



Agenda

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

**APRIL 4, 2023
7:00 PM
COMMUNITY FORUM**

CALL TO ORDER Pledge of Allegiance

ROLL CALL

APPROVE MINUTES March 21, 2023 City Council meeting draft minutes
(located in the Appendix)

**MODIFICATION OF
AGENDA**

PROCLAMATIONS

SevenDays Week- April 5-16
Fair Housing Month
National Safe Digging Month
Volunteer Recognition Month

RECOGNITION

Dianne Conway - Lenexa Volunteer Hall of Fame Inductee

CONSENT AGENDA

Item Numbers 1 through 2

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

1. Resolution calling for a public hearing to consider approving Redevelopment Project Plan 1K in the City Center TIF District (Kiewit Penrose Lane Building Project)

This resolution is only to provide notice of a public hearing on May 16, 2023, at which time the Governing Body will consider approving Redevelopment (TIF) Project Plan 1K encompassing 0.90 acres located south of 89th Street/Penrose Lane and west of Renner Boulevard in the City Center TIF District.

2. Resolution approving and authorizing the Mayor to execute an interlocal agreement with the City of Overland Park for road improvements to Quivira Road from 99th Street to 103rd Street

Lenexa and Overland Park share Quivira Road from 99th Street to 103rd Street. Maintenance of this portion of road is included in Overland Park's 2023 Pavement Management Program and the cities will share costs. The estimated total cost of the project is \$840,664. Overland Park's share is \$311,332 and Lenexa's share is \$311,332. The remaining balance will be paid with County Assisted Roads Systems (CARS) funding.

END OF CONSENT AGENDA

NEW BUSINESS

3. Resolution approving the City of Lenexa, Kansas Governing Body Rules of Procedure

The Governing Body adopts rules of procedure to assist them in efficiently conducting the City's business and provide general information on the role and responsibilities of staff. The proposed rules of procedure reorganize the current rules of procedure with the goal of reducing redundancies, addressing new practices, and clarifying current practices.

COUNCILMEMBER REPORTS

STAFF REPORTS

4. City Center Wayfinder Sign Program

END OF RECORDED SESSION

BUSINESS FROM FLOOR

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

ADJOURN

APPENDIX

5. March 21, 2023 City Council meeting draft minutes

6. SevenDays Week Proclamation
7. Fair Housing Month Proclamation
8. National Safe Digging Month Proclamation
9. Volunteer Recognition Month Proclamation
10. Item 1 -- Project Plan 1K
11. Item 3 -- Governing Body Rules of Procedure

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

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



ITEM 1

SUBJECT: Resolution calling for a public hearing to consider approving Redevelopment Project Plan 1K in the City Center TIF District (Kiewit Penrose Lane Building Project)

CONTACT: Sean McLaughlin, City Attorney

DATE: April 4, 2023

ACTION NEEDED:

Adopt a resolution calling for a public hearing to consider approving Redevelopment Project Plan 1K in the City Center TIF District (Kiewit Penrose Lane Building Project).

PROJECT BACKGROUND/DESCRIPTION:

This resolution is only to provide notice of a public hearing on May 16, 2023, at which time the Governing Body will consider approving Project Plan 1K encompassing 0.90 acres located south of 89th Street/Penrose Lane and west of Renner Boulevard in the City Center TIF District.

Pursuant to state law, before a tax increment financing (TIF) project plan is considered by a governing body, a city's planning commission must first examine the proposed project plan in the context of the city's comprehensive plan and make a finding that the two plans are consistent with each other. The final development plan for the project will be considered at the Lenexa Planning Commission meeting on April 3, 2023 and Project Plan 1K will be considered at the same time.

The project is to be completed by Kiewit Engineering Group Inc. ("Developer") and includes construction of a six-story office building, two-level parking structure, surface parking, landscaping, sidewalks and related site amenities, signage, and infrastructure improvements.

The TIF increment generated from the Project Plan 1K area would be used to reimburse the Developer for its TIF eligible costs. The eligible costs, priority, and terms of reimbursement would be set forth in a Disposition and Development Agreement (DDA), but generally provide for the Developer to be reimbursed with TIF increment up to a maximum potential reimbursement of \$20,729,084, commencing upon substantial completion of the construction in accordance with approved plans and permits.

Consideration of the DDA is also contemplated to occur at the May 16, 2023 City Council meeting, if Project Plan 1K is approved.

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Thriving Economy

Guiding Principles

Responsible Economic Development

ATTACHMENTS

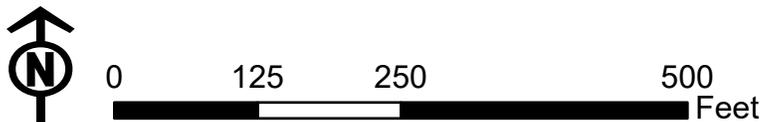
1. Map
2. Exhibits
3. Resolution
4. Project Plan 1K located in the Appendix



Data Source: City of Lenexa and Johnson County Kansas
For further information, please call 913-477-7500

Kiewit K3

City Center Project Plan 1K



RESOLUTION NO. 2023 - _____

A RESOLUTION PROVIDING FOR NOTICE OF A PUBLIC HEARING TO CONSIDER ADOPTION OF REDEVELOPMENT PROJECT PLAN 1K FOR THE CITY CENTER TIF DISTRICT (Kiewit Project).

WHEREAS, on September 11, 2001, pursuant to K.S.A. 12-1770 *et seq.*, as amended (the “Act”) and Ordinance No. 4427 of the City of Lenexa, Kansas (“City”), and in order to promote, stimulate and develop the general and economic welfare of the City, the Governing Body established a redevelopment district consisting of approximately 190 acres referred to as the City Center TIF District (“Original District”); and

WHEREAS, on December 20, 2005, the Governing Body adopted Ordinance No. 4824 amending the City Center Redevelopment District to encompass a total of approximately 424 acres (“District”); and

WHEREAS, the Governing Body desires to consider adoption of Redevelopment (TIF) Project Plan 1K (“Project Plan 1K”) in accordance with the Act. The purpose of Project Plan 1K is to construct a six-story office building, a two level parking structure, surface parking, landscaping, sidewalks, related site amenities, signage, and associated infrastructure improvements (the Project”) and would be constructed on approximately 0.90 acres (the “Project Plan 1K Area”); and

WHEREAS, Project Plan 1K is part of a larger 16 acre corporate campus including three previously constructed buildings and structured and surface parking on the Kiewit Property; and

WHEREAS, a comprehensive feasibility study was completed which indicates the benefits derived from Project Plan 1K are significant. Revenues from the redevelopment (TIF) project area included in Project Plan 1K and other available revenues are expected to be sufficient to pay for the eligible TIF reimbursable project costs; and

WHEREAS, on April 3, 2023, the City Planning Commission reviewed Project Plan 1K and passed a resolution finding that Project Plan 1K is consistent with the comprehensive general plan for the development of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS:

SECTION 1: A public hearing to consider adoption of Project Plan 1K shall be held at the City Council meeting on Tuesday, May 16, 2023, at 7:00 p.m.,

Central Standard Time, or as soon thereafter as it can be heard, at the Lenexa City Hall, 17101 W. 87th Street Parkway, Lenexa, Kansas.

SECTION 2: The amended redevelopment district was approved on December 20, 2005, and its boundaries are as follows:

Beginning at the Northwest corner of the Northeast Quarter of Section 31, Township 12 South, Range 24 East; thence South along the West line of the Northeast Quarter of said Section 31 to the Southwest corner of the Northeast Quarter of said Section 31; thence East along the South line of the Northeast Quarter of said Section 31 to the Southeast corner of the Northeast Quarter of said Section 31, and continuing East along the South line of the Northwest Quarter of Section 32, Township 12 South, Range 24 East to the Easterly right-of-way line of Renner Boulevard as it now exist; thence North along the Easterly right-of-way line of said Renner Boulevard to the intersection with the South line of the Northwest Quarter of the Northwest Quarter of Said Section 32; thence East along the South line of the Northwest Quarter of the Northwest Quarter of said Section 32, to the intersection with the centerline of Interstate Route 435, as it now exists; thence South along the centerline of said Interstate Route 435 to the South line of the Northwest Quarter of said Section 32; thence East along the South line of the Northwest Quarter of said Section 32, to the Southeast corner of the Northwest Quarter of said Section 32; thence North along the East line of the Northwest Quarter of said Section 32, to the Northeast corner of the Northwest Quarter of said Section 32; thence West along the North line of the Northwest Quarter of said Section 32, to the centerline of Interstate Route 435, as it now exists; thence North along the centerline of said Interstate Route 435 to the North line of the Southwest Quarter of Section 29, Township 12 South, Range 24 East; thence West along the North line of the Southwest Quarter of said Section 29, to the Northwest corner of the Southwest Quarter of said Section 29; thence South along the West line of the Southwest Quarter of said Section 29, to the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 30, Township 12 South, Range 24 East; thence West along the South line of Stonecreek of Parkhurst 1st Plat, Stonecreek of Parkhurst 2nd Plat, and Estates of Parkhurst 1st Plat, all subdivisions of land in Johnson County, Kansas, to the Northeast corner of Horizons West Re-Plat 3rd Plat, a subdivision of land in Johnson County, Kansas; thence South along the East line of said Horizons West Replat 3rd Plat, and its extension South, to the South line of the Southeast Quarter of said Section 30; thence West along the South line of the Southeast Quarter of said Section 30 to the Point of Beginning, containing approximately 424 acres.

SECTION 3: The boundary of the area proposed to be included within the project area which is the subject of Project Plan 1K is legally described on attached Exhibit A and incorporated herein by reference. A sketch depicting the proposed

area to be redeveloped is attached as Exhibit B and incorporated herein by reference.

SECTION 4: Project Plan 1K, including the feasibility study and a description and map of the area to be redeveloped, are available for inspection during regular business hours in the office of the City Clerk. Because no relocation is required by the Project Plan, no relocation assistance plan is included, and there are no financial guarantees of prospective developers.

SECTION 5: The City Clerk shall mail a copy of this Resolution, Exhibits A and B, and a courtesy copy of Project Plan 1K by certified mail, return receipt requested, to the Board of County Commissioners of Johnson County, Kansas, and the Board of Education of Unified School District No. 512, Johnson County, Kansas. The City Clerk shall also mail copies of the above by certified mail to each owner and occupant of land within the proposed redevelopment project area not more than 10 days following the date of adoption of this Resolution.

SECTION 6: This Resolution and Exhibits A and B (which include the project plan legal description and sketch of area to be included in the project plan) shall be published by the City Clerk once in the official City newspaper not less than one week or more than two weeks preceding the date fixed for the public hearing.

ADOPTED by the Governing Body this 4th day of April, 2023.

SIGNED by the Mayor this 4th day of April, 2023.

CITY OF LENEXA, KANSAS

[SEAL]

Michael A. Boehm, Mayor

Attest:

Jennifer Martin, City Clerk

Approved As To Form:

Sean McLaughlin, City Attorney

EXHIBIT A

LEGAL DESCRIPTION OF PROJECT PLAN 1K AREA

Lot 2, City Center Lenexa Second Plat, a subdivision in the City of Lenexa,
Johnson County, Kansas

Exhibit B
Sketch of Project Plan 1K Area



Data Source: City of Lenexa and Johnson County, Kansas
For further information, please call 913-427-1300

Kiewit K3
City Center Project Plan 1K





ITEM 2

SUBJECT: Resolution approving and authorizing the Mayor to execute an interlocal agreement with the City of Overland Park for road improvements to Quivira Road from 99th Street to 103rd Street

CONTACT: Nick Arena, Director of Municipal Services

DATE: April 4, 2023

ACTION NEEDED:

Adopt a resolution approving and authorizing the Mayor to execute an interlocal agreement with the City of Overland Park for road improvements to Quivira Road from 99th Street to 103rd Street.

PROJECT BACKGROUND/DESCRIPTION:

The improvements will consist of a 2-inch mill and asphalt overlay, repairing and replacing deteriorated curbs and gutters, medians, sidewalk, and sidewalk ramps as required, and installing new pavement markings.

A portion of this roadway is shared by Lenexa and Overland Park and it is in the public interest to jointly make these improvements. This maintenance work will be managed by Overland Park and is included in their 2023 Pavement Management Program (PMP).

This agreement uses the City's standard form and is available for review in the City Clerk's office.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

City of Lenexa PMP Share	\$311,332
City of Overland Park PMP Share	\$311,332
CARS Funding	\$218,000
Total	\$840,664

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Integrated Infrastructure & Transportation

Guiding Principles

Strategic Community Investment

ATTACHMENTS

1. Resolution

RESOLUTION NO. _____

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF OVERLAND PARK FOR THE PUBLIC IMPROVEMENT OF QUIVIRA ROAD FROM 99TH STREET TO 103RD STREET.

WHEREAS, City of Lenexa (“Lenexa”) and the City of Overland Park (“Overland Park”) agree that it is in the public’s best interest to make public improvements to Quivira Road from 99th Street to 103rd Street (“Project”); and

WHEREAS, Lenexa and Overland Park desire to enter into an agreement to outline their respective rights and responsibilities regarding the Project; and

WHEREAS, the Lenexa and Overland Park have read and understand the terms and conditions of the Agreement attached hereto as Exhibit “A” and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS:

SECTION ONE: The City of Lenexa, Kansas, a municipal corporation, does hereby approve and authorize the Mayor to execute the Agreement in substantially the same form as attached hereto as Exhibit “A”, and made a part hereof by reference.

SECTION TWO: This resolution shall become effective upon adoption by the Governing Body.

ADOPTED by the City Council this 4th day of April, 2023.

SIGNED by the Mayor this 4th day of April, 2023.

CITY OF LENEXA, KANSAS

[SEAL]

Michael A. Boehm, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Spencer L. Throssell, Assistant City Attorney



ITEM 3

SUBJECT: Resolution approving the City of Lenexa, Kansas Governing Body Rules of Procedure
CONTACT: Sean McLaughlin, City Attorney
DATE: April 4, 2023

ACTION NEEDED:

Adopt a resolution approving the City of Lenexa, Kansas Governing Body Rules of Procedure.

PROJECT BACKGROUND/DESCRIPTION:

The Governing Body adopts its own rules of procedure to assist them in efficiently conducting the City's business and provide general information on the role and responsibilities of staff. The current rules of procedure were adopted in 1999 and amended in 2010 to adjust for revisions to the Kansas Open Meetings Act. The rules of procedure were also amended in 2020 to temporarily allow for remote participation in meetings due to the Covid-19 pandemic.

The current rules of procedure work well and enable the Governing Body to conduct business in an efficient manner, but they need to be updated to reflect the increased use of technology, video recording of meetings, and practices that have changed. The new rules of procedure are not intended to be an overhaul but rather a reorganization of the current rules of procedure with the goal of reducing redundancies, addressing new practices, and clarifying current practices.

The updates include the following:

- Regularly scheduled City Council meetings may be video recorded for later viewing. The video recordings will cease during the Business from the Floor portion of the meeting, when the meeting is closed for executive session, and when the meeting ends. Video recordings shall be available on the City's website and retained for two years.
- Agendas will be distributed electronically and made available on the City's website. If necessary, supporting materials for an agenda will be distributed and made available in the same manner.
- The length of the meeting was extended from 11 PM to 12 PM unless extended by vote.
- The Mayor may suspend the rules of procedure in part or in their entirety in the event of a national, state, or local emergency declaration.

In order to adopt the new rules of procedure at the April 4th meeting, a three-fourths majority of the Governing Body (7 members) must vote in favor because this is the first regular City Council meeting at which the new rules of procedures were considered. Otherwise, the new rules of procedure may be adopted by a majority of the Governing Body (5 members) at a subsequent City Council meeting.

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Guiding Principles

Sustainable Policies and Practices
Superior Quality Services

ATTACHMENTS

1. Resolution
2. Governing Body Rules of Procedure located in the Appendix

RESOLUTION NO. _____

A RESOLUTION APPROVING THE CITY OF LENEXA, KANSAS GOVERNING BODY RULES OF PROCEDURE.

WHEREAS, the current City of Lenexa, Kansas Governing Body Rules of Procedure were adopted by Resolution No. 99-69 on July 6, 1999 and subsequently amended by Resolution No. 2010-104 on October 19, 2010 and Resolution No. 2020-34 on March 17, 2020; and

WHEREAS, the Governing Body Rules of Procedures assist the City in conducting its business in an efficient manner; and

WHEREAS, the Governing Body desires to adopt new rules of procedure to update and reorganize the current rules of procedure in order to reduce redundancies, address new practices, and clarify current practices; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS:

SECTION ONE: The Governing Body hereby adopts the City of Lenexa, Kansas Governing Body Rules of Procedure attached hereto as Exhibit A and incorporated herein by reference.

SECTION TWO: Resolutions No. 99-69, 2010-104 and 2020-34 are hereby repealed and the City of Lenexa, Kansas Rules of Procedure adopted and amended by these resolutions is hereby repealed.

SECTION THREE: This resolution shall become effective upon adoption by the Governing Body.

ADOPTED by a three-fourths vote of the entire membership of the Governing Body this 4th day of April, 2023.

SIGNED by the Mayor this 4th day of April, 2023.

CITY OF LENEXA, KANSAS

[SEAL]

Michael A. Boehm, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Sean McLaughlin, City Attorney



ITEM 4

SUBJECT: City Center Wayfinder Sign Program

CONTACT: Kyle Glaser, Management Analyst

DATE: April 4, 2023

PROJECT BACKGROUND/DESCRIPTION:

The Governing Body approved the City Center Wayfinder Sign Program in 2016 to help visitors navigate the unique and urban nature of City Center. Wayfinding signs are vehicular-oriented directional signs that direct traffic to businesses.

Wayfinding signage space is available to new businesses in City Center on up to two wayfinder signs for two years. The wayfinding signs are installed at the expense of the City and each business that places a logo on the sign must pay a \$500 licensing fee.

The program was approved for a period of six years after the placement of the first wayfinder sign, but may be extended by action of the Governing Body. The first sign was installed February 1, 2017, meaning the program expired on February 1, 2023.

The placement of business logos on a wayfinder sign has been determined on a first-come, first-served basis. Once the maximum number of logos has been placed on an individual sign, no more requests are considered on that sign until one expires or is removed.

The goal of the program was to minimize the number of signs installed, while promoting the co-location of logos whenever possible by locating signs in the areas exposed to the most traffic. The City Center Wayfinder Sign Policy maps out locations for 14 potential wayfinder signs. Six of the 14 potential signs have been installed and have had at least one business logo on them. The installed signs are located at:

- Northbound Renner Boulevard & 89th Street (2 Logos)
- Westbound 87th Street Parkway & Penrose Lane (3 Logos)
- Eastbound 87th Street Parkway & Winchester Street (1 Logo)
- Eastbound 87th Street Parkway & Penrose Lane (2 Logos)
- Southbound Renner Boulevard & City Center Drive (0 Logos)
- Westbound 87th Street Parkway & Renner Boulevard (6 Logos)

The sign located on westbound 87th Street Parkway & Renner Boulevard has been the sign with the most interest and is the only sign to experience turnover of business logos. This sign was removed during the 87th Street Parkway improvements project and has yet to be re-installed. Additionally, the sign located at Renner Boulevard & City Center Drive is blank after the logo for Ignite Wood Fire Grill was removed. The remaining four installed signs have not seen more interest than space available, so no logos have been removed after the expiration of the two-year term.

Since the inception of the program, wayfinder signs have been marketed to new businesses in City Center through physical mail and phone contact. Not every business that has been approached about the program has decided to place a logo. As the program expiration date approached, marketing efforts were reduced until a decision on the future of the program is decided. Every current sign logo has been on the sign for the full two-year term, with the exception of the Pure Barre logo on the sign on westbound 87th Street Parkway & Penrose Lane that expires in November 2023.

STAFF RECOMMENDATION:

Staff does not recommend extending the City Center Wayfinder Sign Program. Staff recommends removing signs with expired logos, leaving one sign up at westbound 87th Street Parkway & Penrose Lane until November 2023 when the last logo expires. Staff believes the program has served its purpose to orient new visitors to City Center and is no longer necessary due to fading interest in the program and advances in mapping technology.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Inviting Places

Guiding Principles

Responsible Economic Development

ATTACHMENTS

1. Map



Data Source: City of Lenexa and Johnson County Kansas
 For further information, please call 913-477-7500

City Center Wayfinder Sign Program

Wayfinder Sign Locations



APPENDIX



**MINUTES OF THE
MARCH 21, 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 7:01 PM.

ROLL CALL

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

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

APPROVE MINUTES

Councilmember Eiterich made a motion to approve the March 7, 2023 City Council meeting draft minutes and Councilmember Sayers seconded the motion. Motion passed unanimously.

MODIFICATION OF AGENDA

There were no modifications to the agenda.

PROCLAMATIONS

Cleaning Week in Lenexa - March 26-April 1

CONSENT AGENDA

1. Change Order No. 2 to the contract with Wildcat Construction Company, Inc. for the 99th Street & Canyon Creek Boulevard Intersection Improvement Project
This change order is for locating and intercepting the existing duct bank along Canyon Creek Boulevard for \$50,750.
2. Acceptance of landscape and utility easements as shown on Brampton West Tracts, Final Plat
This final plat is a replat of 2.8 acres at the intersection of 95th Street & Aurora Street. The subject property consists of a vacated portion of right-of-way from Silverleaf, First Plat, together with right-of-way and unplatted land. Utility and landscape easements are being dedicated to the City as part of the final plat.
3. Acceptance of utility, drainage, sidewalk, and landscape easements and rights-of-way as shown on Clear Creek Landing, Final Plat

Clear Creek Landing, Final Plat, is a fourplex-style multi-family residential development on 3.34 acres at the southwest corner of 83rd Street & Clare Road. Easements and rights-of-way are being dedicated to the City as part of the final plat.

4. Acceptance of utility easements as shown on Vista Village, 2nd Plat, Final Plat
This final plat is for Vista Village, 2nd Plat, a Planned Unit Development that includes retail and multi-family uses, located near the southwest corner of Prairie Star Parkway & Vahalla Street. The replat changes the multi-unit buildings to all duplex lots. Utility easements are being dedicated to the City as part of the final plat.
5. Consideration of purchases from the Equipment Reserve Fund
 - a. Authorize the purchase of three pieces of equipment from the 2023 Equipment Reserve Fund for the Municipal Services Department
This purchase award is for a front end rubber tire loader, a compact front end loader, and a steel wheel asphalt roller for a total purchase price of \$397,088.48.
 - b. Authorize the purchase of four vehicles from the 2023 Equipment Reserve Fund for the Police Department
This purchase award is for four Ford Police Interceptors for a total purchase price of \$170,720.
6. Resolution authorizing the Mayor to execute a parking agreement with Foundry Church Restoration Community
This is an updated 10-year agreement with Foundry Church that allows the City to use the church's parking lot, adjacent to Sar-Ko-Par Trails Park, for nearby City events for a total cost of \$51,500.
7. Resolution declaring it necessary to appropriate private property for construction of the 87th Street Parkway Median and Mixed-Use Trail Improvements Project
The Complete Streets Study recommended providing a trail connection between Bourgade Avenue and Allman Road on the south side of 87th Street Parkway. This project constructs the trail connection for an estimated \$120,000, as well as median work.

END OF CONSENT AGENDA

Mayor Boehm pulled item 4 from the consent agenda so that Councilmember Nolte could abstain due to a potential conflict of interest.

Councilmember Roh made a motion to approve items 1 through 3 and 5 through 7 on the consent agenda and Councilmember Arroyo seconded the motion. Motion passed unanimously.

Councilmember Sayers made a motion to approve item 4 and Councilmember Nicks seconded the motion. Motion passed 5-0-1 with Councilmember Nolte abstaining.

BOARD RECOMMENDATIONS

8. Ordinance approving a five-year Special Use Permit for a commercial parking lot use for Auto Driveaway, located south of 16105 W. 113th Street within the BP-2, Planned Manufacturing Zoning District

Auto Driveaway is requesting a Special Use Permit for a secured parking area within an existing parking lot in the BP-2, Planned Manufacturing Zoning District. Auto Driveaway provides vehicle relocation services for commercial fleets.

Stephanie Kisler, Planning Manager, said this application is for a five-year SUP at 16105 W. 113th Street. She presented the considerations staff went through during the review process, as well as a location map, an aerial map of the property reflecting surrounding zoning of BP-2, and an aerial map of the proposed parking lot designated in the SUP.

Ms. Kisler said the secured parking lot would store up to 75 vehicles in working condition from sedans and SUVs to trucks; some will be fleet vehicles with branding, but nothing oversized or in disrepair. Auto Driveaway repurposes these vehicles to sell to other businesses, which is done remotely.

Ms. Kisler said staff is also reviewing a site plan, which will not come before Council, that is for a six-foot tall, vinyl-coated, chain link fence that will surround the parking area. She said this fence is typical for an industrial area and it will have secure gates.

Ms. Kisler presented a map reflecting the office location near College Boulevard and Lakeview Avenue in relation to the proposed parking lot.

Ms. Kisler said that parking standards were reviewed to make sure the required spaces would be maintained for Ecoworks, the main user of this parking lot. She said Ecoworks is supportive of this request and staff does not believe this will negatively impact the use or availability of parking in this lot.

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

The applicant was present.

Kendal Harrel, Auto Driveaway, said that they don't actually sell the vehicles, they store them for one to six weeks while waiting on title and registration as the fleet management companies sell them.

Discussion followed about tenant use of the parking lot now and pre-Covid, as well as the lot being oversized under previous tenants.

Councilmember Arroyo made a motion to approve Item 8 and Councilmember Eiterich seconded the motion. Motion passed unanimously.

9. Consideration of a Special Use Permit and companion preliminary plan for a self-service storage facility known as StorTropolis, located at the southwest corner of 96th Terrace & Rosehill Road in the CP-2, Planned Community Commercial Zoning District

a. Ordinance approving a 20-year Special Use Permit for a self-service storage use for StorTropolis

b. Approval of a preliminary plan for StorTropolis

The applicant is requesting approval of a Special Use Permit to allow self-service storage and approval of a preliminary plan for a 170,640 square foot self-storage complex with five buildings and 976 storage units. The site comprises two undeveloped parcels at the southwest corner of 96th Terrace & Rosehill Road. The preliminary plan is intended to serve as the preliminary plat.

Ms. Kisler said this is a SUP and preliminary plan for StorTropolis near 96th Terrace and Rosehill Road. She presented the criteria used for reviewing SUP, the location map, and an aerial map reflecting the project site.

Ms. Kisler said that this is an irregularly shaped, vacant parcel with a parking lot on the west side. She pointed out the office building to the north, a hotel and office uses to the south, a convenience store to the east, multifamily housing to the southeast, and I-35 to the west.

Ms. Kisler presented a zoning map and said this property is zoned CP-1 and is surrounded by CP-2 and NP-O zoning.

Ms. Kisler presented the site plan and said there would be 170,000 square feet of storage in five buildings, building A as the primary building and buildings B, C, D, and E as ancillary one-story buildings with garage doors to accommodate vehicle storage.

Ms. Kisler said that significant landscaping, buffering, and screening improvements will be made. She said StorTropolis is working with the property owner to the north on site access for both properties.

Ms. Kisler presented the architecture of the buildings, noting this is in the preliminary stage so some things could change before the final plan.

Ms. Kisler said the applicant requests a deviation for bicycle parking, proposing two spaces and not the required 17. She said staff is supportive of this request.

Ms. Kisler said both staff and the Planning Commission recommend approval of a 20-year SUP and the preliminary plan with a condition to provide an access agreement with the adjacent property with the final plan.

The applicant was present.

Judd Claussen, Phelps Engineering, spoke about the improvements made to

the plan while working with City staff. He said there is detention and BMP provided and the site drains to the north and to the west. He said that given the shape of the site he feels like this is a good use. He added that StorTropolis is agreeable to the stipulations.

Discussion followed about this being a good use of the property, the sizes of vehicles that could be accommodated for storage, colors to be used and lighting of the development, height of building A being compatible with surrounding structures, the view into the building, and approving the use for only 20 years of such a costly project.

Councilmember Roh made a motion to approve Item 9a and Councilmember Nicks seconded the motion. Motion passed unanimously.

Councilmember Sayers made a motion to approve Item 9b and Councilmember Eiterich seconded the motion. Motion passed unanimously.

10. Approval of a preliminary plan for a mixed-use development known as Midas Lenexa City Center, located between Elmridge Street and Penrose Lane at 87th Street Parkway in the CC, City Center Zoning District
The applicant requests preliminary plan/plat approval to allow an 80,000 square foot mixed-use development with a parking garage, located within City Center between Elmridge Street and Penrose Lane at 87th Street Parkway. The proposal includes two hotels, a bar and restaurant, retail space, parking, and pedestrian amenity zones.

Ms. Kisler said this is a preliminary plan for a mixed-use building located just north of City Hall between Penrose Lane and Elmridge Street and eastbound/westbound 87th Street Parkway. She presented the location map, zoning map reflecting CC zoning, and the site plan.

Ms. Kisler said this development will consist of two hotels with a total of 260 rooms, 11,000 square feet of retail space, a private courtyard for hotel guests, public amenity areas on the perimeter, and a parking garage.

Ms. Kisler said that staff is working with the applicant to reconfigure the street parking near the drop-off area on the east side of the site. She said the parking garage would have about 283 stalls with 210 reserved spaces for hotel guests and 73 for public parking. She added that about 60 hotel employees would also park in the garage. City staff plans to have a discussion with the applicant to see if public parking could be increased, possibly with another level to the parking deck.

Ms. Kisler presented the landscape plan, which is still being developed, pointing out pedestrian amenity zones and noting that some work needs to be done to bring it up to City Center design guidelines.

Ms. Kisler presented renderings of the buildings' architecture and various views. She noted that staff wants to make sure that everything is esthetically pleasing and functional.

Ms. Kisler said both staff and the Planning Commission recommend approval with one condition that the final plan addresses the pedestrian amenity zones, service entrances, trash enclosures, gates, lighting, and parking.

The applicant was present.

An applicant representative said they have the hotel just north of 87th Street Parkway currently and look forward to further developing their presence in the district. He provided some background on Midas Hospitality, the AC Hotel brand, and the Residence Inn brand. He added that the extended stay at Residence Inn would lend itself to the business community as well as the new medical complex under construction.

The applicant said they are looking for opportunities to increase the size of the parking structure and working with staff to find the best fit. He said the AC Bar and Restaurant would be at the corner of 87th Street Parkway and Penrose Lane and would be one of the more public spaces in the development. He said they are already getting a lot of inquiries about leasing retail space.

The applicant talked about the single entrance into the two hotels from the center of the block on Penrose Lane. He presented images of the buildings' spaces, saying there would be both interior and exterior spaces with great connectivity. He also showed renderings of the buildings from different views.

Hayden O'Keefe, Olsson, discussed the parking along Penrose Lane changing to a single lane of parallel parking, which will be used as a guest check in space. He said the amenity zones would be added to and developed more from their initial design.

Ed Caruso, Gray Design Group, said they have worked with Midas for years and have a great relationship. He reviewed the floor plans of the buildings. He showed color samples for various materials for the project. He added that they have decided to go with aluminum overhead doors with opaque glass for the trash enclosures.

Discussion followed regarding remote check in capabilities and obtaining digital parking passes, the uncovered atrium, site slope and below-grade level spaces/offices, use of rooftop space, potential retail tenants, and negotiations for additional public parking spaces in the garage. The Governing Body shared its support of the project and thanked the applicant for bringing this development to City Center.

The applicant said the anticipated construction start would be by the end of the year.

Councilmember Nolte made a motion to approve Item 10 and Councilmember Roh seconded the motion. Motion passed unanimously.

STUDENT INTRODUCTIONS

Bryce Larkin, Bryan Tran, and Mariana Verdin, Shawnee Mission Northwest students, attended the meeting for a school assignment.

NEW BUSINESS

There was no new business.

COUNCILMEMBER REPORTS

Councilmember Roh thanked staff for providing the packet information in a way that makes it easy to assess each project.

Councilmember Sayers thanked the Arts Council for hosting the Calvin Arsenia concert in the Community Forum recently.

STAFF REPORTS

Becky Yocham, City Manager, said there would not be a Committee of the Whole meeting next week due to several staff and Governing Body members attending the National League of Cities Congressional Cities Conference in Washington D.C. She also said the ribbon cutting for the Black Hoof Park Disc Golf Course will be at 5:30 PM on Wednesday, March 29.

END OF RECORDED SESSION

BUSINESS FROM FLOOR

There was no business from the floor.

ADJOURN

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

The meeting adjourned at 8:03 PM.

Proclamation

WHEREAS, SevenDays® *Make a Ripple, Change the World* overcomes hate by promoting kindness and understanding through education and dialogue; and

WHEREAS, SevenDays® provides opportunities encouraging all people to participate in activities that promote and practice kindness; and

WHEREAS, SevenDays® 2023 brings all people together to overcome hate with acts of kindness with themed days of Love, Discover, Others, Connect, You, Go, and Onward, beginning with a Kickoff Breakfast on April 5th and concluding with its Annual Kindness Walk on April 16th: and

WHEREAS, the memories of three wonderful and unique people— Reat Underwood, Dr. William Corporon, and Terri LaManno— will be honored through kindness and understanding; and

WHEREAS, during the SevenDays® 2023 events, the City of Lenexa encourages its residents and businesses to come together to act more kindly and be more understanding of differences, thereby making the world a better place one ripple at a time.

NOW, THEREFORE, I, Michael A. Boehm, Mayor of Lenexa, Kansas, do hereby proclaim April 5-16, 2023 in the City of Lenexa to be

SEVENDAYS® WEEK

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of April, 2023.



Michael A. Boehm
Mayor of Lenexa, Kansas

Proclamation

CELEBRATING 55 YEARS OF FAIR HOUSING

WHEREAS, the Congress of the United States passed the Civil Rights Act of 1968, of which Title VIII declared that the law of the land would now guarantee the rights of equal housing opportunity; and

WHEREAS, the City of Lenexa is committed to the mission and intent of Congress to provide fair and equal housing opportunities for all, and today, many realty companies and associations support fair housing laws; and

WHEREAS, the Fair Housing groups and the U.S. Department of Housing and Urban Development have, over the years, received thousands of complaints of alleged illegal housing discrimination and found too many that have proved upon investigation to be violations of the fair housing laws; and

WHEREAS, equal housing opportunity is a condition of life in our city that can and should be achieved.

NOW, THEREFORE, I, Michael A. Boehm, Mayor of Lenexa, Kansas do hereby proclaim the month of April 2023 in the City of Lenexa to be

FAIR HOUSING MONTH

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of April, 2023.



Michael A. Boehm
Mayor of Lenexa, Kansas

Proclamation

WHEREAS, each year, the nation's underground utility infrastructure is jeopardized by unintentional damage by those who fail to call 811 to have underground lines located prior to digging. Undesired consequences such as service interruption, damage to the environment and personal injury and even death are the potential results; and

WHEREAS, the *Common Ground Alliance* and its 1,800 members promote the national *Call-Before-You-Dig* number, 811, in an effort to reduce these damages. Designated by the FCC in 2005, 811 provides potential excavators and homeowners a simple number to reach their local One Call Center to request utility line locations at the intended dig site; and

WHEREAS, through education of safe digging practices, excavators and homeowners can save time and money keeping our nation safe and connected by making a simple call to 811 in advance of any digging project; waiting the required amount of time; respecting the marked lines by maintaining visual definition throughout the course of the excavation; and finally, digging with care around the marks; and

WHEREAS, all parties agree that safe digging is a shared responsibility. To know what's below, call 811 before you dig.

NOW, THEREFORE, I, Michael A. Boehm, Mayor of Lenexa, Kansas do hereby proclaim the month of April 2023 to be

NATIONAL SAFE DIGGING MONTH

And encourage excavators and homeowners throughout the city to always call 811 before digging. Safe digging is no accident.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of April, 2023.

Michael A. Boehm
Mayor of Lenexa, Kansas

Proclamation

WHEREAS, throughout Lenexa's history, citizens have selflessly volunteered their time, talent, and energy to improving our community and making our City a better place to live, work, and play; and

WHEREAS, volunteerism strengthens communities and enhances the overall quality of life for all citizens; and

WHEREAS, volunteering changes the lives of volunteers in a positive way by increasing self-confidence and self-esteem, offering the chance to make new friends, and providing opportunities to learn new skills and abilities; and,

WHEREAS, volunteerism is proven to have a positive influence on businesses that are socially responsible by increasing employee morale, loyalty and teamwork, and building goodwill toward the company; and

WHEREAS, nonprofits, charities, community and faith-based groups, school, and national service programs in the City of Lenexa have joined together with state and local governments in celebration and praise of volunteers who have given tirelessly and selflessly to the service of others.

NOW, THEREFORE, I, Michael A. Boehm, Mayor of Lenexa, Kansas do hereby proclaim the month of April 2023 in the City of Lenexa to be

VOLUNTEER RECOGNITION MONTH

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of April, 2023.



Michael A. Boehm
Mayor of Lenexa, Kansas

CITY CENTER REDEVELOPMENT (TIF) PROJECT PLAN 1K
CITY CENTER REDEVELOPMENT (TIF) DISTRICT AS AMENDED
(Kiewit Penrose Lane Building Project)

In accordance with K.S.A. 12-1770 *et seq.*, as amended (the “**Act**”), to promote, stimulate and develop the general and economic welfare of the city of Lenexa, Kansas (“**City**”), the Lenexa City Council adopted Ordinance No. 4427 on September 11, 2001, establishing a Redevelopment (TIF) District (the “**Original District**”). The Original District was amended on December 20, 2005 by Ordinance No. 4824 to include a total of approximately 424 acres (the “**District**,” also referred to as the “**City Center TIF District**”) and is legally described in attached **Exhibit A**. The City has identified multiple City Center development projects located within the City Center TIF District. The area located on the southwest corner of 87th Street Parkway and Renner Boulevard is commonly referred to as “**Lenexa City Center**”. The Act allows one or more TIF projects to be undertaken by a city within an established district and any such project plan may be implemented in separate development stages. To date, the City has approved multiple TIF project plans in the Lenexa City Center area.

The City desires to establish Project Plan 1K as set forth herein (“**Project Plan 1K**”, also referred to as the “**Project Plan**”). Project Plan 1K will incorporate approximately 0.90 acres located south of 89th Street/Penrose Lane and west of Renner Boulevard and is legally described on **Exhibit B** (the “**Project Plan 1K Area**”). The Developer for the Project Plan is Kiewit Engineering Group Inc. (the “**Developer**”). The Developer, and/or entities related to or affiliated with Developer, are the owner of the approximately 16 acres (the “**Kiewit Property**”) immediately adjacent to the Project Plan 1K Area. There are three previously constructed buildings and structured and surface parking on the Kiewit Property. Project Plan 1K is expected to complete the cohesive office campus over the Kiewit Property and Project Plan 1K Area.

Anticipated within Project Plan 1K is construction of a six-story, office building, two-level parking structure, surface parking, landscaping, sidewalks and related site amenities, signage and associated infrastructure improvements, and special assessments within the Project Plan Area associated with the special benefit district financing of the 87th Street Parkway improvements, all of which are more specifically described in **Section 5** herein (the “**Private Project**”). Some of the Private Project improvements consist of a portion of the structured and surface parking, landscaping, sidewalks, and site amenities which will be constructed on the Kiewit Property, outside the Project Plan 1K Area but within the City Center TIF District and are necessary to implement Project Plan 1K and important to creating the cohesive office campus environment.

Project Plan 1K shall extend for a period of twenty (20) years from the date the Project Plan is approved by the City (the “**Project Plan Term**”). The incremental ad valorem property taxes (as defined by the Act) generated from the real property within the Project Plan 1K Area during the Project Plan Term in

excess of the amount of real property taxes collected for the base year assessed valuation shall constitute the “**TIF Revenues**”. In accordance with the Act and in cooperation with the Planning Commission, the City prepared Project Plan 1K.

1. **Financial Feasibility.**

Staff prepared a Financial Feasibility Study (“**Feasibility Study**”) for Project Plan 1K attached hereto as **Appendix 1**. Projections on development in the Project Plan 1K Area were provided by the Developer. The Feasibility Study incorporates a number of assumptions, including a constant mill levy of 90.733, which excludes the 20 mill school levy and the 1.5 State mill levy. The mill levy may vary each year of the TIF Term based on legislative actions and budgetary decisions made by the individual taxing jurisdictions. It also assumes property tax collection at 100%, Private Project completion by January 2025 (and fully assessed beginning January 2026), and a two percent (2%) annual increase in appraised valuation after the Private Project is fully constructed and stabilized.

The Developer will advance funds necessary to construct the Private Project and to pay the costs associated with the estimated and approved, private TIF eligible reimbursable costs set forth generally on **Exhibit C** attached hereto (the “**TIF Reimbursable Costs**”), and it is contemplated that Developer will subsequently be reimbursed with TIF Revenues received by the City on a “pay-as-you-go” basis. Such advances and reimbursements will be made in accordance with the terms of a Disposition & Development Agreement executed by the Developer and the City (the “**DDA**”). The TIF Reimbursable Costs are set forth in more detail in the DDA. There is a total of \$20,729,084 in TIF Reimbursable Costs identified with Project Plan 1K, but reimbursement of TIF Reimbursable Costs is dependent upon the amount of TIF Revenues generated within the Project Plan 1K Area during the Project Plan Term and received by the City, and shall be paid in accordance with the amount, priority and duration set forth in the DDA. In no event will any TIF Reimbursable Costs be reimbursed in an amount that exceeds the amount of TIF Revenues available.

The Feasibility Study indicates that if projected development, assessed values and tax revenues are accurate, TIF Revenues will be sufficient to reimburse the Developer for a portion of the approved TIF Reimbursable Costs. Other revenue sources, including but not limited to private equity, are available to meet TIF Reimbursable Costs and other private development costs associated with the Project. TIF Reimbursable Costs must (1) be reasonably approved by the City in accordance with the terms of the DDA; (2) meet the definition of “redevelopment project cost” set out in K.S.A. 12-1770a(o), as amended; (3) be an eligible expense under the City’s adopted TIF Policy and/or Procedures, unless otherwise permitted in the DDA; (4) be authorized in this Project Plan 1K and in the City Center TIF District Plan; and (5) be in compliance with the terms for reimbursement and prioritization described with particularity in the DDA.

The City has identified up to \$20,729,084 in TIF Reimbursable Costs and anticipates reimbursing Developer for such TIF Reimbursable Costs incurred and paid by the Developer with available TIF Revenues generated during the twenty (20) year Project Plan Term. Based on the current projections and cash flow analysis contained in the Feasibility Study, it is determined that the Project benefits, TIF Revenues and other available revenues, exceed the TIF Reimbursable Costs, and that the TIF Revenues and other available revenue sources, including private revenue sources for the private costs, should be sufficient to pay for such TIF Reimbursable Costs. For any improvements constructed by Developer in Project Plan 1K, the Developer is responsible for all expenses, including but not limited to, TIF Reimbursable Costs, even if they exceed the amount of available TIF Revenues. The City reserves the right to amend the specific approved TIF Reimbursable Costs, and the amount, duration and prioritization thereof, to conform to the provisions of the DDA. City may also amend this Project Plan 1K in accordance with state law and the DDA provided that such amendments shall not, without the consent of Developer, change the nature or scope of the Private Project improvements to be constructed by Developer, amend the timing of Project Plan 1K, or alter or affect the financial terms of this Project Plan 1K benefitting Developer.

In summary, assuming Project Plan 1K approval by the end of the second quarter of 2023 with construction commencing by the third quarter of 2023 and complete by January 1, 2025, the City anticipates the ad valorem property tax increment will generate approximately \$13,126,380 over the Project Plan Term (the “**Estimated Total TIF Revenue Projection**”). The Developer will be responsible for all expenses of Developer, including the TIF Reimbursable Costs, above the TIF Revenue generated from the Project Plan 1K Area and allocated to the TIF Reimbursable Costs during the Project Plan Term. If the TIF Revenue does not meet the estimated total TIF Reimbursable Costs, the City shall be under no obligation to provide financial assistance to Developer beyond the TIF Revenues actually generated from the Project Plan 1K Area in accordance with the distribution formula and term set out in the DDA. A summary of the feasibility assumptions and Estimated Total TIF Revenue Projection is included in **Exhibit E**.

2. Redevelopment District Plan and Redevelopment (TIF) Project Plan 1K.

Redevelopment District Plan (City Center TIF District Plan)

The City Center TIF District area includes the land within the City of Lenexa, Kansas as legally described on **Exhibit A**, but generally described as an area of approximately 424 acres located on all four corners of 87th Street and Renner Blvd., as well as a tract of land located east of I-435 at 87th St Pkwy. The Redevelopment (TIF) District Plan for the City Center TIF District contemplates development of a mixed use urban development project to be located on all four corners of Renner Boulevard and 87th St Pkwy and east of I-435 at 87th St Pkwy, to include office, retail, residential and public civic uses (“**City Center Project**”).

Lenexa City Center will be constructed on approximately 56.85 acres located on the southwest corner of Renner Boulevard and 87th Street Parkway and is the subject of a Development Agreement dated May 31, 2006 (as amended) between City Center Lenexa, LLC (the “**Developer**”), and the City (the “**Master Development Agreement**”). Lenexa City Center is proposed to be developed in multiple phases as a mixed use project consistent with the Master Plan included in the Master Development Agreement, which is contemplated to include approximately 1,900,000 square feet of retail, residential, hotel, office, entertainment and civic uses. The Lenexa City Center project proposes to utilize on-street, structured and surface parking consistent with the Master Plan in the Master Development Agreement. Development of additional City Center projects of a smaller scale are anticipated on the other tracts of land included in the District.

In accordance with the City Center District Plan, TIF increment may be used to pay for eligible project expenses within specific project areas for such items including but not limited to public infrastructure; land acquisition; site preparation; street improvements and their appurtenances; sidewalks; storm and sanitary sewers; utility improvements as permitted in the Act; parks; parking facilities; landscaping; water mains; storm water detention; sculptures and public art; plazas; and special assessments levied pursuant to KSA 12-6a01 *et seq.* for eligible public infrastructure authorized in the District Plan.

Redevelopment (TIF) Project Plan 1K

Project Plan 1K incorporates approximately 0.90 acres of real estate and improvements located south of 89th Street/Penrose Lane and west of Renner Boulevard, all within the City Center TIF District. Project Plan 1K Area is legally described in **Exhibit B**. Project Plan 1K consists of a six-story office building, structured and surface parking, landscaping, sidewalks and other site amenities, associated infrastructure improvements and reimbursement for special assessments and costs associated with certain public streets serving the development, all of which are more specifically described in **Section 5** herein.

3. Map of Redevelopment Project Plan 1K Area.

A map of the Project Plan 1K Area is attached as **Exhibit D**.

4. Relocation Assistance Plan.

No relocation will occur as a result of Project Plan 1K and therefore no relocation assistance plan is provided.

5. Description of the Buildings and Facilities Proposed to be Constructed or Improved.

Project Plan 1K consists of a six-story, approximately 177,802 S.F. office building, an adjacent two level parking structure and surface parking, containing a combined total of approximately 364 parking stalls of which a portion will be

available for public parking outside of regular business hours and for special events in accordance with the provisions of the DDA, sidewalks, landscaping and associated infrastructure and special assessments within the Project Plan Area associated with the special benefit district financing of the 87th Street Parkway improvements (the “**Private Project**”). TIF Reimbursable Costs incurred as a result of the Private Project part of Project Plan 1K include, but are not limited to, land acquisition within the Project Plan area, architectural and engineering costs associated with the site improvements and parking structure (but excluding all other vertical buildings to be owned or leased by the Developer), infrastructure improvements, site development, surface and structured parking, lighting, landscaping, hardscape, sidewalks, water mains, special assessments associated with the financing of the 87th St. Pkwy improvements, interest during construction and TIF Fee. Some of the parking, sidewalks and landscaping will be constructed on the adjacent Kiewit Property, outside the Project Plan 1K Area but within the City Center TIF District. The improvements outside the Project Plan 1K Area are necessary to implement the Project Plan and important to creating the cohesive office campus the Developer and City desire to establish. The TIF Reimbursable Costs are described in more detail in the DDA.

6. Other Relevant Information.

- a. Reimbursement of TIF Reimbursable Costs shall be made from ad valorem property tax increment (as defined in the Act) actually received by the City from Project Plan 1K Area and deposited into the special fund established by the City in accordance with K.S.A. 12-1778 (the “**City Center Project Plan 1K Fund**”).
- b. If sufficient TIF Revenues are not available to pay all of the TIF Reimbursable Costs, the City is under no obligation to reimburse TIF Reimbursable Costs from any other public source.
- c. Prior to any reimbursement of TIF Reimbursable Costs, Developer and City shall enter into a separate, valid and enforceable DDA. A detailed description of all TIF Reimbursable Costs, and the procedure for distribution, reimbursement amount and priority of payment of the TIF Reimbursable Costs is set out in the DDA and consistent with this Project Plan 1K.
- d. The City does not anticipate issuing TIF Bonds, however, upon future request of Developer, the City shall reasonably consider any such request to issue TIF Bonds if the market can feasibly support such a bond issue and if the TIF Revenues and any other collateral provided for such TIF Bonds provide reasonable assurance that the principal of and interest on the TIF Bonds will be paid on a timely basis. A decision on whether or not a TIF Bond issue is feasible and adequately secured, will be the City’s final decision and within the City’s sole discretion. The

City is under no obligation to issue TIF Bonds and makes no commitment to do so.

EXHIBIT A

LEGAL DESCRIPTION OF CITY CENTER REDEVELOPMENT DISTRICT

Beginning at the Northwest corner of the Northeast Quarter of Section 31, Township 12 South, Range 24 East; thence South along the West line of the Northeast Quarter of said Section 31 to the Southwest corner of the Northeast Quarter of said Section 31; thence East along the South line of the Northeast Quarter of said Section 31 to the Southeast corner of the Northeast Quarter of said Section 31, and continuing East along the South line of the Northwest Quarter of Section 32, Township 12 South, Range 24 East to the Easterly right-of-way line of Renner Boulevard as it now exist; thence North along the Easterly right-of-way line of said Renner Boulevard to the intersection with the South line of the Northwest Quarter of the Northwest Quarter of Said Section 32; thence East along the South line of the Northwest Quarter of the Northwest Quarter of said Section 32, to the intersection with the centerline of Interstate Route 435, as it now exists; thence South along the centerline of said Interstate Route 435 to the South line of the Northwest Quarter of said Section 32; thence East along the South line of the Northwest Quarter of said Section 32, to the Southeast corner of the Northwest Quarter of said Section 32; thence North along the East line of the Northwest Quarter of said Section 32, to the Northeast corner of the Northwest Quarter of said Section 32; thence West along the North line of the Northwest Quarter of said Section 32, to the centerline of Interstate Route 435, as it now exists; thence North along the centerline of said Interstate Route 435 to the North line of the Southwest Quarter of Section 29, Township 12 South, Range 24 East; thence West along the North line of the Southwest Quarter of said Section 29, to the Northwest corner of the Southwest Quarter of said Section 29: thence South along the West line of the Southwest Quarter of said Section 29, to the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 30, Township 12 South, Range 24 East; thence West along the South line of Stonecreek of Parkhurst 1st Plat, Stonecreek of Parkhurst 2nd Plat, and Estates of Parkhurst 1st Plat, all subdivisions of land in Johnson County, Kansas, to the Northeast corner of Horizons West Re-Plat 3rd Plat, a subdivision of land in Johnson County, Kansas; thence South along the East line of said Horizons West Replat 3rd Plat, and its extension South, to the South line of the Southeast Quarter of said Section 30; thence West along the South line of the Southeast Quarter of said Section 30 to the Point of Beginning, containing approximately 424 acres.

EXHIBIT B

LEGAL DESCRIPTION OF PROJECT PLAN 1K AREA

Lot 2, City Center Lenexa Second Plat, a subdivision in the City of Lenexa,
Johnson County, Kansas

EXHIBIT C
TIF Reimbursable Costs– Project Plan 1K

The following items are estimated TIF eligible private and public costs for reimbursement with TIF Revenues generated from Project Plan 1K. The priority and duration of reimbursement is set forth in the DDA.

Description of Expenditure	Reimbursement to:	Maximum Reimbursement
TIF Fee	Developer	\$50,000 ¹
Itemized TIF Reimbursable Costs paid by Developer, including: Land acquisition within the Project Plan area; site development; A/E (excluding vertical buildings owned or leased by the Developer other than parking structures); water mains; surface and structured parking; landscaping, lighting, sidewalks, benches and similar amenities; special assessments in the Project Plan Area associated with financing the 87 th Street Parkway improvements; contingency; and temporary construction interest.	Developer	\$20,679,084 ^{2,3}
Annual Administrative TIF Fee: 0.5% of the annual TIF Revenues reimbursed to Developer	City	TBD
Total Maximum Aggregate of Eligible TIF Reimbursable Costs	Developer	\$20,729,084 ⁴
Total Maximum TIF Reimbursable Costs		\$20,729,084⁴

Notwithstanding any other provision of this Plan to the contrary, reimbursable expenditures shall at all times be consistent with the Act, including judicial interpretation of the Act.

¹The TIF Fee is based upon 1% of the TIF reimbursable Costs in the estimated amount of \$20,679,084 (which amount represents the Total TIF Reimbursable Costs less the TIF Fee). This total excludes the Annual Administrative TIF Fee as it is TBD based upon eligible TIF Revenue disbursed. This sum shall be reimbursed to Developer if it has been paid by Developer and if not, it shall be deducted from the first TIF Reimbursable Cost payment (and thereafter until paid in full) and paid to the City.

²The Total TIF Reimbursable Costs do not include interest cost to carry which is not an eligible expense in this Project Plan; however, interest during construction on TIF Reimbursable Costs (excluding TIF Fee, interest and contingency) is an eligible expense and shall be reimbursed at the rate of 6% for up to 36 months. The interest shall be simple interest and shall not be compounded.

³The Contingency is calculated at 10% of the TIF Eligible Costs excluding the TIF Fee, land acquisition, special benefit district assessments, and temporary construction interest, as such items are not eligible to receive contingency funds.

⁴The amount of the total TIF Reimbursable Costs does not include a sum for the Annual Administrative TIF Fee as this amount is to be determined as it is based upon the annual amount of TIF Revenues disbursed to Developer.

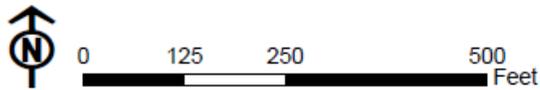
EXHIBIT D

TIF PROJECT PLAN 1K AREA



Date Reuse: City of Lenexa and Johnson County Kansas
For further information, please call 913-671-7802

Kiewit K3 City Center Project Plan 1K



APPENDIX 1

TIF PROJECT PLAN 1K FEASIBILITY STUDY

Month, Year
 Name of TIF District
 Project Plan number - TIF Revenue Projections
 Project Name

Year of TIF (1)	Tax Year (2)	Distribution Year (3)	Total Assessed Value (4)	Base Year Assessed Value (5)	Captured Assessed Value (Column 3 - Column 4) (6)	Projected Property Tax Increment (\$7)
1	2023	2024	\$21,120	\$0	\$21,120	\$1,916
2	2024	2025	\$157,150	\$0	\$157,150	\$14,259
3	2025	2026	\$3,522,125	\$0	\$3,522,125	\$319,573
4	2026	2027	\$7,044,250	\$0	\$7,044,250	\$639,146
5	2027	2028	\$7,185,135	\$0	\$7,185,135	\$651,929
6	2028	2029	\$7,328,838	\$0	\$7,328,838	\$664,967
7	2029	2030	\$7,475,415	\$0	\$7,475,415	\$678,267
8	2030	2031	\$7,624,923	\$0	\$7,624,923	\$691,832
9	2031	2032	\$7,777,421	\$0	\$7,777,421	\$705,669
10	2032	2033	\$7,932,969	\$0	\$7,932,969	\$719,782
11	2033	2034	\$8,091,628	\$0	\$8,091,628	\$734,178
12	2034	2035	\$8,253,461	\$0	\$8,253,461	\$748,861
13	2035	2036	\$8,418,530	\$0	\$8,418,530	\$763,838
14	2036	2037	\$8,586,901	\$0	\$8,586,901	\$779,115
15	2037	2038	\$8,758,639	\$0	\$8,758,639	\$794,698
16	2038	2039	\$8,933,812	\$0	\$8,933,812	\$810,592
17	2039	2040	\$9,112,488	\$0	\$9,112,488	\$826,803
18	2040	2041	\$9,294,738	\$0	\$9,294,738	\$843,339
19	2041	2042	\$9,480,633	\$0	\$9,480,633	\$860,206
20	2042	2043	\$9,670,246	\$0	\$9,670,246	\$877,410
Total Projected Property Tax Increment						\$13,126,380
Net Mill Levy						90.733
<u>Assumptions:</u>						
a) TIF Mill Levy is 90.733 mills in all years.						
b) Estimated assessed value upon completion (1/1/2026) is \$7,044,250;						
c) Base year assessed valuation is \$0 for parcels IP10180000 0002.						
c) Assessed value increases by 2% annually after completion.						
d) Property tax collection rate will be 100%.						
e) Property tax increment is distributed twice each year.						

Governing Body Rules of Procedure

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1. AUTHORITY AND DEFINITIONS:

1.1 Authority:

The Governing Body shall establish its own Rules of Procedure to assist them in the general conduct of City business. The following rules shall be in effect upon adoption by the Governing Body and until such time they are amended, or new rules are adopted in the manner provided by this policy.

1.2 Application:

The Rules of Procedure shall be applicable to all members of the Governing Body and pertinent staff members in their role of conducting City business. It is the City's intent to comply with the American with Disabilities Act of 1990 (ADA) and all applicable federal, state, and local laws. If any of provisions of this policy conflicts with the ADA, the City will provide reasonable accommodations for all qualified persons.

1.3 Definitions and Interpretation:

(a) Definitions and Rules of Construction:

- (1) Chair: When the term Chair is referred to herein, it shall mean the Mayor, Council President, or Acting Council President pursuant to Lenexa City Code Section 1-2-A-3.
- (2) Governing Body: The eight (8) City Council members-elect plus the Mayor, collectively.
- (3) City Council: The eight (8) City Council members-elect.
- (4) Regular Meeting: When the term Regular Meeting is referred to in this publication, it shall mean City Council meetings held pursuant to Lenexa City Code Section 1-4-B-1.
- (5) Special Meeting: When the term Special Meeting is referred to in this publication, it shall mean Special City Council Meetings held pursuant to Lenexa City Code Section 1-4-B-2.
- (6) Committee of the Whole Meeting: When the term Committee of the Whole is referred to in this publication, it shall mean Committee of the Whole Meetings held pursuant to Lenexa City Code Article 1-4-D. No binding action shall be taken at a Committee of the Whole Meeting. The Committee of the Whole may make recommendations to be considered by the Governing Body a future Regular Meeting or Special Meeting.
- (7) Work Session: Work Sessions are called for the purpose of conducting exploration of matters that may come before the Governing Body at a future date. No Agenda is required for a Work Session and no binding action shall be taken during a Work Session. When the term Work Session is referred to herein, it shall include joint or concurrent meetings with subordinate Boards and Commissions, strategic planning retreats, community tours, or other non-social gatherings of the Governing Body where business of the City will be discussed.
- (8) Meeting: When the term Meeting is referred to in this publication, it is understood to mean a Regular Meeting, Special Meeting, Committee of the Whole, or Work Session unless otherwise provided for by these Rules of Procedure.

(b) Interpretation:

(1) All positions listed in the Rules of Procedure shall be interpreted to include that position or their designee.

(2) The following Rules of Procedure are adopted for the sole benefit of the members of the Governing Body in order to assist in the orderly conduct of business, and are enforceable only by the Governing Body members.

(3) The Governing Body's failure to adhere to or otherwise follow these rules shall not result in any liability to the City, its officers, employees or agents, and shall not result in the invalidation of any Governing Body act.

2. GENERAL RULES:

2.1 Rules of Order:

This document shall govern all Regular Meeting, Special Meeting, Committee of the Whole proceedings, and Work Sessions.

2.2 Meetings to be Public:

All Meetings of the Governing Body shall be open to the public in accordance with K.S.A. 75-4317, et seq. as amended (the "Kansas Open Meetings Act"), except for the purpose of having an Executive Session pursuant to applicable law.

2.3 Quorum:

A majority of members-elect of the Governing Body shall constitute a quorum and be necessary for the transaction of business at a Meeting.

2.4 Attendance:

Governing Body members should inform the City Clerk and City Manager if they are unable to attend any Meeting.

2.5 Attendance via Electronic Participation Prohibited:

Members of the Governing Body shall not be allowed to use telephonic or other electronic means, such as video conferencing, to establish attendance for the quorum necessary to conduct Meetings.

2.6 Cancellation of Meeting:

The Mayor may cancel a Regular Meeting when it falls on a federal holiday or local election day. Cancellations may also be made by the Mayor or at the request of three (3) City Council members when special circumstances exist. The City Manager may, due to inclement weather or other emergency situation, cancel a Regular Meeting or Special Meeting. Cancellation of Committee of the Whole and Work Sessions may be made by the City Manager.

2.7 Executive Sessions:

Executive Sessions are closed to the public and are held in accordance with the provisions of the Kansas Open Meetings Act. A motion must be passed to recess into Executive Session. The duration of the Executive Session must be stated, and discussion must be limited to the subjects identified in the motion. If necessary, additional motions must be passed to extend Executive Session discussions. No binding

action shall be taken in Executive Session. Subjects discussed during Executive Session should be kept confidential.

2.8 City Staff Attendance and Roles:

(a) City Manager: The City Manager attends all Meetings. The City Manager may make recommendations to the Governing Body and has the right to participate in all discussions occurring during such Meetings.

(b) City Attorney: The City Attorney attends all Meetings. The City Attorney may give written or oral opinions on questions of law, policy, or procedure. The City Attorney acts as the Governing Body's parliamentarian.

(c) City Clerk: The City Clerk attends all Regular Meetings, Special Meetings and Committee of the Whole Meetings. The City Clerk calls roll, keeps the official minutes, and performs other duties as requested by the Governing Body.

(d) Management Team: Management Team members should attend all Meetings, unless excused by the City Manager. When a request for information is made by any Governing Body member to a Management Team member or their staff, the City Manager should be apprised of the request by the Management Team member and be provided all information supplied in response.

3. CALL AND NOTICE OF MEETINGS:

3.1 Call and Notice of Meetings:

The call and notice for all Meetings shall set out the date, time, and place of such meeting (the "Call and Notice"). The City Clerk is responsible for preparing or causing the preparation of a Call and Notice for all Meetings pursuant to the Kansas Open Meetings Act.

3.2 Preparation and Distribution of an Agenda for Meetings:

(a) Regular Meetings and Committees of the Whole:

(1) Agenda Preparation: The City Clerk and City Manager shall create an agenda for Regular Meetings and Committee of the Whole Meetings. The City Manager shall determine what items are on the agenda through discussion and direction given at previous Meetings; recommendations made by City Boards and Commissions; recommendations made by the Management Team; requests made by the Mayor and/or City Council members; and any items of business that require action by the City. If necessary, the City Clerk shall coordinate the preparation and assembly of supporting documents for the agenda.

(2) Agenda Distribution: The agenda and supporting documents for Regular Meetings and Committee of the Whole meetings shall be distributed electronically to the Governing Body and those requesting notice no later than four (4) days prior to a the regularly scheduled meeting; provided, however, that no technical difficulties would prevent this from occurring. The City Clerk may also make the agenda available on the City Website and at the meeting location at the time of the meeting.

(b) Special Meetings: The agenda of any Special Meeting shall be prepared by the City Manager and City Clerk in accordance with Lenexa City Code Section 1-4-B-2 and the Kansas Open Meetings Act. Only those items set out in the notice for a Special Meeting shall be discussed at such Special Meeting.

(c) Work Session: A Work Session does not require an agenda but one may be created at the discretion of the City Manager.

3.4 Modification of the Agenda:

(a) Modification: The modification of a Meeting agenda is generally discouraged unless it is necessary due to a time factor or an emergency situation or upon request by the Mayor, any City Council member, or the City Manager. If practicable an updated agenda shall be distributed pursuant to the Section 3.2.

Modifications shall be introduced by the City Clerk at the beginning of the meeting. The City Manager may provide an explanation for the modification at the time the modification is announced or during discussion of the item. Any item added shall be placed on the regular agenda for discussion. If the Governing Body has taken action to place an item on a particular agenda, that item may not be removed from the agenda but may be continued to a date certain.

(c) Continuances: Any item may be continued upon request of the applicant, recommendation by City Manager, or approval of the City Council. Any item that is continued must comply with all applicable notice requirements and, in the case of public hearings and publicly noticed agenda items, shall be continued to a date certain. Other items should be continued to a date certain when practicable. If a date certain is not determined, a continued item which fails to be placed on an agenda after six (6) months shall be considered withdrawn.

An applicant and City Manager are each entitled to one (1) continuance as a matter of right, and any subsequent continuances must be approved by the City Council. If subsequent continuances are not approved by the City Council, action must be taken by the City Council or the applicant must withdraw the item. Subject to applicable notice provisions, the City Council can grant a continuance to any item. An applicant for any item that has been continued two times must again comply with all applicable notice requirements for such item in order to be considered on an agenda.

(c) Change in Agenda Item Sequence: The Chair may state at any time during the meeting a change in the sequence of discussion of items on the agenda. This provision may be used when a large crowd is in attendance for a particular item.

3.5 Materials and Supporting Documents:

In addition to the agenda, a meeting packet containing supporting documents related to agenda items should be prepared and made available on the Friday preceding a Regular Meeting or Committee of the Whole Meeting. For any Special Meeting requiring supporting documents related to items on the agenda, a meeting packet may be distributed if necessary and as time allows. Supporting documents and information that is unable to be provided electronically or is considered to be a standard document as determined by the City Manager or City Attorney shall be available in the City Clerk's office.

3.6 Questions Regarding Agenda Items:

When possible, the Governing Body is encouraged to contact staff with questions and clarifications prior to the meeting.

4. MINUTES AND RECORDINGS:

4.1 Minutes:

(a) Recording of Minutes: The City Clerk shall create and maintain a written account of all Regular Meetings, Special Meetings, and Committee of the Whole Meetings. Meeting minutes shall be summary in nature and reflect the attendance of all members of the Governing Body, the actions taken during the meeting, and the voting record of any roll call vote.

(b) Approval of Minutes: All Meeting minutes shall be considered and approved at a subsequent meeting.

(c) Publication and Retention of Minutes: The minutes shall be published on the City's website after approval by the Governing Body. These written summary minutes shall be considered the official record of the meeting and shall be kept indefinitely.

4.2 Audio Recordings:

(a) Regular Meetings and Special Meetings: The audio proceedings may be recorded for Regular Meetings and Special Meetings.

(b) Committee of the Whole Meetings and Work Sessions: The audio proceedings may be recorded for Committee of the Whole Meetings. The audio proceedings may not be recorded for Work Sessions.

(c) Retention and Publication: Audio recordings shall be retained for a period of two (2) years from the date of the meeting unless a longer period of retention is otherwise directed by the City Manager and/or City Attorney. Audio recordings shall not be published but shall be available upon request submitted to the City Clerk.

4.3 Video Recordings:

(a) Regular Meetings: Regular Meetings may be video recorded while the meeting is in progress for later viewing. The video recording will cease during the Business from the Floor portion of the meeting, when the meeting is closed for executive session, and when the meeting ends.

(b) Committee of the Whole Meetings, Special Meetings, and Work Sessions: Committee of the Whole Meetings, Special Meetings, and Work Sessions may not be video recorded.

(c) Transcription for Closed Captions: A transcription of a video recording may be produced solely for closed captioning purposes. The transcription shall not be considered the official minutes of a meeting.

(d) Retention and Publication: Video recordings and transcriptions shall be retained for a period of two (2) years following the meeting at which the recording was created unless a longer period of retention is directed by the City Manager and/or City Attorney. Video recordings shall be available on the City's website during the retention period.

5. RULES OF ORDER:

5.1 Call to Order:

The Chair will call all Meetings to order. In the event both the Mayor and City Council President are absent, the City Clerk shall call the Meeting to order and the City Council members who are present shall elect among themselves an Acting Council President to serve as temporary Chair.

5.2 Preservations of Order:

The Chair preserves order and decorum and ensures discussion and debate relates to the question under discussion.

5.3 Point of Order:

A member of the City Council, the City Manager, City Attorney, or City Clerk may raise a point of order at any point during a meeting. Upon a point of order being raised, debate shall immediately cease until the point of order is decided by the Chair.

5.4 Discussion of Issues:

A member of the City Council or staff shall gain the attention of the Chair by raising their hand and being acknowledged. Comments and questions should be limited to the issue before the Governing Body. Cross-exchange between Governing Body members and with members of the public should be avoided.

5.5 Tabling:

A member of the City Council may make a motion to table an agenda item for later discussion at the same Meeting. An agenda item shall not be tabled to a subsequent meeting. If a motion to table an item is made and seconded, discussion must stop immediately and a vote shall be taken to consider postponing the matter to later in the current meeting.

5.6 Recess:

At any point in the Meeting, the Chair may declare a recess until a specified time. The Chair must announce a time when the Meeting will resume.

5.7 Adjournment:

The Chair cannot summarily adjourn a Regular Meeting or Special Meeting. A City Council member shall make a motion for adjournment. A motion for adjournment shall be in order when all ordinary and usual business on the agenda has been duly considered and it appears there is no other business before the body. Upon adjournment, the meeting is ended. No further business shall be conducted, or binding action taken. If, under extraordinary circumstances, any items remain on the agenda which were not considered and acted upon, those items will be automatically continued to the next Regular Meeting. The Chair may adjourn a Committee of the Whole Meeting or Work Session without motion or vote.

5.8 Length of Meetings:

No Meeting shall extend beyond 12:00 a.m. without an affirmative vote of the majority of the Governing Body members present. In the absence of such a vote to extend, all remaining business not considered or acted upon will automatically be continued to the next Regular Meeting.

5.9 Governing Body Seating Order:

The Mayor will be seated in the center of the dais. City Council Members from Ward One will be seated to the Mayor's farthest left and Ward Two City Council Members to the immediate left. City Council Members from Ward Three will be to the Mayor's immediate right and Ward Four City Council Members to the farthest right.

5.10 Electronic Communications During Meetings:

The Governing Body shall not communicate during the Meeting via electronic means with any other members of the Governing Body or the public regarding items published on the agenda or about any business that may otherwise be considered or discussed at the Meeting.

5.11 Ex Parte Communication:

Ex parte communication occurs when an individual communicates to a Governing Body member about an item on the Agenda without the other side present, particularly when considering quasi-judicial action such as a zoning matter. Governing Body members shall disclose on the record any ex parte communications they have received prior to discussing and voting on an item so that the entire Governing Body may receive the benefit of their information. Governing Body members should provide copies of any written correspondence received on any Agenda item to the City Clerk as soon as is practicable after receipt so that such items may be provided to all members of the Governing Body prior to a Meeting.

6 CONDUCT OF BUSINESS:

6.1 Motions, Resolutions and Ordinances:

(a) Motions: All motions shall require a second before such motion may be considered. Only one motion may be considered at a time and it must be withdrawn or be voted upon before another motion is introduced.

(a) Resolution: A resolution is an expression of the will of the Governing Body. Resolutions are used when required by statute, when the formality or permanency of an ordinance is not required, when a separately written record is advisable or when there is a doubt that a simple motion, recorded only in the Meeting minutes, is sufficient.

(b) Ordinance: An ordinance is a local law that generally regulates persons or property and usually relates to a matter of a general and permanent nature. An ordinance is more formal and authoritative than a resolution. An ordinance should not conflict with federal or state law.

(c) Resolutions and Ordinances shall be presented to the Governing Body in print or electronically. The City Attorney shall "Approve as to Form" all ordinances and resolutions. City Attorney approval shall be indicated by a signature on the last page of the ordinance or resolution.

(d) The City Clerk prepares all proposed ordinances and resolutions for distribution to Governing Body members as part of the Meeting packet.

(e) Unless otherwise provided by law, each proposed ordinance and resolution is read only by title unless a Governing Body member requests a full reading.

(f) Numbering Ordinances and Resolutions: Upon passage, the City Clerk will assign a number to each ordinance or resolution, a roster of which shall be kept in the City's official records.

(g) Ordinance Passage Procedure: When duly passed by the City Council, an ordinance shall be signed by the Mayor, as required by law, and attested to by the City Clerk. An ordinance may become effective without the Mayor's signature. A copy of the ordinance will be published as required by law and the original filed and preserved indefinitely by the City Clerk.

6.2 Voting:

(a) Motions: An affirmative vote from at least a majority of the Governing Body members present is necessary to approve a motion on any proposition. If a vote count is one less than required for passage, the Mayor shall have power to cast the deciding vote in favor of a motion.

(b) Resolutions: Unless otherwise provided for by law (i.e., resolutions requiring a majority vote of the Governing Body), an affirmative vote from at least a majority of the Governing Body members present will be necessary to adopt a resolution. If a vote count is one less than required for adoption, the Mayor shall have power to cast the deciding vote in favor of a resolution.

(c) Ordinance: Unless otherwise provided for by law (i.e., protest petitions which require a two-thirds (2/3) majority vote), a majority of the members-elect (5) of the City Council must vote in the affirmative to pass an ordinance. If a vote count is one less than required for passage, the Mayor shall have power to cast the deciding vote in favor of an ordinance.

(d) Procedure: Unless otherwise provided by law or when a roll call vote is requested as set forth below, all votes shall be by voice vote. When any vote is called by the Chair, every City Council member present shall either vote or abstain from voting. In the case of a roll call vote, the ayes and nays for the passage of all ordinances and adoption of all resolutions shall be recorded in the Meeting minutes. Voting by secret ballot is prohibited.

(e) Roll Call Vote: Any member of the Governing Body, City Manager, City Clerk, or City Attorney may request a roll call vote. The City Clerk will call the roll beginning with the Ward One City Council member seated farthest to the Mayor's left, then moving to the next Ward One position, then the Ward Two positions, and so on until all City Council members have been polled. If there are additional roll call votes during a single Meeting, the City Council member who voted second during the previous roll call vote will vote first, and so on until all members are polled. Each subsequent roll call vote will begin with the member previously voting second until the roll call votes cycle back to the first position Ward One member.

(f) Tie Vote: The Mayor is authorized to cast the deciding vote involving any ordinances, resolutions, and motions in which the vote of the City Council results in a tie.

(g) Deemed Denied: Failure to receive the requisite number of affirmative votes for passage of a measure shall be deemed a denial of the measure.

(h) Reconsider: A motion to reconsider may be made by any City Council member who voted on the prevailing side of the motion to be reconsidered. Such motion to reconsider is subject to the following conditions:

(1) The motion must be made at the same meeting during which the original vote was taken;

(2) The motion to reconsider shall not be made more than once; and

(3) The motion to reconsider must be passed by a two-thirds (2/3) majority vote of the Governing Body (6).

If a motion to reconsider is passed, it annuls the vote previously taken and brings the original measure back before the City Council again for consideration but it does not automatically result in the opposite outcome of the vote previously taken.

(h) Veto of Ordinances: As provided in K.S.A. 12-3003, the Mayor has the power to sign or veto any ordinance passed by the City Council, except an appropriation ordinance or any ordinance on which the Mayor casts the deciding vote. The Mayor's veto may be overridden by a three-fourths (3/4) majority vote of the members-elect of the City Council (6) and upon override shall become effective without the Mayor's signature. The Mayor may not veto a charter ordinance or any other action.

6.3 Consent Agenda:

The matters listed on the consent agenda are routine and approved collectively with no separate discussion on each individual item. Any item on the consent agenda may be removed from the consent agenda for separate consideration by a member of the Governing Body, the City Manager, or by a member of the public in attendance at the meeting. In the event the item is removed from the consent agenda, it will be placed on the regular agenda.

6.4 Abstentions:

Governing Body members must comply with the City's Code of Ethics. Members with a conflict of interest under the City's Code shall advise the Governing Body of such a conflict, abstain from any discussion or participation, and physically leave the meeting room until discussion and action on the item under consideration is concluded. If a Governing Body member is required to abstain on an item listed on the Consent Agenda due to a conflict of interest, they must first request removal of the item from the Consent Agenda and advise of the conflict. They may physically remain in the meeting room provided there is no discussion on the item. Removed items will be voted on separately from the Consent Agenda by the remaining Governing Body members.

6.5 Signing of City Documents:

The Mayor, unless unavailable, shall sign all ordinances, resolutions, contracts, and other documents which have been duly enacted by the City Council and require an official signature; except when the City Manager has been specifically authorized to do so. In the event the Mayor is unavailable, the Council President's signature may be used.

7 PUBLIC COMMENT AND DECORUM:

7.1 Opportunities to Address the Governing Body:

(a) Public Hearings: The Governing Body shall hold Public Hearings when required by law. Public Hearings are officially opened and closed by the Chair. Public Hearings may be continued to a date certain with a motion and an affirmative vote of the majority of the members present. Subject to Section 3.4(c) herein, no further published notice is required if, at the time and place for which the Public Hearing notice was originally given, the Chair specifies the time and place where the Public Hearing will reconvene.

(b) Public Comment: On Agenda items being considered by the City Council that are not subject to a Public Hearing requirement, the Chair may, at their discretion, receive public comments on that item at the time the item is considered.

(c) Business from the Floor: Business from the Floor is intended to provide an opportunity for members of the public to present information and share their views regarding City business with the Governing Body. Comments related to an item on the Meeting Agenda that is the subject of a statutorily required Public Hearing should be provided during the scheduled Public Hearing and not during Business from the Floor.

The video recording of the Meeting shall cease during the Business from the Floor period of the meeting.

7.2 Procedure for Addressing the Governing Body:

Any person desiring to address the Governing Body must secure permission from the Chair. Each person shall address the Governing Body from a podium and communicate their name and address clearly for the official record. If acting as spokesperson for a particular group, the speaker must disclose the name of such group for the record prior to communicating the nature of their business. All comments shall be addressed to the Governing Body as a whole and not to any individual member thereof. No person, other than members of the Governing Body and the person who is recognized by the Chair as having the floor, shall be permitted to enter into any discussion. Any questions asked by the person who has the floor, or by Governing Body members, shall be allowed at the sole discretion of the Chair.

Petitions or other items of information or correspondence presented during a Meeting shall be filed with the City Clerk at the time they are presented to the Governing Body, or as soon thereafter as is practicable by the person presenting such item.

7.3 Discretion of the Chair to Maintain Order:

(a) Time: The Chair, at their discretion, may limit the amount of time each person has to address the Governing Body during Public Hearings or public comment regarding items listed on the agenda, or Business from the Floor, and may grant additional time at their sole discretion.

(b) Issues: The Chair may limit immaterial, unnecessary, or redundant comments and/or presentations as well as take other lawful actions to maintain orderly proceedings.

(b) Discussion: Members of the Governing Body should not engage in back-and-forth discussion or debate with members of the public appearing before the body to offer comments.

7.4 Decorum:

Members of the public in attendance at Meetings of the Governing Body are expected to conduct themselves in a civil and respectful manner. Any person making personal, impertinent, threatening, or slanderous remarks, being disruptive or disorderly during a meeting or are otherwise deemed to be in violation of these Rules of Procedure will be directed by the Chair to cease such disruptive behavior. If the behavior continues, the person may be removed from the meeting at the discretion of the Chair. Persons attending Meetings shall turn off, silence, or mute any device or instrument capable of emitting an audible sound or tone before entering the Meeting room.

7.6 Communication with the Governing Body:

Nothing in these Rules of Procedure shall be construed to limit a person's ability to contact members of the Governing Body outside of a Meeting. Members of the public may address the Governing Body in writing, electronically, or via telephone regarding any Agenda items or matters of City business. If such communication regarding an Agenda item is received by City staff, notification will be made to all Governing Body members and copies of any relevant information, if provided in written form, will be distributed by the City Clerk.

8 MISCELLANEOUS INFORMATION:

8.1 Orientation:

The City Manager shall be responsible for a consistent and orderly introduction of City policy and information to all new members of the Governing Body. This orientation process should be commenced within thirty days of taking office.

8.2 Mail:

All mail received by the Governing Body will be placed unopened in the individual trays in the Mayor and City Council mailboxes at Lenexa City Hall unless authorization to open is given.

8.3 Postage Use:

The City will pay for postage on any official correspondence sent by a member of the Governing Body associated with City business. The City will not provide postage for any campaign mailings or Governing Body member newsletters.

8.4 Governing Body Expenses:

The City will pay for all travel expenses relating to official business incurred by members of the Governing Body in accordance with the Travel Policy set forth in Chapter 2, Article C of the Administrative Policy Manual. The City will not pay for any expenses incurred by City Council member spouses or other guests who accompany them on official City business trips. In the case of routine or informal City related business meals, the City will pay for the Governing Body member only. In the case of City related formal functions, such as the Chamber of Commerce Annual Meeting and Dinner, when Governing Body members are invited to represent the City and the attendance of a guest is appropriate, the City will pay Governing Body members and one guest each.

8.5 Return of Materials and Equipment:

At the completion of service to the Governing Body, any office equipment provided, such as laptop computers, software, and hardware, shall be returned to the City unless purchased by the outgoing Member pursuant to City policy. The outgoing Member will also immediately relinquish any keys, key cards, or other means of entry to all City facilities upon completion of service. Return of all City equipment shall occur no later than thirty days after completion of the Member's service unless extended by the City Manager.

9. SUSPENSION AND AMENDMENT OF RULES

9.1 Suspension of These Rules:

The Mayor may suspend these Rules of Procedure in part or in its entirety in the event of a National, State, County, and/or Local emergency declaration. Such suspension shall not waive or alter compliance with the Kansas Open Meetings Act. Any suspension of the Rules of Procedure shall not exceed the length of the associated emergency declaration.

9.2 Amendment of These Rules:

These rules may be amended, or new rules adopted by a majority vote of the members-elect of the Governing Body (5), provided that the proposed amendments or new rules were introduced into the record at a prior Regular Meeting or Special Meeting; or at the same meeting with a three-fourths (3/4) majority vote of the entire Governing Body (7).