the Mayor and City staff to execute all documents necessary to terminate the IRBs.

8. Ordinance amending certain Lenexa City Code sections in Chapter 3-9 Public Offenses and Section 3-5-F-7 Smoking Restrictions
   The City closely follows Kansas state statutes for certain criminal offenses, including theft, buying sexual relations, and illegal possession of tobacco products. Over the years, several changes have been made to these state statutes. This ordinance updates the language in each City Code section to ensure the City remains consistent with state law.

END OF CONSENT AGENDA

Item 2 was removed from the Consent Agenda and placed on the Regular Agenda.

Councilmember Eiterich made a motion to approve items 1 and 3 through 8 on the consent agenda and Councilmember Bell seconded the motion. Motion passed unanimously.

REGULAR BUSINESS

2. Acceptance of drainage, utility, landscape, and sidewalk easements and rights-of-way as shown on Highlands at Clear Creek Final Plat
Highlands at Clear Creek is a 50-lot single-family residential neighborhood on 16.73 acres located near the southeast corner of 86th Terrace & Clare Road. Easements and rights-of-way are being dedicated to the City as part of this final plat.

Scott McCullough, Community Development Director, said this is a request to accept right-of-way and easement dedications for the Highlands at Clear Creek final plat, a 50-lot, four-tract residential subdivision on approximately 17 acres located southwest of 86th Terrace & Clare Road. He explained that the property is currently owned by the City but will be transferred to Habitat for Humanity before the plat is recorded.

Mr. McCullough said the rezoning and preliminary plan were approved February 17th. He talked about the rezoning being in litigation, saying it is not under consideration with this agenda item and that neither the City nor the applicant has been ordered to delay subsequent administrative actions.

Mr. McCullough reviewed the requested dedications, including rights-of-way and landscape, drainage, utility, and sidewalk easements, saying they are standard for residential subdivisions, consistent with the approved preliminary plan, and were approved by the Planning Commission on June 1st.

Mr. McCullough said staff recommended acceptance of the dedications.

Councilmember Charlton asked Mr. McCullough to explain how the project was consistent with the City's goal of responsible economic development. Mr. McCullough responded saying it reflects the City's broader goals of encouraging growth in a variety of forms and that the project supports multiple goals and values identified in the Comprehensive Plan that were evaluated during the rezoning process.

Councilmember Nicks said he is opposed to the project and asked whether the City still owned the property. Sean McLaughlin, City Attorney, confirmed the City has executed a sales contract with Habitat for Humanity but remains the property owner while the purchaser completes its due diligence period. He explained the action is procedural and administrative because the plat serves as the legal instrument dedicating rights-of-way and easements. He said the plat will be recorded after the property transfers to Habitat for Humanity.

Councilmember Nicks talked about resident correspondence received and asked if the resident could address the Council. Mayor Sayers said that the rezoning is pending in court and the issues raised will be resolved through the litigation.

Councilmember Charlton asked whether the property closing would occur before the court case is resolved. Mr. McLaughlin said he could not comment on the court's timeline but noted the contract anticipated a closing within approximately 120 days.

Councilmember Handley said that accepting rights-of-way and easement dedications is a routine administrative function the Council performs regularly and that the item was standard City business.

Councilmember Williamson made a motion to approve Item 2 and Councilmember Handley seconded the motion. Motion passed 6-2 with Councilmembers Nicks and Charlton voting against.

BOARD RECOMMENDATIONS

9. Consideration of a preliminary plan for an office and public safety services development known as Lenexa Fire Station 6 located at 12300 W. 87th Street Parkway in the CP-O, Planned General Office District

The applicant proposes an office and public safety services development consisting of a one-story fire station and administration building, a one-story office and storage building, and a two-story office building. All three buildings total 61,517 square feet of floor area.

Stephanie Sullivan, Planning Manager, presented the preliminary development plan for Fire Station 6 and a conceptual master plan for the former City Hall site at 87th Street Parkway & Monrovia Street. She explained the site is designated for institutional use in the Comprehensive Plan and will be redeveloped with three buildings totaling approximately 61,000 square feet. She said the application under consideration focused on the first phase, which is a 27,000-square-foot fire station and administrative office, while two future office and warehouse buildings were included conceptually to demonstrate the site's long-term plan.

Ms. Sullivan said the plan preserves existing access points from Long Street, Monrovia Street, and 85th Terrace to support emergency response, retains mature landscaping along the northern property line to buffer adjacent neighborhoods, and includes approximately 250 parking spaces to be completed in phases.

Ms. Sullivan said both the Planning Commission and staff recommended approval.

Ellen Foster, Finkel + Williams Architecture, reviewed the project's design principles, emphasizing firefighter and community well-being, resiliency, civic pride, and operational efficiency. She said the fire station's location on the eastern portion of the site was selected to optimize emergency response while preserving opportunities for future City facilities on the remainder of the property.

Ms. Foster also noted the project will preserve the existing cell tower, maintain the temporary apparatus bay during most of construction, and retain mature trees to provide buffering for nearby residential areas. She presented architectural renderings featuring brick, limestone, and wood accents, outlined the phased master plan for future City office and storage space, and said construction is expected to begin in November following final development plan approval in August and construction contract approval in October, with completion anticipated in 2028.

Councilmember Williamson asked why the existing fountain was not being retained. Beccy Yocham, City Manager, said that the current plan replaces the fountain with a public art feature, but the Governing Body could direct staff to reconsider that decision. She recommended discussing the issue during a future Committee of the Whole meeting to evaluate costs, infrastructure requirements, long-term maintenance, and the relationship between retaining the fountain and planned public art. Several councilmembers expressed interest in further discussion, with some favoring preservation of the existing fountain, others preferring consideration of a new fountain, and all agreeing the matter warranted additional review before final plan approval.

Councilmember Bell asked how emergency response operations would be maintained during construction. Ms. Foster presented the construction logistics plan, explaining the temporary apparatus bay will remain operational throughout most of construction, allowing fire vehicles to continue responding from the site until the final stages of the project, when only a brief transition will occur.

Councilmember Eiterich recalled extensive public input received during earlier planning for the former City Hall site and said residents strongly supported retaining the property for City use. She said improving emergency response times in northeast Lenexa was a key factor in prioritizing the project. She said she liked the building design and the preservation of mature trees.

Councilmember Handley complimented the building's civic architecture and asked whether the future office and warehouse building could accommodate service vehicles without affecting site circulation. Ms. Foster said that truck-turning studies confirmed adequate maneuverability and noted the future building is intended for City operations rather than heavy commercial truck traffic. Councilmember Handley also asked about amenities for non-fire personnel and Ms. Foster said the building includes shared interior amenities such as a fitness room, break space, and collaborative training room available to multiple departments. Councilmember Handley said it would be important to maintain a civic feature on that site that can continue serving as a community gathering point and display for City events.

Councilmember Nicks thanked Ms. Foster, City staff, and the project team for its work, saying the new facility is greatly needed and that he liked the proposed design.

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

10. Ordinance approving amendments to City Code Sections 4-1-B-11, 4-1-B-12, & 4-1-B-22 pertaining to the use regulations for medical or dental clinics and personal services within the Planned Neighborhood Office (NP-O) and Planned General Office (CP-O) Zoning Districts
Staff proposes amending the Unified Development Code to modify the use regulations for medical or dental clinics and personal services. The proposed amendment would allow these as permitted uses in the NP-O and CP-O Districts, eliminating the special use permit requirement and aligning the use with the intended small-scale office character and activity levels of these zoning districts.

Ms. Sullivan presented a proposed amendment to the Unified Development Code (UDC) that would make medical and dental clinics and personal service businesses permitted uses, rather than requiring special use permits (SUPs), in the Neighborhood Planned Office (NPO) and Community Planned Office (CPO) zoning districts. She explained that staff has processed numerous SUPs for these low-intensity businesses in recent years, including very small tenant spaces, and found they consistently generated no public opposition or operational issues.

Ms. Sullivan noted that more than 25% of all SUP applications over the past six years involved these uses, all 17 applications were approved, and none resulted in public comments or complaints. She said staff already reviews proposed businesses through the certificate of occupancy process to verify zoning compliance, parking availability, and other operational requirements, making the SUP process unnecessary for these uses.

Ms. Sullivan said the amendment would reduce regulatory burdens, shorten the time required for businesses to open, eliminate unnecessary public hearings, and relieve existing permit holders from future renewal requirements. She said both the Planning Commission and staff recommended approval.

Mayor Sayers expressed support for the amendment, noting that many of the affected businesses are small local enterprises, such as chiropractic clinics and medical spas, and asked whether larger dental offices would still receive adequate parking review. Ms. Sullivan said that every business undergoes a certificate of occupancy review involving planning, fire, and building staff that evaluates employee counts, available parking, surrounding tenant uses and operating hours, and requires shared parking agreements or additional parking when necessary to ensure parking demands are met.

Councilmember Charlton asked whether the amendment would affect SUP requirements for entertainment venues and Ms. Sullivan clarified the amendment applies only to medical and dental clinics and personal service uses and does not change SUP requirements for entertainment venues, day care facilities, or other uses that will continue to require additional review.

Councilmember Bell asked whether the definition of a medical clinic could include emergency medical facilities with ambulance traffic. Ms. Sullivan explained the code distinguishes medical and dental clinics from hospitals and other medical uses. She said medical clinics covered by the amendment are generally lower-intensity outpatient facilities and that staff determines the appropriate land use classification based on the services described by each business.

Councilmember Bell made a motion to approve Item 10 and Councilmember Williamson seconded the motion. Motion passed unanimously.

PUBLIC HEARINGS

11. Consideration of action items regarding the Broadway Plaza Retail Center
- WITHDRAWN BY THE APPLICANT

This item was withdrawn by the Applicant.

12. Consideration of action items concerning the structure at 12601 W. 95th Street (commonly known as the Radisson Hotel)

    a. Public hearing to appear and show cause why the structure at 12601 W. 95th Street should not be condemned and ordered repaired or removed as an unsafe or dangerous structure

    b. Resolution finding the Radisson Hotel to be unsafe and dangerous and directing such structure to be repaired or removed
    The Radisson Hotel is currently condemned due to several building code and property maintenance violations. As required by state statute, the City previously adopted a resolution setting a public hearing for June 16, 2026, to be held if repairs did not commence in a manner acceptable to the Building Codes Administrator before that date. After hearing evidence from the owner of the structure and from City staff, the Governing Body must determine whether the structure is unsafe or dangerous and, if so, direct that the structure be repaired or removed.

Mayor Sayers opened the public hearing at 7:45 PM.

Ashley Tomasic, Assistant City Attorney, explained the Governing Body's role in determining whether the Radisson Hotel constitutes a dangerous structure under City code. She said the City Council's decision was limited to determining whether the building is unsafe or dangerous and, if so, ordering that it be repaired or removed within an established timeline. She said the property owner would determine whether to repair or demolish the structure, while the City Council would establish deadlines and delegate interim oversight to Mr. McCullough.

Ms. Tomasic reviewed the enforcement timeline, noting numerous inspections, notices of violation, the building's condemnation, a stop-work order, and subsequent inspections. Using photographs, she documented widespread mold, roof leaks, water intrusion, deteriorated structural elements, electrical hazards, plumbing deficiencies, HVAC failures, elevator problems, fire code violations, unsafe flooring, improper storage, retaining wall failures, and several other deficiencies. She said the City requested comprehensive engineering evaluations to identify the root causes of the building's systemic problems rather than allowing piecemeal repairs. She said that the evidence met multiple definitions of a dangerous structure under the International Property Maintenance Code (IPMC) because the building is unsafe for occupancy, unfit for human habitation, and poses threats to life and safety.

Ms. Tomasic said staff recommends declaring the structure dangerous, requiring engineering reports within 30 days, submission of a comprehensive repair or demolition plan within an additional 30 days, allowing approximately 180 days to complete repairs or 90 days for demolition, and authorizing the

Community Development director to administer interim deadlines and extensions.

Councilmember Eiterich asked whether any portions of the hotel were free of deficiencies and Ms. Tomasic said that while some rooms had no visible violations during inspections, inspectors could not determine the full extent of hidden mold or systemic problems without comprehensive engineering reports. Councilmember Eiterich asked what the City expected from the engineering reports and Ms. Tomasic said City staff worked directly with the selected engineering firm to establish a detailed scope of work for the reports addressing mold, electrical, HVAC, roofing, and other building systems.

Mr. McCullough added that the reports are intended to identify the underlying causes of the building's widespread failures so the owner can make an informed decision about repairing or removing the structure.

Councilmember Eiterich asked whether licensed professionals would be required to perform the work and Mr. McCullough confirmed the reports must be prepared by licensed engineers and any subsequent repairs requiring permits must be completed by properly licensed contractors.

Councilmember Eiterich asked about the enforcement timeline and Ms. Tomasic explained the property had undergone extensive inspections beginning in September 2025 following recurring concerns dating back to a previous condemnation in 2021. She said the City allowed time for corrective action before initiating condemnation proceedings after receiving little progress toward correcting the violations.

Councilmember Williamson asked staff to clarify what was said about months of limited communication and missed deadlines. Ms. Tomasic explained City staff completed multiple inspections between September and November 2025 while coordinating access around occupied hotel rooms. After the November notice of violation, she said the required reports and corrective actions were not submitted by the established deadlines despite limited communication from management. Councilmember Williamson asked whether City inspectors had been denied access to the property and Ms. Tomasic said staff was refused access only once, during an attempted March inspection, when management was unavailable, although inspectors were able to review common areas at that time.

Councilmember Williamson asked how many people continued living in the hotel after it was condemned. Ms. Tomasic said staff believed two hotel employees remained living in the building until the stop-work order required them to vacate.

Councilmember Herron asked about the City's authority if the property owner attempts repairs but fails to complete them successfully. Ms. Tomasic explained that the City could assume responsibility for the project and determine whether the structure should be repaired or demolished based on its condition. She said any costs incurred by the City would initially be invoiced to the property owner and, if unpaid, assessed against the property as a tax lien, similar to other nuisance abatements. She explained that the owner would be required to submit a comprehensive repair plan addressing all deficiencies identified in the engineering report, obtain permits, use licensed contractors, and pass all required City inspections before work would be approved. She noted the property could have been addressed solely through the City's existing condemnation process, but because of the property's history of recurring issues, the City pursued the additional statutory process to provide stronger enforcement options, including the authority to remove the structure if the owner fails to meet repair requirements or deadlines.

Councilmember Bell asked whether the City would receive a copy of the engineering report directly from the engineer. Ms. Tomasic said the City expects to receive the completed report, provided it is finalized and released, and has been coordinating with both the owner's representatives and the engineering firm throughout the process.

Councilmember Bell asked about the building's electrical condition and whether power remained connected. Ms. Tomasic explained utility service had recently been disconnected because the electric bill was unpaid rather than because of building deficiencies. She said service could not be restored until a licensed electrician determined the system was safe and the City authorized reconnection.

Mr. McLaughlin added that the power was disconnected for non-payment, not due to electrical problems in the building. Mayor Sayers commented that the absence of power and air conditioning, paired with the recent rainfall, proliferates the mold situation.

Councilmember Bell shared his concerns about potential structural deterioration caused by water damage and asked about possible insurance claims.

Mr. McLaughlin talked about the complexity of the case, noting the City has pursued every available enforcement tool over the past five years and cannot guarantee the owner will complete repairs. He said the proposed action is intended to maintain leverage while protecting the City's ability to recover costs if it must repair or demolish the building. Unlike fire-damaged properties, where insurance proceeds are available to offset costs, expenses for this property would be assessed against the property through the tax rolls, although reimbursement timing is uncertain. He said multiple parties and insurance issues could further complicate the process, and many questions cannot yet be answered. He then reminded the City Council that its decision was limited to determining whether the structure is unsafe and dangerous.

Paul Snider, Snyder Public Affairs, representing Kansas Hotels LLC and Lenexa Vision, urged the City Council to allow additional time for the hotel owners to address the property’s deficiencies. He described the Radisson as a prominent Lenexa landmark and provided background on its history and ownership, explaining that Kansas Hotels owns the property while Lenexa Vision has operated the hotel since January 2025 under a lease with an option to purchase. He said Lenexa Vision inherited an aging facility and was still becoming familiar with Lenexa's regulatory requirements. Mr. Snyder stated communication with City staff had improved significantly in recent weeks and the owner had retained Norton & Schmidt to complete a comprehensive engineering and forensic evaluation of the building. He added that the pending litigation against the City had been voluntarily dismissed and Lenexa Vision was working to resolve municipal court violations without contesting the cited deficiencies.

Mr. Snyder noted the owners have had no income from the property since its closure, making the engineering study and future repairs financially challenging. He outlined several potential future uses for the property, including reopening as a hotel, converting portions to extended-stay lodging or offices, or redeveloping it into long-term housing, while acknowledging some options would require rezoning. He said the building should not be declared entirely unsafe or uninhabitable because many areas remain unaffected, and he requested flexibility in the proposed compliance deadlines, stating the owners would need additional time to review the engineering report, secure financing, and complete repairs, particularly because roof replacement and mold remediation would require a phased approach. He suggested the proposed 180-day repair timeline may prove unrealistic depending on the report's findings.

Councilmember Charlton asked whether the engineering evaluation would include the building's structural integrity in addition to environmental concerns. Mr. Snyder said the engineering assessment extends beyond environmental concerns and will evaluate the building's overall structural integrity. He explained that Norton & Schmidt are leading the project as structural engineers, with Occu-Tec conducting mold and environmental assessments and Lankford Fendler evaluating the building's mechanical, electrical, and plumbing systems.

Councilmember Charlton asked about the history of the indoor pool, and Mr. Snyder explained it originated as an outdoor pool before the original and tower buildings were enclosed into the current atrium design.

Councilmember Bell questioned Mr. Snyder's assertion that portions of the hotel remained safe despite the widespread violations documented by staff, citing concerns about mold, fire safety, and other conditions that could affect the entire structure. Mr. Snyder acknowledged mold remained the most significant issue but said many fire code deficiencies could be corrected relatively quickly once work resumes, and maintained that unaffected portions of the hotel remained usable. Councilmember Bell said he was concerned that the documented conditions suggested the entire building posed potential health and safety risks.

Councilmember Williamson asked if Mr. Snyder was suggesting that Lenexa Vision would have allowed similar conditions to go unaddressed in another community but was now responding more proactively because it had become more familiar with Lenexa's regulatory expectations. Mr. Snyder replied that Lenexa Vision had not previously encountered the City's level of regulatory oversight and now better understood the City's expectations.

Councilmember Williamson asked whether the property was insured, when electrical service would be restored, why cosmetic repairs appeared to have been made instead of code-compliant repairs, and why licensed contractors had not been engaged earlier. Mr. Snyder confirmed the property is insured, explained the electric bill had been paid but power could not be restored until the City approved reconnection following a licensed electrician's inspection, and acknowledged some previous repairs had been self-performed rather than completed by licensed contractors, adding that the operator now understood licensed professionals would be required.

Councilmember Herron asked whether the City would receive the engineering report when it was completed. Mr. Snyder said he expected the City to receive the engineering report immediately upon completion.

Councilmember Herron asked whether the owner would consider providing financial assurances to guarantee completion of repairs and whether the property was being marketed for sale. Mr. Snyder said he had not discussed providing a bond or other financial guarantee with the owner and that the property was not formally listed for sale although potential purchasers were aware of its availability.

Councilmember Herron asked if the operators had successfully completed similar rehabilitation projects elsewhere and Mr. Snyder said he was not familiar with the operators' experience on comparable projects.

Councilmember Eiterich asked Mr. Snyder to clarify the ownership structure and he explained that Kansas Hotels owns the property, Lenexa Vision leases and operates the hotel with an option to purchase, and a separate lienholder also has an interest in the property.

Mr. McLaughlin clarified that any City Council action declaring the hotel an unsafe or dangerous structure would remain in effect even if the property changed ownership.

Councilmember Eiterich said that based on the documented issues, it was difficult for her to feel the building was safe, adding that delays in completing the engineering report or major repairs would likely allow conditions to worsen and further reduce the feasibility of rehabilitation. While acknowledging the property's redevelopment potential and desirable location, she emphasized that the City's priority is ensuring the building is safe and protecting the public from potential health and safety risks.

Councilmember Handley asked if the owner or operator objected to the proposed delegation of authority allowing City staff to grant deadline extensions. Mr. Snyder said he had not previously understood staff would have that flexibility.

Mayor Sayers asked whether the property owners were available to attend the hearing. He said they are based in Houston and he believed they thought it was best for him to represent them.

Jason Leiker, attorney with Fox Rothschild representing Wallis Bank, the mortgage holder, said the bank planned to file a lawsuit within a week seeking appointment of an emergency receiver to take control of the property, secure the site, and protect public safety. He said the bank neither supported nor opposed the proposed resolution, acknowledging that the City Council's role was to determine whether the structure should be declared unsafe. He said that such a declaration could create practical challenges for immediate stabilization efforts, such as restoring power, but said those issues would be addressed through the receiver. He asked for compliance deadlines to be extended from 30, 90 and 180 days to 60, 120 and 240 days, respectively, saying that additional time would be necessary to obtain a comprehensive engineering report, organize qualified professionals, and develop a realistic remediation plan. He spoke about the bank's financial incentive to restore the property's value, noting the outstanding mortgage exceeds $5 million, demolition would cost approximately $1 million, and the property's value as an operating hotel significantly exceeds its value as vacant land. Mr. Leiker said it was too early to determine whether the building should be repaired or demolished but agreed the property required prompt action.

Mayor Sayers asked if Mr. Leiker could confirm delinquency on mortgage payments and he confirmed there are multiple defaults and that they believe Lenexa Vision is improperly operating as they are not the borrower on the loan.

Councilmember Bell asked what a receiver is and if there is collateral involved and Mr. Leiker said a receiver is a court appointed master of the business to preserve the assets and the collateral is the real property.

Councilmember Eiterich asked if the receiver would make the decision on the building's repair or demolition and Mr. Leiker clarified that if the court appoints a receiver, the receiver will not have authority to override the City's actions or legal requirements. He explained that the receiver would evaluate the property and make a recommendation on whether the building should be repaired or demolished, then submit that recommendation to the City as part of the compliance process.

Councilmember Handley asked about the legal timeline and Mr. Leiker said he expected a court to act on the bank's request for an emergency receiver within two to four weeks. He said the bank would seek expedited consideration and, if necessary, pursue an injunction to obtain immediate relief, noting that courts generally recognize the need for prompt action when property conditions could worsen. He also noted the mortgage is backed by a U.S. Small Business Administration guarantee, meaning taxpayer funds are at stake, which he said provides additional incentive for all parties to move quickly.

Mayor Sayers invited members of the audience to speak.

No one from the public spoke.

Councilmember Bell made a motion to close the public hearing and Councilmember Charlton seconded the motion. Motion passed unanimously.

The public hearing closed at 9:24 PM.

Councilmember Charlton, drawing on his professional experience as an architect and contractor, said there was no question that the hotel should be considered an unsafe structure because of significant mold, life safety, and environmental concerns. He said that while a structural assessment is important to identify potential damage caused by water intrusion, the building's more pressing issues involve environmental conditions, electrical systems, and the fire alarm system, all of which present immediate life safety concerns.

Councilmember Herron said the mortgage holder's request to extend the compliance timeline from 30 to 60 days for the initial engineering report had merit, particularly given the lender's planned request for an emergency receiver and its belief that the property could still be rehabilitated.

Mayor Sayers said she felt that any timeline adjustments should remain at the discretion of Mr. McCullough rather than be prescribed by the council.

Councilmember Williamson agreed the evidence presented demonstrated the hotel clearly met the definition of an unsafe and dangerous structure under the IPMC. She said the owner and operator had ample notice and opportunity to address the deficiencies before the situation became urgent and supported approving the staff-recommended deadlines while allowing Mr. McCullough discretion to grant extensions if warranted.

Councilmember Eiterich said the evidence presented clearly supported declaring the hotel an unsafe and dangerous structure, citing serious fire safety, electrical, and mold concerns that could continue to spread throughout the building and pose risks to anyone entering it. She said she would not want to be in the building or have family members there and expressed concern that delaying action would only allow conditions to deteriorate further. While expressing confidence in staff's ability to exercise discretion regarding compliance deadlines, she suggested the proposed 30-day deadline could help encourage prompt action by the mortgage holder as it seeks appointment of an emergency receiver.

Councilmember Handley agreed the evidence supported declaring the hotel an unsafe and dangerous structure, saying the property's deterioration had developed over a long period. He questioned how a purchaser could have acquired the property without identifying the numerous maintenance and safety deficiencies during inspections, noting that problems such as smoking electrical outlets are basic safety concerns. He said that the building's condition had exposed guests to unacceptable risks and warranted condemnation as an unsafe structure.

Mayor Sayers, noting her background as a design professional, emphasized the heightened life safety concerns associated with a hotel where guests may be asleep and unable to respond to emergencies. She said fire code violations in an overnight lodging facility are unacceptable regardless of the building's other deficiencies and also highlighted concerns about employee safety, noting that prolonged exposure to mold and other hazards could create serious workplace health risks. She said the hotel clearly qualified as an unsafe building.

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

NEW BUSINESS

There was no new business.

COUNCILMEMBER REPORTS

Councilmember Charlton commended staff for their work on organizing and executing the Pitch Lenexa World Cup watch party, specifically recognizing Mr. Nolan's efforts, leadership, and hands-on involvement in event operations.

STAFF REPORTS

Beccy Yocham, City Manager, said there would be a Committee of the Whole meeting next week to begin the budget process.

END OF RECORDED SESSION

BUSINESS FROM FLOOR

There was no business from the floor.

ADJOURN

Councilmember Charlton made a motion to adjourn and Councilmember Bell seconded the motion. Motion passed unanimously.

The meeting adjourned at 9:35 PM.

/s/ Jennifer Martin
City Clerk