



## Agenda

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

**MARCH 5, 2024  
7:00 PM  
COMMUNITY FORUM**

**CALL TO ORDER** Pledge of Allegiance

**ROLL CALL**

**APPROVE MINUTES** February 20, 2024 City Council meeting draft minutes  
(located in the Appendix)

**MODIFICATION OF  
AGENDA**

**PROCLAMATIONS** Women's History Month  
Multiple Sclerosis Education and Awareness Month

**CONSENT AGENDA** **Item Numbers 1 through 7**  
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. Bid award to Superior Bowen for the 2024 Pavement Management Program - County Assistance Road System Road Improvements Project

*This project treats Lackman Road from 87th Street Parkway to the north city limit with a 2-inch mill and overlay and stormwater improvements. Work also includes replacing deteriorated curb and gutter and sidewalk panels as needed, installation of detection loops for the new signal at 83rd Street & Lackman Road, and pavement markings. Superior Bowen bid \$1,394,757.68 to perform the work.*

2. Bid award to McAnany Construction Inc. for the 2024 Pavement Management Program Ultra-Thin Bonded Asphalt Surface and Mill and Overlay Project

*This project treats 24 lane-miles with an Ultra-Thin Bonded Asphalt Surface*

*treatment and another 6.5 lane-miles of an asphalt mill and overlay. Work also includes removing and replacing deteriorated curb and gutter, replacing sidewalk panels, and adding ADA ramps as needed. McAnany Construction Inc. bid \$4,520,000 to perform the work.*

3. Change Order No. 1 to the design contract with Brungardt Honomichl & Company PA for the Santa Fe Trail Drive Street and Trail Improvements Project

*This change order is for Brungardt Honomichl & Company PA to provide additional design and land surveying services for \$52,255. These additional services are a result of requests by staff to design curb ramp additions and modifications to the Santa Fe Trail Drive & Noland Road intersection, gather supplemental survey information along Santa Fe Trail Drive, and provide consulting services during negotiations with BNSF Railroad.*

4. Resolution approving and authorizing the Mayor to execute an agreement with Tropitone for the purchase of outdoor furniture for the Sar-Ko-Par Aquatic Center

*This purchase includes 140 deck loungers and 100 deck chairs for Sar-Ko-Par Aquatic Center. The total purchase amount is \$103,737.40.*

5. Resolution consenting to the enlargement of the Consolidated Main Sewer District of Johnson County, Kansas to include property located east of Clare Road and north of 83rd Street

*The Consolidated Main Sewer District of Johnson County, Kansas has requested consent to enlarge its sanitary sewer system to serve property located east of Claire Road and north of 83rd Street at Belmont Street.*

6. Resolution declaring it necessary to appropriate private property for the construction of certain public improvements along a portion of Lackman Road as part of Lenexa's Sidewalk and Trail Repair Program

*This project will construct sidewalk and other public improvements along Lackman Road between 95th Street and 99th Street. The City anticipates that it will need to acquire easements and rights-of-way from one tract adjacent to the project area.*

7. Resolution authorizing the execution of documents in connection with the assignment and assumption of base lease, lease, and payment in lieu of tax agreement, and transfer of the bonds, related to the City's industrial revenue bonds - Series 2023 (Lenexa Logistics Centre South Building 8)

*On October 1, 2023, the City issued its industrial revenue bonds in the*

*approximate amount of \$20.2 million to finance the construction of Building 8 in the Lenexa Logistics Centre South and authorizing a tax abatement for the project as set forth in a payment in lieu of tax (PILOT) agreement. The Developer is conveying the project to a new entity and has requested the City consent to the assignment and assumption of the base lease, lease, and the PILOT by the new entities.*

## END OF CONSENT AGENDA

### BOARD RECOMMENDATIONS

8. Approval of the Lenexa Old Town Activity Center Public Art Committee's recommendation of a mural artist and proposed design, and authorize staff to contract with the muralist to complete the project

*During the community engagement period, the City received a total of 1,878 votes for two proposed murals by two different artists. The committee's recommendation is to follow the public's preference and contract with Evan Brown (aka Doodle Dood) for his proposed design "Meet Me in Lenexa" for a maximum cost of \$34,500.*

### NEW BUSINESS

9. Approval of the City Council's 2024 Legislative Priorities

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

### COUNCILMEMBER REPORTS

### STAFF REPORTS

10. Black Hoof Park Public Art Discussion
11. 2023 Public Market Annual Report

## 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**

12. February 20, 2024 City Council meeting draft minutes
13. Women's History Month Proclamation
14. Multiple Sclerosis Education and Awareness Month Proclamation

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

ASSISTIVE LISTENING DEVICES ARE AVAILABLE FOR USE IN THE COMMUNITY FORUM BY REQUEST.



**ITEM 1**

**SUBJECT:** Bid award to Superior Bowen for the 2024 Pavement Management Program - County Assistance Road System Road Improvements Project

**CONTACT:** Nick Arena, Director of Municipal Services

**DATE:** March 5, 2024

**ACTION NEEDED:**

Award the bid to Superior Bowen Asphalt for the 2024 Pavement Management Program (PMP) - County Assistance Road System (CARS) Road Improvements Project.

**PROJECT BACKGROUND/DESCRIPTION:**

This work is part of the PMP and Stormwater Infrastructure Replacement Program (SIRP). The work will take place along Lackman Road from 87th Street Parkway to the north city limits.

The contractor will:

- perform a 2-inch mill and asphalt overlay,
- replace deteriorated curb and gutter, sidewalk panels, and ADA ramps as needed,
- install detection loops at the new 83rd Street & Lackman Road intersection, and
- install cured in place pipe lining along needed stormwater infrastructure.

Bids were opened on February 20, 2024, with the following results:

Engineer's Estimate	\$1,599,192.30
<b>*Superior Bowen Asphalt</b>	<b>\$1,394,757.68</b>
McAnany Construction, Inc.	\$1,400,000.01

\*low bidder

The City has worked with Superior Bowen Asphalt in the past on mill and overlay projects, and staff has been pleased with the quality of work performed.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

The bid award is for \$1,394,757.68 and will be paid through the PMP, which is funded by a portion of the 3/8-cent sales tax, property tax revenue, and the City's share of gas tax revenue (Special Highway Fund). This project will receive CARS funding for 50% of the project, not to exceed \$697,378.84.

CARS	\$697,378.84
PMP	\$537,378.84
SIRP	\$160,000.00
<b>Total Project Cost</b>	<b>\$1,394,757.68</b>

**STAFF RECOMMENDATION:**

Award the bid.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Integrated Infrastructure & Transportation

**Guiding Principles**

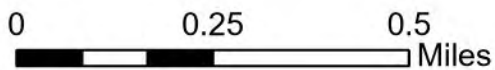
Strategic Community Investment

**ATTACHMENTS**

1. Map



## Lackman Road - 87th Street Parkway to North City Limits 2024 Pavement Management Program





**ITEM 2**

**SUBJECT:** Bid award to McAnany Construction Inc. for the 2024 Pavement Management Program Ultra-Thin Bonded Asphalt Surface and Mill and Overlay Project

**CONTACT:** Nick Arena, Director of Municipal Services

**DATE:** March 5, 2024

**ACTION NEEDED:**

Award the bid to McAnany Construction Inc. for the 2024 Pavement Management Program (PMP) - Ultra-Thin Bonded Asphalt Surface (UBAS) and Mill and Overlay Project.

**PROJECT BACKGROUND/DESCRIPTION:**

This work is part of the PMP. The project will consist of treating approximately 24 residential lane-miles with a UBAS treatment in the following subdivisions:

- Timbers at Clear Creek (Clare Road & 83rd Street)
- Brampton (95th Street & Monticello Road)
- Creekside Woods (92nd Street & Clare Road)
- Arbor Lake (Prairie Star Parkway & Clare Road)
- Brookwood (87th Street Parkway & Lackman Road)
- Twilight Acres (79th Street & Lackman Road)
- Lackman Place (79th Street & Lackman Road)
- Wyldwood Hills (77th Terrace & Lackman Road)

The project will consist of treating approximately 6.5 lane miles with a 2-inch asphalt mill and overlay in the following industrial and park locations:

- Cottonwood Street (Municipal Services Entrance)
- Brookhollow East (Industrial)
- Electric Park Parking Lot (95th Street & Loiret Boulevard)
- Buffalo Meadows Parking Lot (Prairie Star Parkway & Lone Elm)

Bids were opened on February 27, 2024, with the following results:

Engineer's Estimate	\$4,738,237.10
<b>McAnany Construction Inc.*</b>	<b>\$4,520,000.00</b>

\* only bidder

McAnany was the sole bidder on this project. With the work being performed mainly on residential streets,



McAnany Construction Inc. is the only local company equipped to perform this type of work with UBAS in residential areas. Staff has reviewed the bid and feels that it is in the best interest of the City to accept it.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

This bid award is for \$4,520,000 and will be paid through the PMP, which is funded by a portion of the 3/8-cent sales tax, property tax revenue, and the City's share of gas tax revenue (Special Highway Fund).

**STAFF RECOMMENDATION:**

Award the bid.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Integrated Infrastructure & Transportation

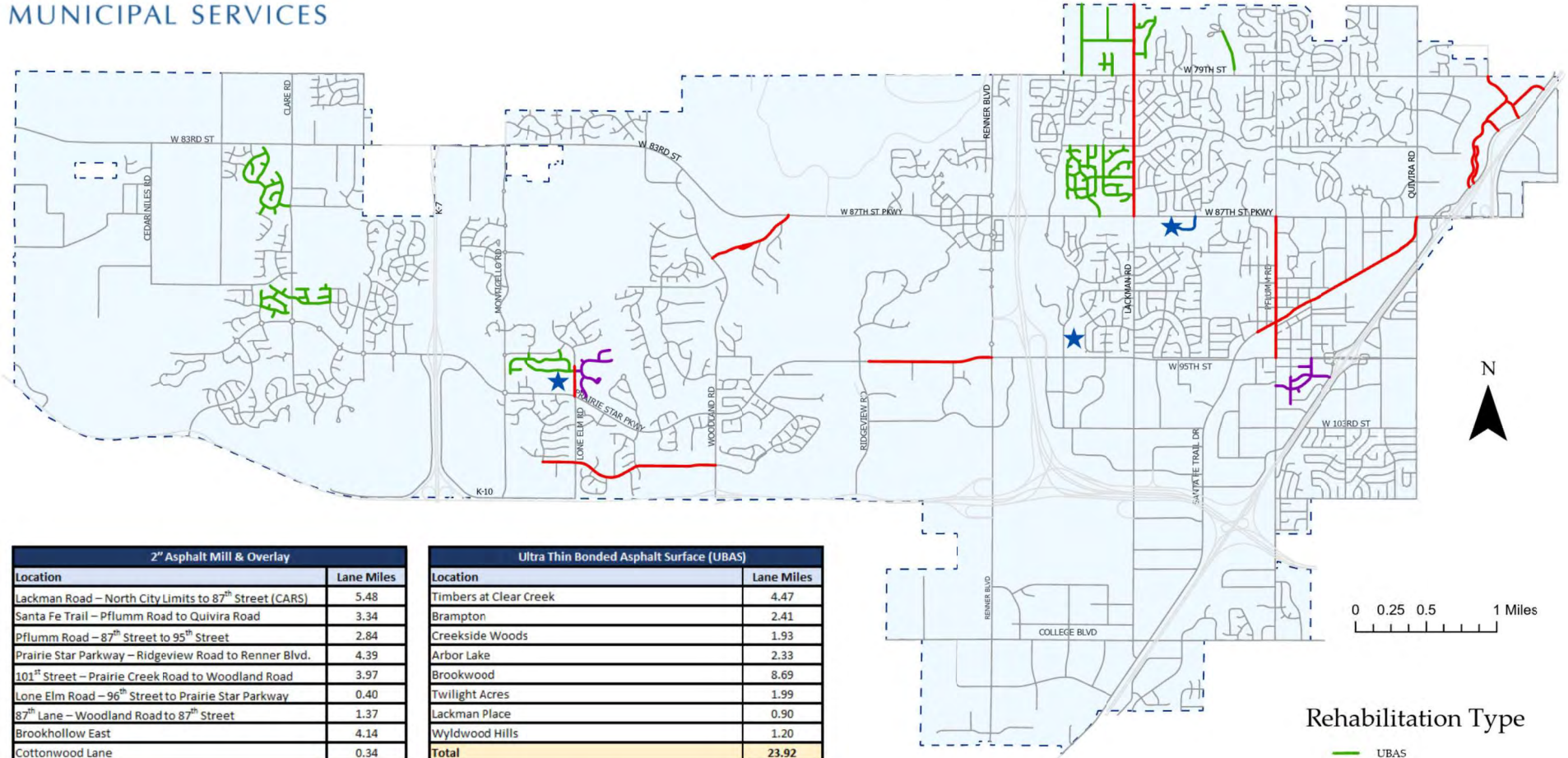
**Guiding Principles**

Strategic Community Investment

**ATTACHMENTS**

1. Map

# Proposed 2024 PMP Streets



2" Asphalt Mill & Overlay	
Location	Lane Miles
Lackman Road – North City Limits to 87 <sup>th</sup> Street (CARS)	5.48
Santa Fe Trail – Pflumm Road to Quivira Road	3.34
Pflumm Road – 87 <sup>th</sup> Street to 95 <sup>th</sup> Street	2.84
Prairie Star Parkway – Ridgeview Road to Renner Blvd.	4.39
101 <sup>st</sup> Street – Prairie Creek Road to Woodland Road	3.97
Lone Elm Road – 96 <sup>th</sup> Street to Prairie Star Parkway	0.40
87 <sup>th</sup> Lane – Woodland Road to 87 <sup>th</sup> Street	1.37
Brookhollow East	4.14
Cottonwood Lane	0.34
<b>Total</b>	<b>26.27</b>

Ultra Thin Bonded Asphalt Surface (UBAS)	
Location	Lane Miles
Timbers at Clear Creek	4.47
Brampton	2.41
Creekside Woods	1.93
Arbor Lake	2.33
Brookwood	8.69
Twilight Acres	1.99
Lackman Place	0.90
Wylwood Hills	1.20
<b>Total</b>	<b>23.92</b>

Park Maintenance	
Location	Lane Miles
Electric Park (Parking Lot)	0.34
Buffalo Meadows Park (Parking Lot)	0.44
Sar-Ko Par (Parking Lot)	0.91
<b>Total</b>	<b>1.69</b>

Street Reconstruction	
Location	Lane Miles
Penny Green Subdivision	2.77
Deer Run Subdivision	2.13
<b>Total</b>	<b>4.90</b>

Total Lane Miles	
Location	Lane Miles
<b>Total</b>	<b>56.78</b>

## Rehabilitation Type

- UBAS
- Mill and Overlay
- Reconstruction
- ★ Parking Lot Maintenance

Default Folder: L:\GIS\Maps\PMP\2024\2024 PMP Streets  
Date Saved: 12/29/2023  
Prepared by Julius Moore, Municipal Services



**ITEM 3**

**SUBJECT:** Change Order No. 1 to the design contract with Brungardt Honomichl & Company PA for the Santa Fe Trail Drive Street and Trail Improvements Project

**CONTACT:** Tim Green, Deputy Community Development Director

**DATE:** March 5, 2024

**ACTION NEEDED:**

Approve Change Order No. 1 to the design contract with Brungardt Honomichl & Company PA ("BHC") for the Santa Fe Trail Drive Street and Trail Improvements Project ("Project").

**PROJECT BACKGROUND/DESCRIPTION:**

This change order is for additional design and land survey services for the Project. The Project will include new curb and gutter along Santa Fe Trail Drive from 95th Street to Park Street, storm sewer improvements, a new 8-foot and 10-foot wide trail extending to the Santa Fe Trail Drive & Pflumm Road intersection, and a mill and overlay of Santa Fe Trail Drive from Pflumm Road to Quivira Road. The engineering consultant is requesting an increase to their original contract amount to pay for additional land surveying and engineering tasks as requested by City staff. The engineering consultant provided engineering services throughout negotiations with BNSF railroad that were outside their original scope. This change order will also fund a supplemental survey along Santa Fe Trail Drive, engineering services to upgrade curb ramps, and design minor traffic signal improvements at the Santa Fe Trail Drive & Noland Road intersection that were not part of the original scope.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

This project is included in the 2024-2028 Capital Improvement Program (Project No. 60125). The total project budget is \$1,707,000.

Original Design Contract:	\$73,210
Change Order No. 1:	\$52,255
<b>Revised Design Contract:</b>	<b>\$125,465</b>

**STAFF RECOMMENDATION:**

Approve the change order.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Integrated Infrastructure & Transportation

**Guiding Principles**

Strategic Community Investment

## ATTACHMENTS

1. Map

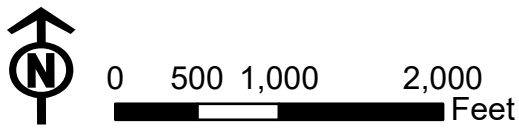


Document Path: L:\Engineering\Miscellaneous\Packet Memo Maps\Template\Revised Santa Fe Trail Drive 95th to Park.aprx

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

# Santa Fe Trail Drive Street and Trail Improvements

Project No. 60125





**ITEM 4**

**SUBJECT:** Resolution approving and authorizing the Mayor to execute an agreement with Tropitone for the purchase of outdoor furniture for the Sar-Ko-Par Aquatic Center

**CONTACT:** Mandy Danler, Assistant Parks & Recreation Director  
Logan Wagler, Parks & Recreation Director

**DATE:** March 5, 2024

**ACTION NEEDED:**

Adopt a resolution approving and authorizing the Mayor to execute an agreement with Tropitone for the purchase of outdoor furniture for the Sar-Ko-Par Aquatic Center.

**PROJECT BACKGROUND/DESCRIPTION:**

Outdoor pool and patio furniture has been selected for the Sar-Ko-Par Aquatic Center. When determining the needs of the facility, staff considered several different vendors they have worked with over the years. Tropitone was one of several vendors/products considered. When accounting for quality, durability, functionality, and aesthetics, staff determined that it is in the best interest of the public and the City to waive the sealed bid process and enter this agreement with Tropitone.

This purchase includes 140 deck loungers and 100 deck chairs for the site. Purchasing these items at this time locks in pricing and availability while also allowing the City to hold delivery until the furniture is needed closer to completion of construction of the project.

The City is able to purchase these Tropitone products through Koper Outdoor, a Manufacturer's Sales Representative for Tropitone products.

The purchase order is available for review in the City Clerk's office.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

The total purchase amount is \$103,737.40. This total cost will be paid through the Indian Trails Aquatic Center Improvement Project in the 2024-2028 Capital Improvement Program (Project No. 70009).

**STAFF RECOMMENDATION:**

Adoption of the resolution.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**  
Inviting Places

**Guiding Principles**  
Strategic Community Investment

## **ATTACHMENTS**

1. Resolution

**RESOLUTION NO. 2024-\_\_\_\_\_**

**A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF LENEXA (“CITY”) AND TROPITONE (“VENDOR”) FOR THE PURCHASE OF OUTDOOR FURNITURE AT THE SAR-KO-PAR AQUATIC CENTER.**

**WHEREAS**, the City of Lenexa, Kansas (“City”) has engaged in the renovation and reconstruction of the Sar-Ko-Par Aquatic Center (the “Project”); and

**WHEREAS**, as part of that process, the City has determined a need to purchase certain outdoor pool and patio furniture, specifically deck chairs and deck loungers; and

**WHEREAS**, pursuant to Charter Ordinance 52 and Section 1-9-B-2 of the Lenexa City Code, the City Council may waive the sealed bid process on public improvements when it is in the best interest of the public; and

**WHEREAS**, in order to ensure the furniture product chosen meets the specific needs and quality requirements of the Project, the City has determined that it is in the best interest of the City to waive the public bidding process for the Project allowing the City to select only vendors who can meet those needs; and

**WHEREAS**, the City is using Tropitone (“Vendor”) based on their competitive pricing, quality of products, and history of providing high-quality, durable pool and patio furniture to the City over several years; and

**WHEREAS**, the City and Vendor have read, understand and agree to the terms and conditions of the agreement to purchase deck chairs and deck loungers from Vendor (“Outdoor Furniture Agreement”).

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

**SECTION ONE:** The City of Lenexa, Kansas, a Kansas municipal corporation, does hereby waive the sealed bid process and authorizes staff to proceed with the Outdoor Furniture Agreement.

**SECTION TWO:** The City of Lenexa, Kansas, a Kansas municipal corporation, does hereby authorize the Mayor to execute the Outdoor Furniture Agreement with Tropitone in substantially the same form as attached hereto as Exhibit “A” and incorporated herein by reference.



**SECTION THREE:** This resolution shall become effective upon passage.

**ADOPTED** by the Lenexa City Council this 5<sup>th</sup> day of March, 2024.

**SIGNED** by the Mayor this 5<sup>th</sup> day of March, 2024.

**CITY OF LENEXA, KANSAS**

[SEAL]

By: \_\_\_\_\_  
Julie Sayers, Mayor

Attest:

\_\_\_\_\_  
Jennifer Martin, City Clerk

Approved As To Form:

\_\_\_\_\_  
Spencer L. Throssell, City Attorney



**CITY COUNCIL  
MEMORANDUM**

**ITEM 5**

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**SUBJECT:** Resolution consenting to the enlargement of the Consolidated Main Sewer District of Johnson County, Kansas to include property located east of Clare Road and north of 83rd Street

**CONTACT:** Steven Shrout, Assistant City Attorney

**DATE:** March 5, 2024

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**ACTION NEEDED:**

Adopt a resolution consenting to the enlargement of the Consolidated Main Sewer District (CMSD) of Johnson County, Kansas to include property located east of Clare Road and north of 83rd Street.

**PROJECT BACKGROUND/DESCRIPTION:**

Johnson County Charter Resolution No. 29-92 requires the County to get the City's consent to any proposed enlargements to the CMSD. The CMSD has requested consent to enlarge its sanitary sewer system in a 3.564-acre area east of Clare Road and north of 83rd Street at Belmont Street. This enlargement is necessary to accommodate the expansion of the Belmont Estates subdivision. City staff has reviewed this request and does not object to the requested enlargement.

**STAFF RECOMMENDATION:**

Adoption of the resolution.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Integrated Infrastructure & Transportation

**Guiding Principles**

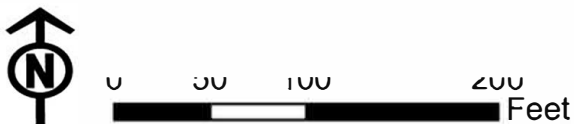
Superior Quality Services

**ATTACHMENTS**

1. Map
2. Resolution



## Belmont Estates, Second Plat



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION CONSENTING TO THE ENLARGEMENT OF THE CONSOLIDATED MAIN SEWER DISTRICT OF JOHNSON COUNTY, KANSAS TO INCLUDE PROPERTY LOCATED EAST OF CLARE ROAD AND NORTH OF 83<sup>RD</sup> STREET AT BELMONT DRIVE.**

WHEREAS, Johnson County, Kansas Charter Resolution No. 29-92 requires the Board of County Commissioners to obtain the City's consent before enlarging any sewer district within the City limits; and

WHEREAS, the Board of County Commissioners desires to expand the Consolidated Main Sewer District to include the approximately 3.5638 acres; and

WHEREAS, the City consents to the proposed enlargement of the Consolidated Main Sewer District.

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

SECTION ONE: The City consents to the proposed enlargement of the Consolidated Main Sewer District within the city limits of Lenexa, Kansas to include the property shown and described on Exhibit "A".

SECTION TWO: This Resolution shall become effective upon passage.

ADOPTED by the City Council this 5th day of March, 2024.

SIGNED by the Mayor this 5th day of March, 2024.

CITY OF LENEXA, KANSAS

[SEAL]

\_\_\_\_\_  
Julie Sayers, Mayor

Attest:

\_\_\_\_\_  
Jennifer Martin, City Clerk

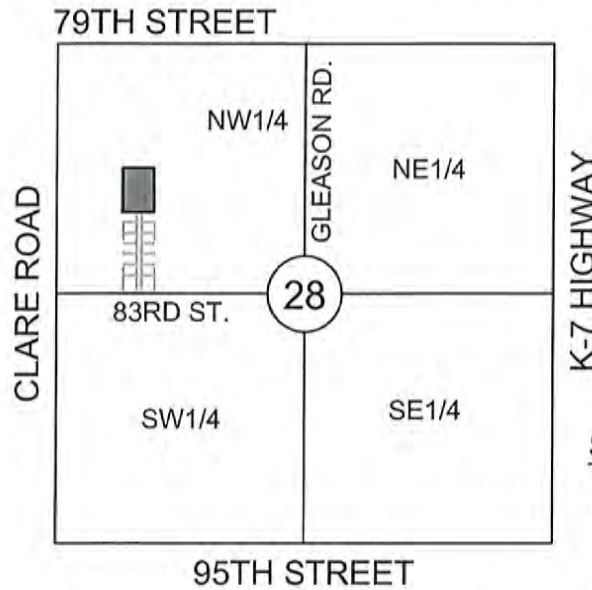
Approved As To Form:

\_\_\_\_\_  
Steven Shrout, Assistant City Attorney

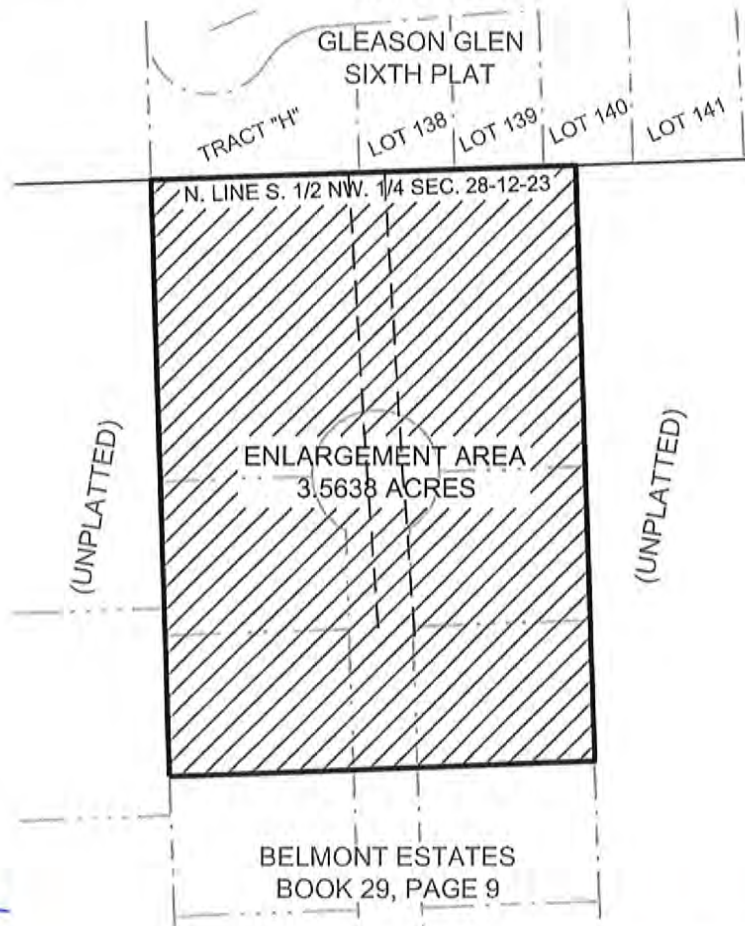
**EXHIBIT "A"**  
ENLARGEMENT TO THE CONSOLIDATED MAIN SEWER DISTRICT

**DESCRIPTION:**

All of Lots 8, 9, 10, 11, 12 and 13, and a part of Brier Drive adjacent to 8, 9, 10, 11, 12 and 13, BELMONT ESTATES, a subdivision in the City of Lenexa, Johnson County, Kansas, according to the recorded plat thereof. And containing 3.5638 acres more or less.



**SECTION 28-T12-R23**  
**LOCATION MAP**  
SCALE 1" = 2000'



Aaron T. Reuter - Land Surveyor  
KS# LS-1429

REV1:2024.02.06

DRAWN BY:	MBH
CHECKED BY:	SCH
DATE:	01/03/2023
PROJECT NO:	22-219
SCALE:	1" = 150'
SHEET	1 OF 1

**SCHLAGEL**  
ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS  
14920 West 107th Street • Lenexa, Kansas 66215  
www.schlagelassociates.com • (913) 492-5158 • Fax: (913) 492-8400  
Kansas State Certificates of Authority  
#E-296 #L A-29 #LS-54

ENLARGEMENT TO THE CLC6

# Wastewater

**Owners:**  
Rapp, Bryan P  
Toepfer, Monica N

**Property ID:** IP01200000-0008  
**Parcel Acreage:** 0.42 acres

**Property ID:** IP01200000-0009  
**Parcel Acreage:** 0.46 acres




**Property ID:** IP01200000-0010  
**Parcel Acreage:** 0.91 acres

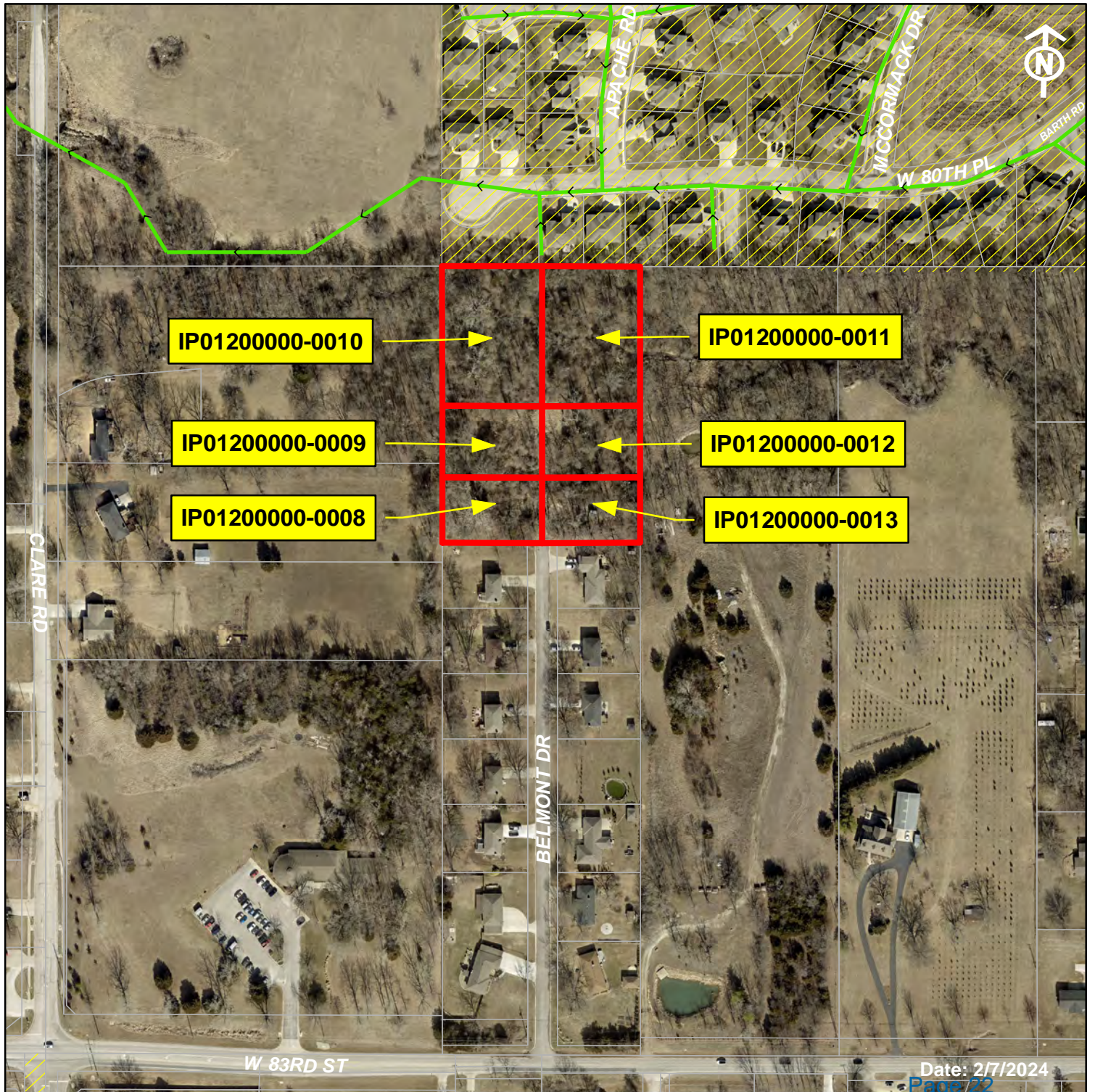
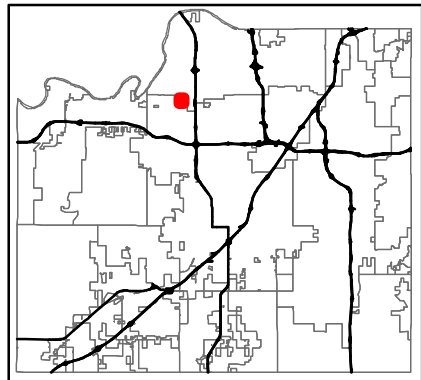
**Property ID:** IP01200000-0011  
**Parcel Acreage:** 0.89 acres

**Property ID:** IP01200000-0012  
**Parcel Acreage:** 0.45 acres

**Property ID:** IP01200000-0013  
**Parcel Acreage:** 0.42 acres

**Land Use:** Residential highest  
and best use

-  Subject Parcels
-  Current CMSD Boundary
- Sanitary Sewers**
-  Gravity Sewers





**CITY COUNCIL  
MEMORANDUM**

**ITEM 6**

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**SUBJECT:** Resolution declaring it necessary to appropriate private property for the construction of certain public improvements along a portion of Lackman Road as part of Lenexa's Sidewalk and Trail Repair Program

**CONTACT:** Nick Arena, Director of Municipal Services  
Spencer Throssell, Assistant City Attorney

**DATE:** March 5, 2024

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**ACTION NEEDED:**

Adopt a resolution declaring it necessary to appropriate private property for the construction of certain public improvements along a portion of Lackman Road as part of Lenexa's Sidewalk and Trail Repair Program ("Project").

**PROJECT BACKGROUND/DESCRIPTION:**

This resolution declares it necessary to appropriate private property for use by the City for the Project. The Project will construct sidewalk and other public improvements along a portion of Lackman Road between 95th Street and 99th Street.

This resolution is the first step in acquiring the easements and rights-of-way for the Project. The City anticipates that it will need to acquire easements and rights-of-way from one tract adjacent to the Project area.

This resolution empowers the Municipal Services Director, or their designee, to approve offers, negotiate for the acquisition of such private property, and enter into agreements accomplishing such acquisition, provided there is sufficient funding available in the approved project budget to accomplish the same. This provision affirms the standard practice by which Municipal Services staff makes all reasonable attempts to settle with property owners outside of condemnation. Should condemnation be necessary, staff will seek authorization from the Governing Body to institute those proceedings.

The City has retained Orrick & Erskine as outside counsel for acquisition services on the Project.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

This project is included in the 2024-2028 Capital Improvement Program (Project No. 60117).

**STAFF RECOMMENDATION:**

Adoption of the resolution.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Integrated Infrastructure & Transportation

**Guiding Principles**

Strategic Community Investment

**ATTACHMENTS**

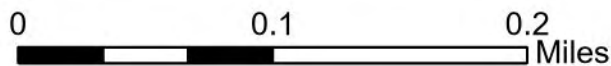
1. Map
2. Resolution





# Sidewalk and Trail Repair Program

## 9700 Lackman Road



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION DECLARING IT NECESSARY TO APPROPRIATE PRIVATE PROPERTY FOR THE USE OF THE CITY OF LENEXA, KANSAS, FOR CONSTRUCTION OF SIDEWALK IMPROVEMENTS ALONG LACKMAN ROAD AS PART OF ITS SIDEWALK & TRAIL REPAIR PROGRAM.**

**WHEREAS**, the City of Lenexa, Kansas does hereby authorize and direct the following described improvement:

Construction of sidewalk repairs along Lackman Road as part of its Sidewalk & Trail Repair Program.

**WHEREAS**, it is necessary to acquire private property for the construction of the improvements.

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

**SECTION ONE:** It is hereby declared necessary to acquire private property for the use of the City of Lenexa, Kansas, for the following described improvements:

Construction of sidewalk repairs along Lackman Road as part of its Sidewalk & Trail Repair Program.

**SECTION TWO:** It is hereby authorized and directed that a survey and description of the lands or interests therein to be acquired be made by the City Engineering staff and filed with the City Clerk of the City of Lenexa, Kansas.

**SECTION THREE:** The Municipal Services Director, or his designee, is hereby empowered to negotiate and approve offers for the acquisition of such private property and to enter into agreements accomplishing such acquisition, whose value does not exceed his authorization under the City's purchasing policy; and the City Manager, or her designee, is authorized to enter into all other agreements accomplishing such acquisition; provided there is sufficient funding available in the approved project budget to accomplish the same.

**SECTION FOUR:** This Resolution shall take effect and be in force from and after its publication in the official City newspaper.

ADOPTED by the City Council this 5th day of March, 2024.

SIGNED by the Mayor this 5th day of March, 2024.

CITY OF LENEXA, KANSAS

[SEAL]

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Julie Sayers, Mayor

ATTEST:

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Jennifer Martin, City Clerk

APPROVED AS TO FORM:

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Spencer L. Throssell, Assistant City Attorney



**CITY COUNCIL  
MEMORANDUM**

**ITEM 7**

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**SUBJECT:** Resolution authorizing the execution of documents in connection with the assignment and assumption of base lease, lease, and payment in lieu of tax agreement, and transfer of the bonds, related to the City's industrial revenue bonds - Series 2023 (Lenexa Logistics Centre South Building 8)

**CONTACT:** Sean McLaughlin, City Attorney

**DATE:** March 5, 2024

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**ACTION NEEDED:**

Adopt a resolution authorizing the execution of documents in connection with the assignment and assumption of base lease, lease, and payment in lieu of tax agreement (PILOT), and transfer of the bonds, related to the City's industrial revenue bonds (IRBs) - Series 2023 (Lenexa Logistics Centre South Building 8).

**PROJECT BACKGROUND/DESCRIPTION:**

On or about October 1, 2023, the City issued its IRBs in the approximate amount of \$20.2 million for financing the construction of Building 8 in the Lenexa Logistics Centre South Business Park ("Project") to be leased to Prom Lenexa 8, LLC and Marley Lenexa 8, LLC ("Original Company") and authorizing a tax abatement for the Project subject to the terms of a PILOT agreement between the City and the Original Company.

The Original Company is conveying the project to LLCs Building 8 Investors, LLC, a Kansas limited liability company (collectively, "Company"). The Original Company has requested that the City consent to the assignment and assumption of the base lease, lease, and PILOT agreement to the Company. Additionally, the resolution authorizes the Mayor to execute an amended PILOT agreement with the Company which restates the parties' intentions, clarifies notice requirements and similar items but does not substantively change the terms of the abatement. The resolution also authorizes the Mayor to execute all other documents necessary to effect the intent of the parties.

The IRB documents are standard and are available for review in the City Clerk's office.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

IRBs are not backed by the full faith and credit of the City. The applicant is responsible for repayment of the bonds and all fees related to the bond issue.

**STAFF RECOMMENDATION:**

Adoption of the resolution.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Thriving Economy

**Guiding Principles**

Responsible Economic Development

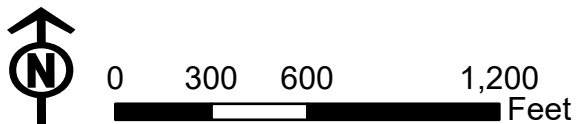
**ATTACHMENTS**

1. Map
2. Resolution



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

# Lenexa Logistics Centre South Building 8



**RESOLUTION NO. 2024-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE EXECUTION OF DOCUMENTS IN CONNECTION WITH THE ASSIGNMENT AND ASSUMPTION OF BASE LEASE, LEASE AND PAYMENT IN LIEU OF TAX AGREEMENT, AND TRANSFER OF THE BONDS, RELATED TO THE CITY'S INDUSTRIAL REVENUE BONDS (TAXABLE UNDER FEDERAL LAW) SERIES 2023 (LENEXA LOGISTICS CENTRE SOUTH – BUILDING 8).**

**WHEREAS**, the City of Lenexa, Kansas (the “City”), has previously issued its Industrial Revenue Bonds (Taxable Under Federal Law), Series 2023 (Lenexa Logistics Centre South – Building 8) (the “Bonds”), in the original principal amount not to exceed \$20,200,000, the proceeds of which were used to finance the cost of acquiring, constructing and equipping an approximately 195,409 square foot commercial warehouse and office facility, furnishings, building and improvements described as Building 8 (the “Project”) located southwest of Britton Street and College Boulevard in the Lenexa Logistics Centre South Business Park; and

**WHEREAS**, in connection with the issuance of the Bonds, Prom Lenexa 8, LLC, a Kansas limited liability company (“Prom Lenexa 8”), and Marley Lenexa 8, LLC, a Kansas limited liability company (“Marley Lenexa 8”) (Prom Lenexa 8 and Marley Lenexa 8 are herein, individually and collectively, as the context requires, the “Original Company”), leased certain land and improvements to the City pursuant to a Base Lease Agreement dated as of October 1, 2023 (the “Original Base Lease”), among the Original Company and the City, and the City leased-back the Project to the Original Company pursuant to a Lease dated as of October 1, 2023 (the “Original Lease”), among the City and the Original Company; and

**WHEREAS**, in further connection with the issuance of the Bonds, the City also entered into a Trust Indenture dated as of October 1, 2023 (the “Original Indenture”), with BOKF, N.A., as trustee (the “Trustee”); and

**WHEREAS**, in further connection with the issuance of the Bonds, the City and the Original Company also entered into an Amended and Restated Payment in Lieu of Tax Agreement – Lenexa Logistics Centre South – Building 8, dated as of October 3, 2023 (the “Amended and Restated PILOT Agreement”); and

**WHEREAS**, the Original Company has requested the consent of the City to an Assignment and Assumption of Base Lease, Lease and Payment in Lieu of Tax Agreement (Lenexa Logistics Centre South – Building 8) (the “Assignment”) wherein the Original Company will assign all of its rights, duties, interests and obligations under the Original Base Lease, the Original Lease and the Amended and Restated PILOT Agreement to LLCS Building 8 Investors, LLC, a Kansas limited liability company (the “Company”), and the Company will assume all of the covenants, agreements, obligations and liabilities of the Original Company under the Original Base Lease, Original Lease and the Amended and Restated PILOT Agreement, and the Original Company has further requested that the City release the Original Company from its duties and

obligations under the Original Base Lease, Original Lease and Amended and Restated PILOT Agreement; and

**WHEREAS**, the Company has represented that concurrent with the transfer and assignment of the Original Base Lease, the Original Lease and Amended and Restated PILOT Agreement, the Company will purchase the Bonds; and

**WHEREAS**, Section 6.02 of the Original Base Lease authorizes the Original Company to assign its rights and obligations under the Original Base Lease with the prior written consent of the City; and

**WHEREAS**, Sections 9.2 and 9.3 of the Original Lease authorize the Original Company to assign its rights and obligations under the Original Lease with the prior written consent of the City, and authorize the release of the Original Company from all obligations thereunder; provided (a) the Company agrees to assume all such obligations under the Original Lease and (b) the City and the owners of 100% of the Bonds outstanding consent to such assignment; and

**WHEREAS**, Section 14(b) of the Amended and Restated PILOT Agreement permits the transfer of the benefits of that agreement to an assignee with the written consent of the City, subject to further conditions of Section 14(b) of the Amended and Restated PILOT Agreement; and

**WHEREAS**, the Company desires to amend the Original Indenture, the Original Base Lease, the Original Lease and the Amended and Restated PILOT Agreement to modify and include necessary provisions relating to the rights, duties and obligations of the Company under the Original Indenture, the Original Base Lease, the Original Lease and the Amended and Restated PILOT Agreement; and

**WHEREAS**, Sections 1102 and 1103 of the Original Indenture authorize the City and the Trustee to amend the Original Indenture with the consent of the Company and the owner of 100% of the outstanding Bonds; and

**WHEREAS**, Section 9.04 of the Original Base Lease authorizes the City and the Company to amend the Original Base Lease with the consent of the Trustee; and

**WHEREAS**, Section 28.1 of the Original Lease authorizes the City and the Company to amend the Original Lease with the consent of the Trustee; and

**WHEREAS**, Section 14(g) of the Amended and Restated PILOT Agreement permits the amendments to the Amended and Restated PILOT Agreement with the written consent of the City and the Company; and

**WHEREAS**, Prom Lenexa 8 has represented that it is the current owner of 100% of the outstanding Bonds and intends to consent to the Assignment; and

**WHEREAS**, the Company has represented that it intends to assume all obligations of the Original Company under the Original Base Lease, the Original Lease and the



Amended and Restated PILOT Agreement, to consent to a First Supplemental Trust Indenture (the “First Supplemental Indenture”) between the City and the Trustee, to execute a First Supplemental Base Lease (the “First Supplemental Base Lease”) between the Company and the City, to execute a First Supplemental Lease (the “First Supplemental Lease” and together with the Original Lease, the “Lease”) between the City and the Company, and to execute a Second Amended and Restated Payment in Lieu of Tax Agreement (Lenexa Logistics Centre South – Building 8) (the “Second Amended PILOT Agreement”), and the Company has represented that it intends to execute an investor letter relating to the transfer of the Bonds (the “Investor Letter”), evidencing the rights, duties and obligations under each such document; and

**WHEREAS**, the Trustee has represented that it intends to execute the First Supplemental Indenture and to consent to the First Supplemental Base Lease and the First Supplemental Lease; and

**WHEREAS**, the Governing Body of the City has determined it is in the best interests of the City to authorize the execution of certain documents in connection with the Assignment and transfer of the Bonds to facilitate and promote economic development within the City;

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

**Section 1.** The City hereby consents to the Assignment and the transfer of the Bonds.

**Section 2.** Subject to the conditions set forth in Section 3, the Mayor or acting Mayor is authorized and directed to execute and deliver the following documents (“Documents”) on behalf of, and as the act and deed of the City, in substantially the forms on file in the office of the City Clerk, with such corrections or amendment thereto as the Mayor or acting Mayor may approve, which approval shall be evidenced by his or her execution thereof:

- (a) Consent to Assignment and Assumption of Base Lease, Lease and Payment in Lieu of Tax Agreement (Lenexa Logistics Centre South – Building 8) wherein the City consents to the Assignment;
- (b) First Supplemental Indenture;
- (c) First Supplemental Base Lease;
- (d) First Supplemental Lease;
- (e) Second Amended PILOT Agreement; and
- (f) If requested, an Estoppel Certificate wherein the City makes certain representations with respect to the status of the Original Base Lease, the Original Lease and the Amended and Restated PILOT Agreement.

If required by the Documents, the City Clerk or the Deputy City Clerk of the City is hereby authorized and directed to attest the execution of the Documents. The Mayor or Acting Mayor and City Clerk or Deputy City Clerk are further authorized to execute or attest such other documents, certificates and instruments as may be necessary or desirable to carry out in the intent of this Resolution under the City's official seal.

**Section 3.** Authorization to deliver the Documents is subject to receipt by the City Attorney or Kutak Rock LLP, on behalf of the City, or reasonable evidence of the following:

- (a) a fully executed and notarized Assignment;
- (b) the Company's execution of the First Supplemental Base Lease, the First Supplemental Lease, the Second Amended PILOT Agreement, the executed consent of the Company to the First Supplemental Indenture, and the executed Investor Letter; and
- (c) the Trustee's execution of the First Supplemental Indenture, and the executed consent of the Trustee to the First Supplemental Base Lease and the First Supplemental Lease.

Kutak Rock LLP is hereby authorized to hold the Documents on behalf of the City until the closing of the Assignment and Assumption of the Base Lease, Lease and PILOT Agreement and the transfer of the Bonds.

**Section 4.** This Resolution shall be in full force and effect from and after its adoption. This Resolution shall be of no effect and shall be null and void on May 31, 2024, in the event that the transactions contemplated herein are not completed by such date.

*[Remainder of Page Intentionally Left Blank]*

**ADOPTED** by the Lenexa City Council on March 5, 2024.

**SIGNED** by the Mayor on March 5, 2024.

**CITY OF LENEXA, KANSAS**

\_\_\_\_\_  
Julie Sayers, Mayor

[Seal]

ATTEST:

\_\_\_\_\_  
Jennifer Martin, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Sean McLaughlin, City Attorney



**ITEM 8**

**SUBJECT:** Approval of the Lenexa Old Town Activity Center Public Art Committee's recommendation of a mural artist and proposed design, and authorize staff to contract with the muralist to complete the project

**CONTACT:** Logan Wagler, Parks & Recreation Director

**DATE:** March 5, 2024

**ACTION NEEDED:**

Approve the Lenexa Old Town Activity Center Public Art Committee's recommendation of a mural artist and proposed design, and authorize staff to contract with the muralist to complete the project.

**PROJECT BACKGROUND/DESCRIPTION:**

At the March 8, 2022 Committee of the Whole meeting, the Lenexa Arts Council and Governing Body discussed preferences for public art, and several members of the Governing Body indicated interest in commissioning a mural. Taking the Governing Body feedback into account, the Arts Council included the Lenexa Community Center as one of the priority locations for a future mural in its annual recommendation of priority locations for public art. The priority list of locations for public art was accepted by the City Council at its April 5, 2022 meeting.

In June 2022, the City contracted with Public Art & Practice (“PAP”) to guide the City in identifying potential artists, recommended motif or style, and a suitable site for a mural in conjunction with the Lenexa Old Town Activity Center (“LOTAC”, the renovated Lenexa Community Center). The City also established the LOTAC Public Art Committee to work with PAP in preparing the mural recommendations.

The committee consists of:

Governing Body and Staff

Mayor Sayers  
Councilmember Arroyo  
Logan Wagler  
Mandy Danler  
Susanne Neely  
Ben Clark

Multi-Studio

Sean Zaudke  
Dan Zeller

Lenexa Arts Council

Emily Behrmann  
Sarah Homan  
Judy Tuckness  
Cheryl Kimmi  
Jennifer Wampler  
Jess Collins  
Anne-Lawrence Cherry  
Wayne Dothage  
Dale Trott

The committee researched options and determined criteria and considerations that would be used in its recommendations to the Governing Body on April 18, 2023:

- Goal for the mural. In keeping with the city’s Vision 2040 document and the New Look at Old Town Study, the committee indicated the mural should add vibrancy to the space by expressing civic pride and community identity and attracting residents and visitors to enjoy the art and space.
- Artist residency. The committee recommended that the selected artists should be from the Kansas City region. After reviewing the works of 14 qualified muralists from the region, the committee narrowed the pool and recommended its top three finalists.
- Motif/Theme. The committee recommended contemporary/abstract art that embraces the city’s identity.
- Location of art. After reviewing several options at the site, and with input from the LOTAC project’s architect, the committee recommended placement of the mural on the wall adjacent to the new south entrance (just to the left or west of the doors), with the mural wrapping around to the west façade. The area for a mural is estimated at 900 square feet. This site was recommended because of its visibility and accessibility for community interaction.

The Governing Body approved the committee’s recommendations. In September 2023, one of the top three candidates decided to remove himself from consideration, and the two finalist artists for the project were Evan Brown, known as Doodle Dood and Isaac Tapia and Rodrigo Alvare, known as ITRA-Icons.

The City paid a stipend to each of the finalists to develop a proposal with concepts for the mural. Both finalists’ proposals met the project specifications. The concepts were made available to the public, and the City allowed the public to vote on its preferred mural design from November 8th through January 7th. Display boards explaining the project and showing each artist’s proposal, along with information on how to vote were physically displayed at the Lenexa Public Market from November 8-27, at the Lenexa Community Center from November 28-December 18, and at the Rec Center from December 28-January 7. The concepts and opportunity to vote were also promoted on the City website and social media, and a story about the project and the opportunity to vote was included in Town Talk.

During the community engagement period, murals received a total of 1,878 votes as follows:

- 1047 for Doodle Dood’s proposal, “Meet Me in Lenexa”
- 831 for ITRA Icons’ proposal, “Our Place in Time”

The committee’s recommendation is to follow the public’s preference and contract with Evan Brown (Doodle Dood) for his proposed design “Meet Me in Lenexa.”

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

Funding sources include:

Kansas Creative Arts and Industries Commission (KCAIC) grant	\$9,500
Parks and Rec Impact Fee - Zone 1	\$25,000
<b>Total maximum cost:</b>	<b>\$34,500</b>

**STAFF RECOMMENDATION:**

Approval of the recommendation.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**  
Inviting Places

**Guiding Principles**  
Extraordinary Community Pride

**ATTACHMENTS**

1. Presentation



# Public Art Mural Discussion

March 5, 2024



# Background

- April 5, 2022 – Governing Body accepted the Arts Council’s recommendation of priority locations for public art, including the Lenexa Old Town Activity Center (LOTAC) for one or more murals.
- June 2022 – City contracted with Public Art & Practice and formed the LOTAC Public Art Committee to provide recommendations for a mural.





# Financial Implications

- The city currently has funding available to purchase the top priority mural (max of \$35,000).
- Funding sources include (as of 12/31/2022):
  - City's PRIF (zone 1) \$ 36,611.52
  - CIF dedicated public art funds \$205,694.00
  - Lenexa Foundation (Arts) \$ 62,296.26
  - *KCAIC Grant Funding for Mural* \$ 9,500.00



# LOTAC Public Art Committee

- Melanie Arroyo, City Council
- Julie Sayers, Mayor
- Emily Behrmann, LAC
- Jess Collins, LAC
- Wayne Dothage, LAC
- Sarah Homan, LAC
- Cheryl Kimmi, LAC
- Anne Lawrence-Cherry, LAC
- Dale Trott, LAC
- Judy Tuckness, LAC
- Jennifer Wampler, LAC
- Sean Zaudke, Multi-Studio
- Dan Zeller, Multi-Studio
- Ben Clark, Staff
- Mandy Danler, Staff
- Susanne Neely, Staff
- Logan Wagler, Staff

Consultant: Steven Boody, PAP

# Committee Considerations

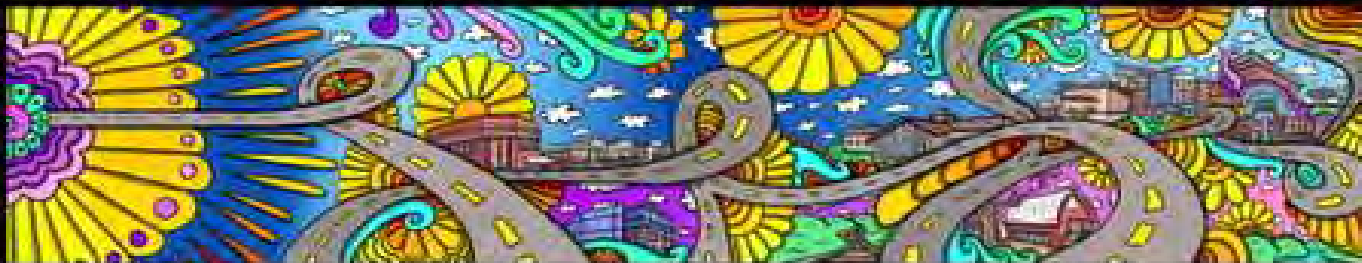
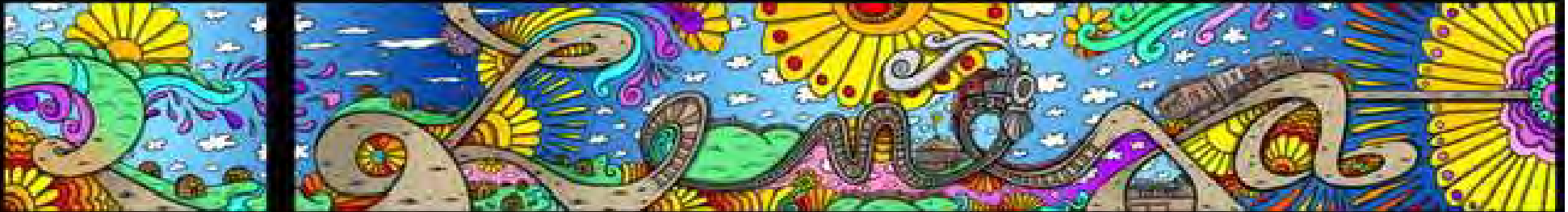
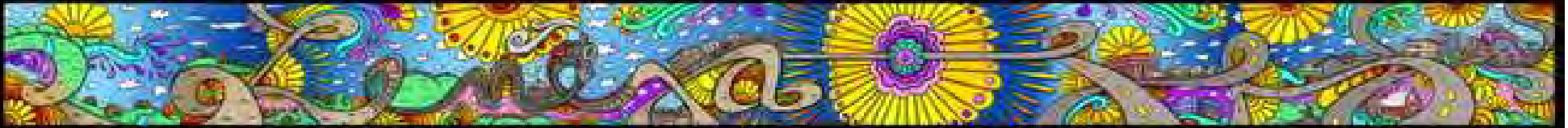
- **Goals:** Add vibrancy, express civic pride/community identity and attract residents and visitors

# Phase 1

- **Artist residency**: Important to engage an artist from the Kansas City region
  - **Motif/Style**: Contemporary/abstract art that embraces the city's identity
  - **Location considerations**: Visibility, scale and the public's ability to interact with the art
1. **Short-listed artists for project**
  2. **Recommended Location**
  3. **Process for public engagement**
- *Recommendations from Phase 1 were brought before the Governing Body for Approval*

# "MEET ME IN LENEXA"

Designed by Evan "Doodle Dood" Brown





# ITRA – Our Place in Time



# Location



# Public Engagement Process

- Concepts available to the public from November 8, 2023 – January 7, 2024
  - Online
  - Display boards
    - Lenexa Public Market: 11/8 - 11/27
    - Lenexa Community Center and Senior Center: 11/28 - 12/18
    - Lenexa Rec Center: 12/28 – 1/7



# Public Engagement Results

During the community engagement period, the City received a total of 1,878 votes as follows:

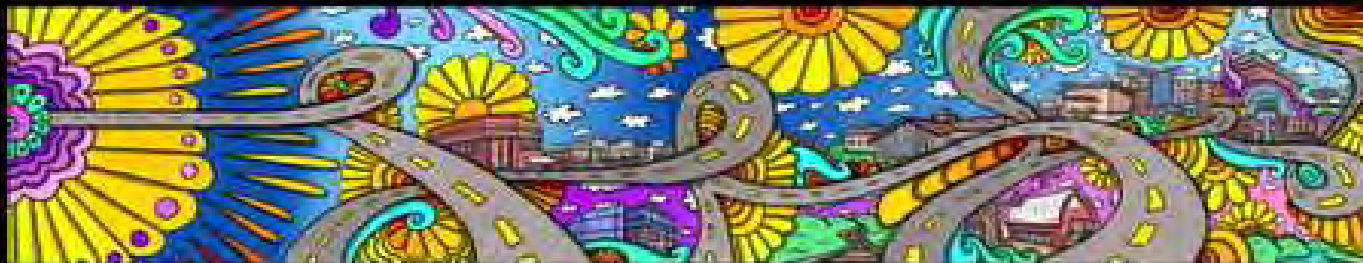
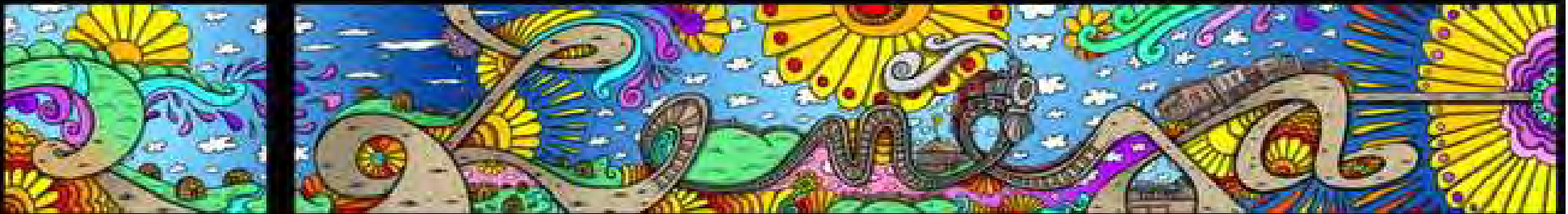
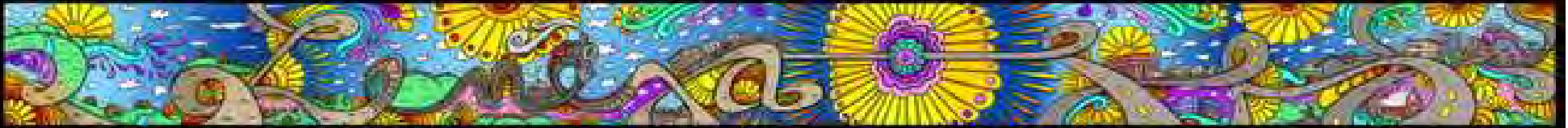
- 831 for ITRA Icons' proposal, "Our Place in Time"
- 1047 for Doodle Dood's proposal, "Meet Me in Lenexa"
  - (A difference of 216 votes)

# Items of Note

- A question raised during final Mural Committee meeting
- Actively seeking input and feedback from appropriate group
- Artist is open to updating or modifying the mural pending any feedback received

# "MEET ME IN LENEXA"

Designed by Evan "Doodle Dood" Brown



# Action Items

- ✓ Accept Recommendation for the selection of a mural artist and proposed design.
  - Evan Brown (Doodle Dood) – Meet Me in Lenexa
- ✓ Authorize staff to contract with the muralist to complete the project.

Note: Mural To be painted fall of 2024.

# Questions?





**ITEM 9**

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**SUBJECT:** Approval of the City Council's 2024 Legislative Priorities

**CONTACT:** Mike Nolan, Assistant City Manager

**DATE:** March 5, 2024

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**ACTION NEEDED:**

Approve the City Council's 2024 Legislative Priorities.

**PROJECT BACKGROUND/DESCRIPTION:**

Each year, the City Council adopts a set of policy positions pertaining to the governance and finances of the City. These policy positions encompass many areas that may be affected by an executive or legislative action at the state or federal level. These Legislative Priorities are organized according to the City Council's Guiding Principles and provide a framework for staff to advocate for municipal issues to state legislators and the state's Congressional delegation.

In 2024, there are several key focus areas for advocacy:

1. Allowing local governments to account for property tax revenue increases from new growth and expiring economic development investments in calculating the annual Revenue Neutral Rate.
2. Affirm that property appraisals are based on fair market value according to the Kansas Constitution and oppose caps on property valuation as unconstitutional and inequitable.
3. Oppose across-the-board property tax exemptions for private enterprises that claim to be competing with public, voter-approved facilities.
4. Supporting state investment in establishing a crisis stabilization center in Johnson County.
5. Including sexual orientation and gender identity as protected classes in the Kansas Act Against Discrimination.
6. Support transitioning KPERS Tier 3 employees to a more effective retirement plan structure that does not negatively impact the City's annual actuarial contributions to KPERS.
7. Investing in infrastructure through federal, state, and local partnerships based on the following principles:
  - Preserving and maintaining infrastructure already in place.
  - Prioritizing funding based on the best opportunities for economic growth, development, and return on investment.
  - Dedicated and consistent funding sources to pay for maintenance and improvements.

- Leveraging federal funding sources, such as the Bipartisan Infrastructure Law (BIL) and Infrastructure Investment and Jobs Act (IIJA), to enhance investment in the state’s infrastructure and not to replace state funding.

If approved, copies of the 2024 Legislative Priorities will be provided to members of the state and federal legislative delegations.

**STAFF RECOMMENDATION:**

Approval of the Legislative Priorities.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

- Healthy People
- Inviting Places
- Vibrant Neighborhoods
- Integrated Infrastructure & Transportation
- Thriving Economy

**Guiding Principles**

- Superior Quality Services
- Prudent Financial Management
- Strategic Community Investment
- Extraordinary Community Pride
- Inclusive Community Building
- Responsible Economic Development
- Sustainable Policies and Practices
- Values-based Organizational Culture

**ATTACHMENTS**

1. 2024 Legislative Platform



— CITY OF LENEXA, KANSAS —  
**2024 LEGISLATIVE  
PRIORITIES**





# GUIDING PRINCIPLES

The foundation of responsible local government is the Home Rule authority granted to municipalities by the Kansas Constitution. As the government closest to citizens, it is incumbent upon cities to be efficient, fair, and responsible with their tax dollars. The public places a great deal of trust in local government, which is consistently rated more trustworthy and effective than the state and federal governments. Lenexa favors local decisions being made at the local level. While we may differ in opinion on specific issues, Lenexa joins the League of Kansas Municipalities in advocating for local control and supports their Statement of Municipal Policy. We endorse this legislative platform and advocate for the positions therein on behalf of those who live and work in our community.

The Mayor and City Council commit to responsible governance and pledge that local decisions will be made in a transparent, thoughtful, and inclusive manner. We strive to do the right thing for the right reasons guided by these core principles.

**Superior Quality Services:** Ensure that services are provided efficiently and effectively in ways that create a safe, clean, and attractive community for residents, businesses, and visitors.



**Prudent Financial Management:** Provide exceptional value in public investments by committing to structural fiscal balance in operational and capital activities while upholding transparent finance and budgeting processes.



**Strategic Community Investment:** Purposefully invest in high-quality infrastructure, facilities, programs, and initiatives across all areas of the community.



**Extraordinary Community Pride:** Celebrate Lenexa's history and reputation as a visionary community and use that heritage to instill future generations with the pride that is reflected in the city's public places, plans, programs, and people.



**Inclusive Community Building:** Enthusiastically engage the public in community initiatives and visioning, including intentionally seeking input from a diverse assembly of stakeholders.



**Responsible Economic Development:** Fortify the city's economic base by encouraging high-quality private development as well as fostering economic opportunity through thoughtful planning processes and the judicious use of economic development investment programs.



**Sustainable Policies and Practices:** Lead by example in implementing sustainable and resilient practices where financially and operationally practical as well as enact community-wide policies and strategies that motivate both residents and businesses to do so when reasonable.



**Values-based Organizational Culture:** Create an organization that reflects the community's diversity and fosters superior culture by employing, supporting, and rewarding professionals who make decisions with integrity, deliver results through teamwork, provide exceptional service, lead into the future with vision, are dedicated to excellence, and who truly care about Lenexa.





## — CITY OF LENEXA —

# 2024 LEGISLATIVE PRIORITIES

**We support amending the Truth-in-Taxation Law to allow local governments to account for property tax revenue increases from new growth and expiring economic development investments in the calculation of the annual Revenue Neutral Rate.**

**We support property appraisals based on fair market value according to the Kansas Constitution and oppose caps on property valuation as unconstitutional and inequitable.**

**We oppose property tax exemptions for private enterprises that claim to be competing with public, voter-approved facilities.**

**We support State investment in establishing a crisis stabilization center in Johnson County.**

**We support including sexual orientation and gender identity as protected classes in the Kansas Act Against Discrimination.**

**We support transitioning KPERS Tier 3 employees to a more effective retirement plan structure that does not negatively impact the City's annual actuarial contributions to KPERS.**

**We support investing in infrastructure through federal, state, and local partnerships based on the following principles:**

- Preserving and maintaining infrastructure already in place.
- Prioritizing funding based on the best opportunities for economic growth, development and return on investment.
- Providing dedicated and consistent funding sources to pay for maintenance and improvements.
- Leveraging federal funding sources, such as the Bipartisan Infrastructure Law (BIL) and Infrastructure Investment and Jobs Act (IIJA), to enhance investment in the state's infrastructure and not to replace state funding.



# SUPERIOR QUALITY SERVICES

*Ensure that services are provided efficiently and effectively in ways that create a safe, clean, and attractive community for residents, businesses, and visitors.*



## 92%

OF CITIZENS ARE SATISFIED WITH THE QUALITY OF SERVICES THEY RECEIVE FROM THE CITY OF LENEXA (2023 ETC INSTITUTE SURVEY)

### **We support providing state resources to further address mental health response both for citizens and law enforcement:**

- State investment in a crisis stabilization center in Johnson County.
- Expanding Medicaid to ensure those who most need it have access to mental health care.

### **We oppose property tax exemptions for private enterprises that claim to be competing with public, voter-approved facilities.**

- Enterprises in Lenexa that would be eligible for these exemptions differ from City facilities in the type of clientele served and services offered, and therefore do not compete.
- Places like community recreation centers are supported by general tax dollars and in most cases are specifically approved by taxpayers through referendums and bond issues.
- The Lenexa Rec Center was envisioned by a citizen-led strategic planning process and **paid for through a dedicated 3/8-cent sales tax** approved by voters in 2008.
- In Lenexa, the Public Market competes with the private sector in the restaurant business. However, **the Public Market also pays property and sales tax** like any other business.

### **We support the ability of local governments to use technology in the provision of city services to counterbalance the need for more staff, promote public safety, reduce accidents and solve crimes.**



## We support statewide policing policies that preserve local control over law enforcement according to the following principles:

- Ensure sound policing practices.
- Uphold the objectivity of criminal justice processes.
- Pursue justice for victims.
- Promote social equity.
- Recognize the increasing emphasis of mental health and wellbeing on law enforcement and the community.
- Allocate commensurate funding for any required education, training, transparency initiatives, or enhanced accountability systems.

## RESPONSIBLE LAW ENFORCEMENT PRACTICES

Many of our personnel are members of and/or serve as board members for professional organizations. The ability to have first-hand knowledge and participation in shaping leading-edge policy and practices in law enforcement is immeasurable not only to our staff, but to our community.

The Lenexa Police Department is advised by a seven-member **Community Advisory Board** that is appointed by the Mayor with the consent of the City Council. The Board provides guidance and input to the Chief of Police in several policy areas:

- Preventing bias-based policing
- Use of force
- Mental health crisis response
- Criminal activity trends
- Promoting and increasing transparency
- Compassionate response to homelessness
- Use of technology

## BY THE NUMBERS: MENTAL HEALTH

- Through a partnership with Johnson County, **two full-time, licensed clinicians** are embedded in the Lenexa Police Department as mental health co-responders to answer calls for service when a person is reported to be in a mental health crisis.
- Lenexa PD was the **first municipal law enforcement agency in the country** to be Gold-Certified by CIT International in crisis intervention training and best practices.
- **100%** of sworn Lenexa law enforcement officers are certified in Mental Health awareness, and 63% of all department personnel have completed basic crisis intervention training.
- The number of emergency calls for service that included a mental health element totaled 4,831 over the past five years (2019–2023), including **930** in 2023.
- Lenexa officers logged more than **9,037** hours on mental health-related calls for service in the past five years.

## OUTREACH & TRANSPARENCY

- Lenexa was the **first law enforcement agency** in the Kansas City metro area to implement body cameras for all officers in 2009.
- The Lenexa Police Department regularly offers an **Understanding Police Use of Force Class** to educate members of the public about how law enforcement officers are trained to make decisions in high-stress situations.
- Lenexa’s Understanding Police Use of Force class was **recognized by the International Association of Chiefs of Police** as a model curriculum and IACP will begin recommending implementation of the program to its members nationwide.
- The Lenexa Police Department also hosts **annual Citizens Police and Youth Police Academies** that educate participants about the structure, policies, and activities of our department.



# PRUDENT FINANCIAL MANAGEMENT

*Provide exceptional value in public investments by committing to structural fiscal balance in operational and capital activities while upholding transparent finance and budgeting processes.*

**We support transparency in taxation and property tax policies that do not negatively impact the ability of local governments to generate the necessary revenue to provide the services citizens expect, issue debt, or adversely affect municipal bond ratings.**

**We support the tax-exempt status of municipal bonds and support the reinstatement of tax-exempt advance refunding municipal bonds.**

- Federal tax law changes in 2017 ended the ability of local governments to save taxpayer money and benefit from more favorable borrowing terms by eliminating the tax-exempt status of advance refunding bonds.
- Federal level restrictions on the ability of local governments to raise revenue to support the issuance of debt will lead to higher interest payments on municipal bonds, ultimately costing taxpayers more money.

**We support current local government sales tax exemptions.**

If local government operational purchases (equipment, supplies, etc.) were taxable, the City of Lenexa would have expended an additional \$1.8 million on sales tax in 2023 alone. Of that total, **85% (\$1.53 million) represents a local tax revenue shift to the state.** The impact on capital projects is not included in this figure and would be even greater.

**We support property appraisals based on fair market value according to the Kansas Constitution and oppose caps on property valuation as unconstitutional and inequitable.**

- There are three traditional and generally accepted property valuation methods: sales comparison, cost, and income. Hypothetical future valuation, or “dark store” methods are not generally accepted by appraisal professionals.
- Artificial caps on annual property valuation are not a market driven solution for tax relief. They create a “lock-in” effect that results in severe inequities for future home buyers, exacerbating affordable housing issues.
- Lowering the residential property tax assessment rate over two years for 11.5% to 9.5% would reduce local resources by \$3.6 million – the equivalent of purchasing three new fire trucks or completely eliminating the City’s Information Technology Department.

**We support the current structure of City/County sales tax revenue sharing.**

- Since 1977, Kansas has successfully used a city-county revenue sharing formula for the benefit of all. The existing formula ensures there is a fair method to distribute funds that are generated primarily in cities.

# 71%

OF LENEXA CITIZENS ARE SATISFIED WITH THE VALUE THEY RECEIVE FOR THEIR TAX DOLLARS (2023 ETC INSTITUTE SURVEY)



## PRUDENT FINANCIAL MANAGEMENT

**We oppose legislation that erodes the local or state ad valorem property tax base, puts municipalities at a competitive disadvantage with other states (especially neighboring ones) or levies a sales tax on professional services.**

- 78% of Lenexa jobs are in “professional services” as defined by NAICS code.

**We support a balanced state budget and fiscal policies that do not rely on reductions in funding for local units of government.**

- The state’s current fund balance should be used judiciously for one-time expenses, such as modernizing state software systems, investing in infrastructure, and maintaining a healthy reserve balance to guard against future economic downturns.

**We support fully funding all statutory demand transfer funds such as the Local Ad Valorem Tax Reduction Fund (LAVTR), County City Revenue Sharing (CCRS) and the motor vehicle property tax portion of the Special City-County Highway Fund (SCCH).**

- Since 2001, the state has failed to appropriate over **\$3 billion** in statutory local property tax demand transfers.
- If these demand transfers are ever funded and subsequently cease again, cities should be held harmless from the unfunded mandate to provide tax relief based on those demand transfers.

**We oppose unfunded mandates that create an undue burden on personnel, resources or services of local governments.**

## OUR BUDGET

The City of Lenexa has received the Distinguished Budget Presentation Award from the Government Finance Officers Association for **32 consecutive years**. The award recognizes local governments who demonstrate superior levels of taxpayer transparency in their budgeting process.

Through sound fiscal management, **Lenexa has lowered the mill levy for six consecutive years** and earned Triple-A bond ratings from both Moody’s (Aaa) and S&P (AAA).

In 2022, the City launched a **new budget management software** that allows the public to more easily understand how their tax dollars are being spent and the City hosted a **budget open house** for citizens.





# STRATEGIC COMMUNITY INVESTMENT

*Provide exceptional value in public investments by committing to structural fiscal balance in operational and capital activities while upholding transparent finance and budgeting processes.*

**We support investing in infrastructure through federal, state and local partnerships based on the following principles:**

- Preserving and maintaining infrastructure already in place.
- Prioritizing funding based on the best opportunities for economic growth and development as well as return on investment.
- Providing dedicated and consistent funding sources to pay for maintenance and improvements.
- Leveraging federal funding sources, such as the Bipartisan Infrastructure Law (BIL) and Infrastructure Investment and Jobs Act (IIJA), to enhance planned investment in the state's infrastructure and not to replace state funding.

**We support the Eisenhower Legacy Transportation Program (IKE) and urge the legislature to provide consistent funding for the state's transportation infrastructure over the term of the program.**

- We support the K-10 Highway Expansion Project and the inclusion of the **K-10 & Lone Elm Interchange** in the scope of the project. This interchange will provide important connections between Lenexa neighborhoods and the schools south of K-10 in Olathe as well as foster economic development opportunities in the area.

**We support the right of municipalities to manage local rights-of-way and infrastructure – and to collect reasonable fees from the private service providers and utilities using those public assets to deliver service to their customers.**

**74%** OF LENEXA CITIZENS ARE SATISFIED WITH THE WAY THE CITY IS PLANNING FOR GROWTH (2023 ETC INSTITUTE SURVEY)



The BIL includes **\$110 billion** for investing in roads and bridges. The IIJA allocated **\$134 million** to Kansas for work on the state's highways and bridges.

### BY THE NUMBERS: TRANSPORTATION

IKE allocates **\$1.3 billion** over 10 years for preventative maintenance in KDOT District 1.

### K-10 HIGHWAY EXPANSION PROJECT

The Project, a major portion of which will be constructed in Lenexa, is currently in the IKE Development Pipeline. Inclusion of the **K-10 and Lone Elm interchange** in the scope of work for the Project is of paramount importance. Constructing the Interchange will make the corridor safer, enhance the transportation network surrounding the area, and provide economic opportunities for Lenexa and Olathe.

It is also imperative to take advantage of **federal funds awarded** to the City of Lenexa for design of the Interchange. It is currently designed to the field check stage, a break-in-access approved, and nearly all necessary rights-of-way in Lenexa have been acquired.



## EXTRAORDINARY COMMUNITY PRIDE

*Celebrate Lenexa's history and reputation as a visionary community and use that heritage to instill future generations with the pride that is reflected in the city's public places, plans, programs, and people.*

**We support the current cycle of local elections and oppose moving them to even years or making them political party affiliated.**

- In Lenexa's most recent Citizen Survey, **76%** of residents rated the City's quality of leadership as effective or better according to ETC Institute.

**95%** OF CITIZENS ARE SATISFIED WITH THE QUALITY OF LIFE IN LENEXA (2023 ETC INSTITUTE SURVEY)





**95%** OF LENEXA  
CITIZENS  
ARE SATISFIED WITH THE  
OVERALL IMAGE OF THE CITY  
(2023 ETC INSTITUTE SURVEY)

# INCLUSIVE COMMUNITY BUILDING

*Enthusiastically engage the public in community initiatives and visioning, including intentionally seeking input from a diverse assembly of stakeholders.*

## **We support including sexual orientation and gender identity as specifically protected classes in the Kansas Act Against Discrimination.**

- We believe discrimination, in all its forms, is unjust and damaging to a community's growth. A diverse population of various cultures, perspectives and experiences creates a dynamic, welcoming and prosperous community.
- A patchwork of local ordinances is not the most effective solution to implement anti-discrimination laws and is especially problematic for businesses with multiple locations that must navigate the compliance requirements of each separate jurisdiction.
- The U.S. Supreme Court issued a ruling on this matter in *Bostock v. Clayton County*. However, the decision pertains to matters of employment and not housing or public accommodations. Therefore, statutory protections are still necessary.

## **We support the ability of cities to use their websites or other widely distributed electronic and print media channels as the primary place to publish statutory public notices.**

- The City's official website Lenexa.com logged more than **480,000 visitors** in 2023.
- The City has a combined **140,000 followers** on its official Facebook, Twitter, Instagram and Nextdoor accounts.

## **We support transparency in government and the current structure of open records requests through the Kansas Open Records Act.**

## PROTECTING OUR CITIZENS

The City of Lenexa passed a **Non-Discrimination Ordinance (NDO)** in order to provide employment, service and housing protections for individuals based on sexual orientation and gender identity.

Lenexa also enacted a corresponding **Hate Crimes Ordinance** that creates enhanced penalties for bias-based crimes.

## ECONOMIC DEVELOPMENT TOOLS IN LENEXA

Lenexa has leveraged its economic development investment tools to drive \$3.9 billion in development in the last decade, including nearly **\$2.3 billion in commercial development alone.**

Lenexa uses PILOT and other revenue sharing agreements to **ensure base-level tax revenues are maintained** and that they are used to fund public infrastructure such as roads, bridges, traffic signals, street lights, sidewalks, trails and stormwater facilities.

## STATE VS. STATE

The duration of local Kansas economic development investment tools ranges from 10-22 years, depending on the program. In neighboring Missouri, similar programs can last for 25-35 years, a significant competitive disadvantage when trying to attract capital investment and jobs.

## BY THE NUMBERS: EDUCATION + WORKFORCE

Lenexa is served by **three public school districts**: Shawnee Mission, Olathe and De Soto. The city is also home to St. James Academy, a highly-rated Catholic high school.

The **3,520** Lenexa businesses employ over 65,500 workers.

**60%** of Lenexa residents hold a bachelor's degree or higher.

**88%** OF CITIZENS ARE SATISFIED WITH LENEXA AS A PLACE TO WORK (2023 ETC INSTITUTE SURVEY)

# RESPONSIBLE ECONOMIC DEVELOPMENT



*Fortify the city's economic base by encouraging high-quality private development as well as fostering economic opportunity through thoughtful planning processes and the judicious use of economic development investment programs.*

**We support amending the Truth-in-Taxation Law by allowing local governments to account for property tax revenue increases from new growth and expiring economic development investments in the calculation of the annual Revenue Neutral Rate.**

- Lenexa is one of the most rapidly growing communities in Kansas. **New economic activity accounted for \$24.5 million (18.5%) in assessed value growth** in 2023.
- Local economic development efforts are integral to the state's fiscal health and provide support for statewide development projects such as the Panasonic plant in nearby De Soto.
- Economic development tools are fundamental mechanisms for promoting the growth and sustainability of a community by attracting new economic activity.

**We support the current structure of local and state economic development investment tools.**

- Economic development investment programs support development that **grows the tax base over the long term.**
- When used judiciously, these programs have **short-term benefits** through payment-in-lieu-of-taxes (PILOT) agreements and tax increment sharing agreements.
- Changes or decreased flexibility in these tools result in a **competitive disadvantage for Kansas cities** contending with communities from neighboring states with similar or more robust programs.
- We support responsible use of STAR Bonds and legislative oversight of the program.

**We support the right of municipalities to responsibly use eminent domain for all public purposes, including economic development.**

**We support investing in public education in a manner that ensures the state is building a workforce that our businesses and organizations can rely upon now and in the future.**



**95%** OF LENEXA  
CITIZENS  
ARE SATISFIED WITH THE  
OVERALL APPEARANCE OF  
THE CITY (2023 ETC  
INSTITUTE SURVEY)

# SUSTAINABLE POLICIES AND PRACTICES

*Lead by example in implementing sustainable and resilient practices where financially and operationally practical as well as enact community-wide policies and strategies that motivate both residents and businesses to do so when reasonable.*

## **We support the ability of local governments to enact environmental or climate change policies within their jurisdictions.**

- Lenexa has been a pioneer in environmental resilience strategies for many years and recently accepted the Climate Action KC Playbook as a framework to consider which sustainability initiatives makes sense for our community. To date Lenexa has:
  - **Established a stormwater utility** to address issues with stormwater runoff and the maintenance of related infrastructure, such as replacing corrugated metal pipe (CMP) in a systematic way.
  - **Rain to Recreation**
    - Leveraged a **1/4-cent sales tax** to fund flood control projects that also function as parks and recreational amenities like Lake Lenexa, Mize Lake and multi-use trails.
    - Enacted a **stream setback ordinance** to ensure the City’s stream corridors are protected.
    - Implemented **water quality standards** to ensure runoff is treated before entering our water supply.
    - Launched a **cost share program** that reimburses home and business owners for installing rain barrels, rain gardens and native plants.
  - **Native plant propagation** saves taxpayer money by investing in City- grown, native plants to support erosion control, water quality, and beautification.
  - In 2019, the City chose to invest in **100% renewable electricity** for City facilities through Evergy Renewables Direct.
  - In 2023, the City installed six public charging EV stations at two locations in and plans to install eight more at two sites in 2024.
  - **City taxpayers save about \$300,000 annually** in electricity costs through converting street lights to LED.

## **We support statewide efforts addressing water quality/quantity planning and sustainability.**

- Lenexa joined other communities and Johnson County in establishing a regional approach to stormwater through **six watershed management organizations.**



**84%**  
 OF LENEXA  
 CITIZENS ARE  
 SATISFIED WITH  
 THE QUALITY  
 OF CUSTOMER  
 SERVICE  
 RECEIVED FROM  
 CITY EMPLOYEES  
 (2023 ETC  
 INSTITUTE  
 SURVEY)



## VALUES-BASED ORGANIZATIONAL CULTURE

*Create an organization that reflects the community’s diversity and fosters superior culture by employing, supporting, and rewarding professionals who make decisions with integrity, deliver results through teamwork, provide exceptional service, lead into the future with vision, are dedicated to excellence, and who truly care about Lenexa.*



**We support the authority of municipalities to manage employee/ employer relations.**

**We support transitioning KPERS Tier 3 employees to a more effective retirement plan structure that does not negatively impact the City’s annual actuarial contributions to KPERS.**

- Tier 3 members account for 55% of current local government KPERS membership and nearly 15% of all members.

The City of Lenexa employs a workforce of more than **800** from lifeguards to engineers.

# LENEXA GOVERNING BODY

All Governing Body members can be reached by leaving a phone message at City Hall (913.477.7550)

## MAYOR



**Julie Sayers**  
jsayers@lenexa.com

## CITY COUNCIL WARD 1



**Joe Karlin**  
jkarlin@lenexa.com



**Courtney Eiterich**  
ceiterich@lenexa.com

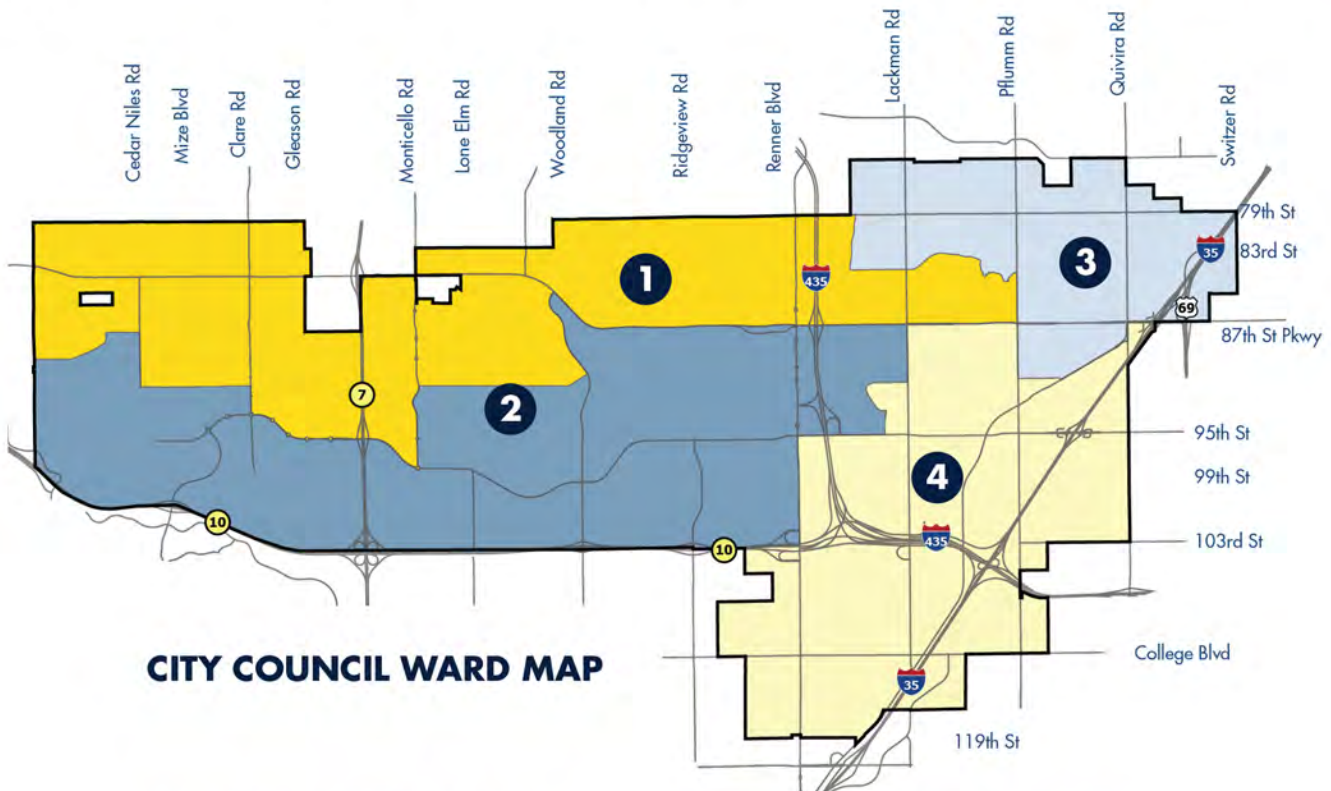
## CITY COUNCIL WARD 3



**Chelsea Williamson**  
cwilliamson@lenexa.com



**Melanie Arroyo**  
marroyo@lenexa.com



**CITY COUNCIL WARD MAP**

## CITY COUNCIL WARD 2



**Mark Charlton**  
mcharlton@lenexa.com



**Bill Nicks**  
bnicks@lenexa.com

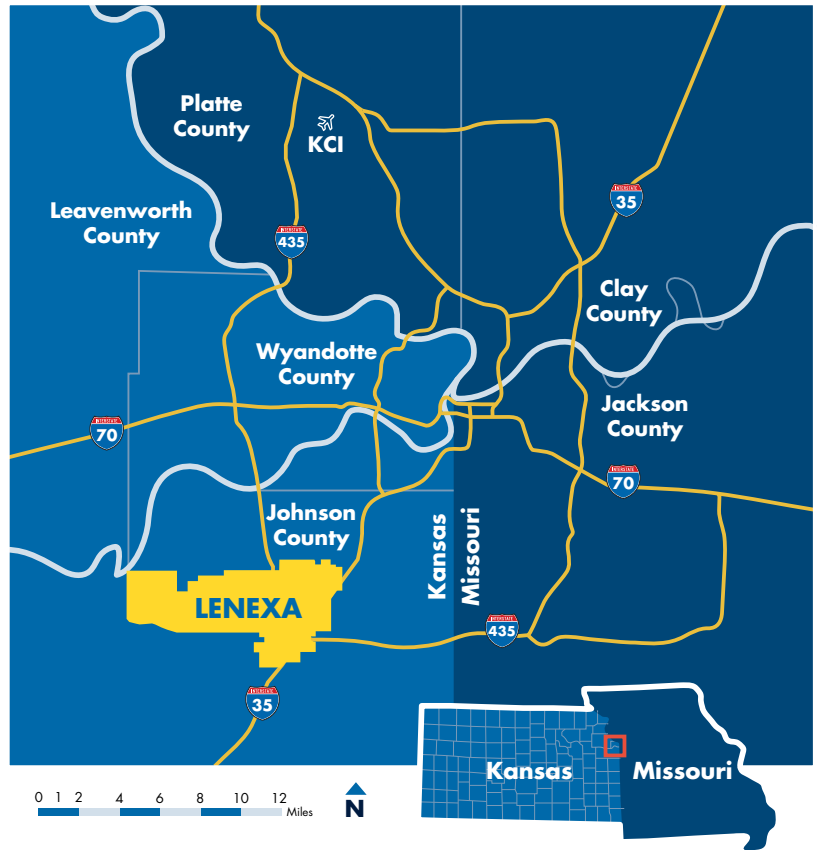
## CITY COUNCIL WARD 4



**Chris Herron**  
cherron@lenexa.com



**Craig Denny**  
cdenny@lenexa.com



# PROFESSIONAL STAFF

## CITY MANAGER

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## PRIMARY LEGISLATIVE CONTACTS

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## CITY ATTORNEY

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## POLICE

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## FIRE

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tvaughn@lenexa.com



# COMMUNITY DEMOGRAPHICS

City of Lenexa, Johnson County, Kansas

## KEY FACTS

59,686

Population



2.4

Average Household Size

37.9

Median Age

\$95,739

Median Household Income

## EDUCATION

3%

No High School Diploma



13%

High School Graduate



25%

Some College



60%

Bachelor's/Grad/Prof Degree

## BUSINESS



3,520

Total Businesses



65,486

Total Employees

## EMPLOYMENT



80%

White Collar



11%

Blue Collar



10%

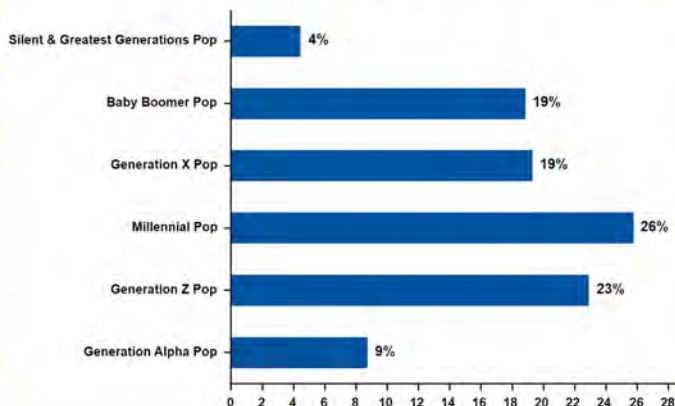
Services



2.7%

Unemployment Rate

## Population Generational Breakdown



## 2023 Households by income (Esri)

The largest group: \$100,000 - \$149,999 (21.4%)

The smallest group: \$15,000 - \$24,999 (4.2%)

Indicator ▲	Value	Diff	
<\$15,000	4.5%	-4.7%	
\$15,000 - \$24,999	4.2%	-3.4%	
\$25,000 - \$34,999	5.5%	-2.6%	
\$35,000 - \$49,999	7.8%	-4.5%	
\$50,000 - \$74,999	16.9%	-1.4%	
\$75,000 - \$99,999	12.9%	-0.6%	
\$100,000 - \$149,999	21.4%	+4.6%	
\$150,000 - \$199,999	11.9%	+4.7%	
\$200,000+	15.0%	+8.1%	

Bars show deviation from Kansas



**ITEM 10**

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**SUBJECT:** Black Hoof Park Public Art Discussion  
**CONTACT:** Logan Wagler, Parks & Recreation Director  
**DATE:** March 5, 2024

---

**PROJECT BACKGROUND/DESCRIPTION:**

In 2007, the Governing Body approved a Public Art Policy ("Policy"), which sets forth the city's approach to acquiring and placing public art. One requirement of the Policy is for the Lenexa Arts Council to annually review and recommend a priority list of locations for public art to the Governing Body.

The 2023 priority list identified Black Hoof Park as the second-highest priority location for public art (behind the mural at Lenexa Old Town Activity Center). The Arts Council has been exploring and discussing a concept for the Black Hoof Park location. At Tuesday's meeting, staff will provide an overview of the Policy, funding sources, and additional background information and a member of the Lenexa Arts Council will present the potential concept for a sculpture or sculptures for Black Hoof Park.

Staff and the Arts Council look forward to the Governing Body's feedback on the potential concept and guidance on the best approach for identifying art for Black Hoof Park. This will be a discussion only and no formal action is requested or required at this time.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**  
Inviting Places

**Guiding Principles**  
Extraordinary Community Pride

**ATTACHMENTS**

1. Presentation





# Public Art Discussion

## Black Hoof Park Sculpture

March 5, 2024



# Background

- City's public art collection includes more than 20 pieces of art
- Most Recent Public Art Efforts
  - Frenzied Flight – 2015
  - Amusing Breeze – 2016
  - Na-Nex-Se relocation - 2017
  - Body Politic – 2018
  - Splash – 2018
  - Team Illusion relocation - 2021
  - Lenexa Old Town Activity Center - 2024

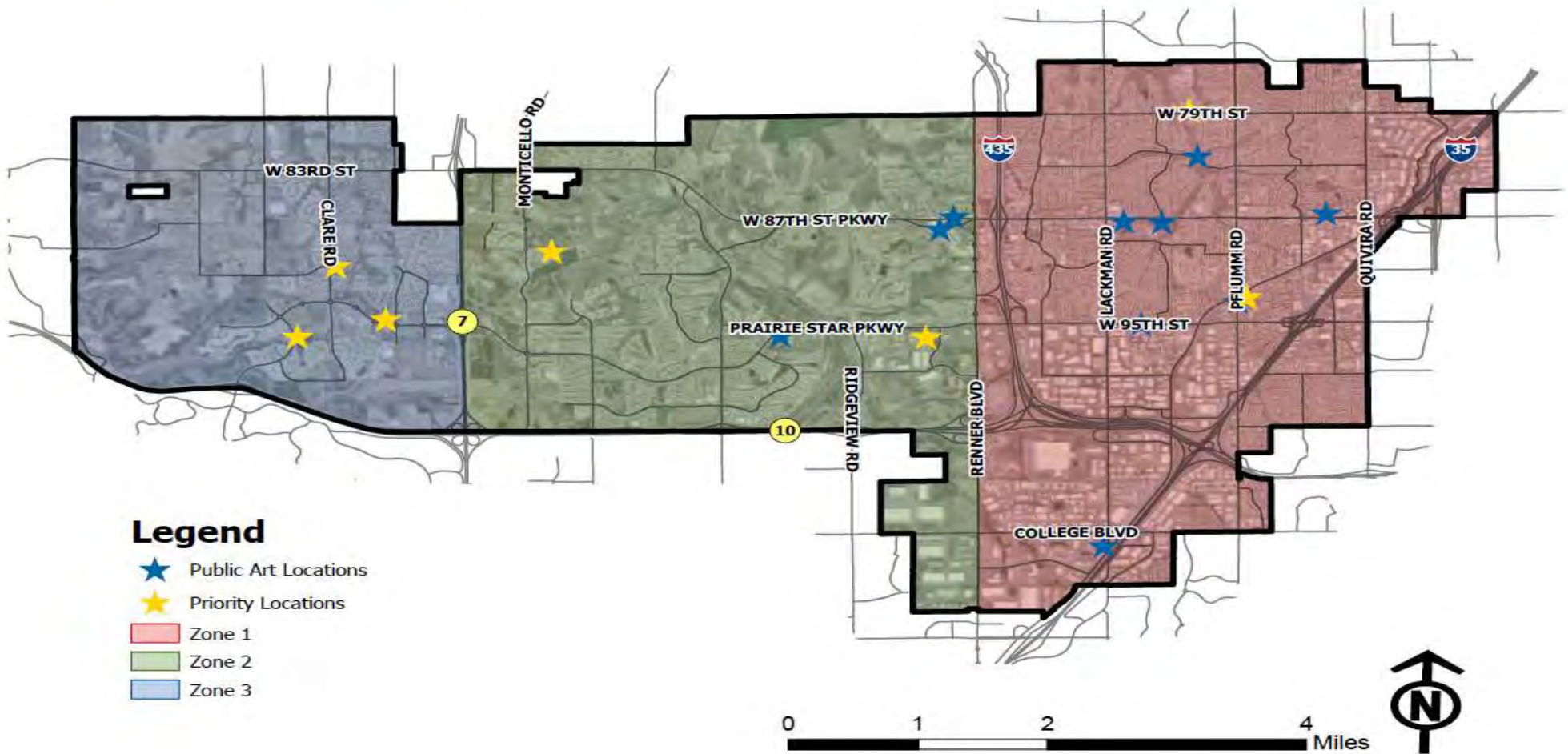
# Public Art Policy Overview

- **Procedures for any Public Art Purchases:**

- Final decisions rest with City Council.

- **Public Art Priority List:**

- Annually, the Arts Council shall make recommendation(s) to the Governing Body regarding the purchase of public art. The recommendation should focus on public art appropriate for areas identified in the approved “Priority List”.
- Priority List is approved by City Council and filed with the City Clerk annually.



# Public Art Policy Overview

## Purchase Methods:

1. Standard Purchase – already completed piece of art
2. Open Competition
3. Limited Competition
4. Direct Selection

# Available Public Art Funding

- Public Art Funding is available through four main sources
  - PRIF (Zone 2): \$26,159.72
  - CIF: \$249,693.93
  - Foundation: \$96,572.80
  - Fundraising: ???



# 2023 Public Art Priority List

- Zone 1 - Lenexa Old Town Activity Center (Mural)
- Zone 2 - Black Hoof Park
- Zone 3 – Cedar Station Park (Mize Lake)
- Zone 3 – Centennial Park (Future park at 91<sup>st</sup> and Clare Road)
- Zone 3 – Fire Station #3
- Zone 2 – Justice Center
- Zone 1 – Little Mill Creek Park

# Potential Approach

- Direct Selection
  - Artist: Lyman Whitaker
  - Purchase through: Leopold Gallery





**Double Spinner Gyro-Max in Copper, 25' x 9'6" x 2.5'**  
**Total with shipping: \$37,840**  
**Installation: Free (Otherwise \$1000)**





**Twister Oval Gyro-Max in Copper, 28' x 7'7" x 7'7"**

**Total with shipping: \$37,840**

**Installation: Free (Otherwise \$1000)**





**Twister Oval X-Huge in Copper, 23' x 6'2" x 6'2"**

**Price: \$18,600**

**2 - Double Helix Sail Huge in Copper, 16'10" x 5'10" x 5'10"**

**Price: \$12,000 for both**

**Total with shipping: \$33,060**

**Installation: Free (Otherwise \$1400)**



# Questions and Discussion



**ITEM 11**

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**SUBJECT:** 2023 Public Market Annual Report  
**CONTACT:** Tessa Adcock, Public Market Manager  
**DATE:** March 5, 2024

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**PROJECT BACKGROUND/DESCRIPTION:**

Staff will present the 2023 Public Market annual report and an overview of what to expect in 2024.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**  
Inviting Places

**Guiding Principles**  
Extraordinary Community Pride  
Inclusive Community Building

**ATTACHMENTS**

1. Presentation





## CITY COUNCIL UPDATE 2023 RECAP & 2024 PREVIEW

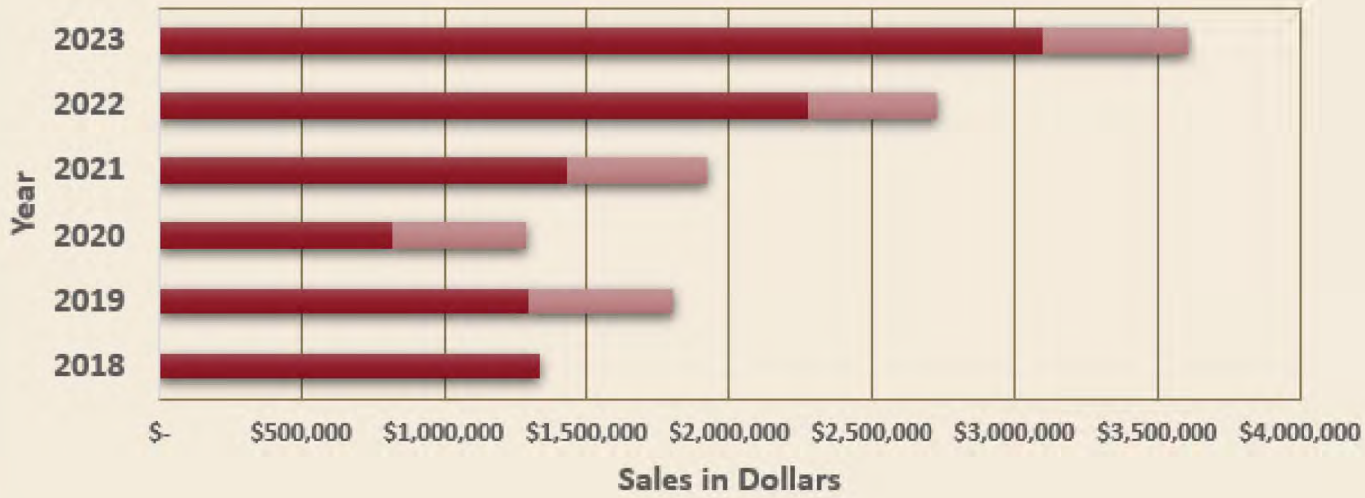


5 March 2024



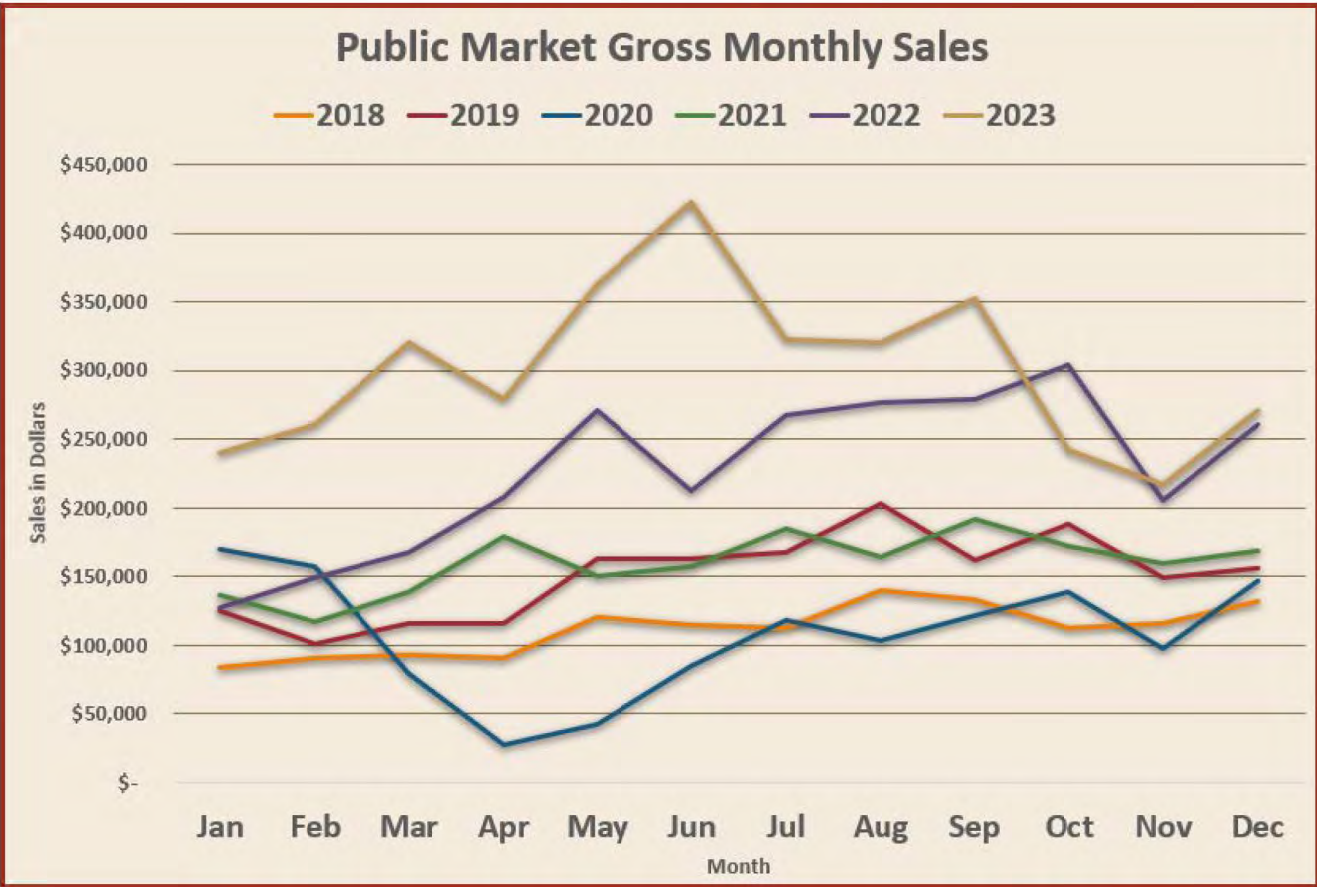
## Public Market Annual Gross Sales

■ Anchor ■ Stall



	<u>Anchors</u>	<u>Stalls</u>	<u>Total</u>
<b>2023</b>	\$3,095,955	\$514,610	<b>\$3,610,565</b>
<b>2022</b>	\$2,277,592	\$450,914	<b>\$2,728,506</b>
<b>2021</b>	\$1,428,288	\$492,368	<b>\$1,920,656</b>
<b>2020</b>	\$818,508	\$469,393	<b>\$1,287,901</b>
<b>2019</b>	\$1,299,703	\$505,829	<b>\$1,805,532</b>
<b>2018</b>	\$1,338,533		<b>\$1,338,533</b>





# Public Market Staff

- **Tessa Adcock**
- **Amanda Albert**
- **Brett Lindstrom**
- **Emily Olds**
- **Bill Harrison**
- **Andrea Lopez**
- **Tom Robben**
- **Maggie Harris**
- **Morgan Kalney**
- **Ben Luancing**
- **Rebecca Engel**



# Tenant Development & Growth

- March 2023 The Flower Market closed Public Market location
- April 2023 Mr D's Coffee lease renewed
- Aug 2023 Kimchi & Bap opened for business
- Aug 2023 African Dream lease renewed
- Sept 2023 Butterfield's Bakery & Market closed
- Sept 2023 Search for a new anchor merchant(s) began
- Dec 2023 Cardboard Corner Café announced as newest anchor
- Dec 2023 Red Kitchen KC closed



# Merchant Storytelling

- Travel with your Tastebuds

- African Dream Cuisine
- Sohaila's Kitchen
- Kimchi and Bap

- Fun + Flavor

- Topp'd Pizza + Salads
- Cosmo Burger
- Red Kitchen KC

- Secret Ingredients

- Mr D's Coffee



## Special Events

Feb 11	Lunar New Year Celebration
April 26	Utepils / Friday Night Soundbites
May 11	Lenexa Art Fair
June 1	Global Neighbors & Flavors Fest
June 29	PAW-triotic Pet Parade
July 20	Food Truck Frenzy - Old Town/ Moonlight Bike Ride
July 27	Summer Kid Makers Market
Sept 13	Red Friday / Friday Night Soundbites
Sept 20	Mexican Independence / Friday Night Soundbites
Sept 21	Food Truck Frenzy – City Center
Oct 25	Halloween / Friday Night Soundbites
Nov 22	Sip, Mingle & Jingle
Nov 24	Holiday Kid Makers Market
Dec 14	Breakfast with Santa
Dec 31	Noon Year’s Eve Pajama Party Countdown

# 2024 Public Market Calendar of Events

## Weekly Events

Every Monday	Learn to Play Board Games
Every Wednesday	Family Night
Every Friday: April 28 – Oct 27	Friday Night Sound Bites (FNSB)
Jan – March	Winter Farmers Market
Select Sundays	Merchant Cooking Classes



# Lunar New Year Celebration 2024



**Lunar New Year Celebration**  
**Sunday, Feb. 11**  
**10 a.m. to 1 p.m.**

*Celebrate the year of the Wood Dragon with authentic performances, dragon-themed board games and specialty dishes.*



LENEXA  
PUBLIC MARKET  
EST. 2017





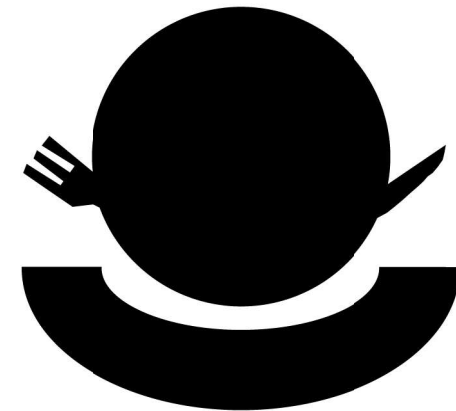
## 2024 New Additions

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- Cardboard Corner Café
- Stall #3 announcement soon!



**CARDBOARD CORNER CAFE**  
EAT. DRINK. GAME.





# Questions?

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**MINUTES OF THE  
FEBRUARY 20, 2024  
LENEXA CITY COUNCIL MEETING  
COMMUNITY FORUM, 17101 W 87<sup>th</sup> STREET PARKWAY  
LENEXA, KS 66219**

**CALL TO ORDER**

Mayor Sayers called the meeting to order at 7 PM.

**ROLL CALL**

Councilmembers Karlin, Eiterich, Charlton, Nicks, Arroyo, Williamson, and Herron were present with Mayor Sayers presiding. Councilmember Denny was absent.

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

**APPROVE MINUTES**

*Councilmember Nicks made a motion to approve the February 6, 2024 City Council meeting draft minutes and Councilmember Eiterich seconded the motion. Motion passed unanimously.*

**MODIFICATION OF AGENDA**

There were no modifications to the agenda.

**PRESENTATIONS**

Ryan Murray, ETC Institute, presented the City and Mayor Sayers with the Leading the Way award.

**APPOINTMENTS**

Mayor Sayers presented the appointments and reappointments to the Planning Commission, Parks & Recreation Advisory Board, Arts Council, and Building Code Board of Appeals. Kelly Razor is a new appointment to the Parks & Recreation Advisory Board, taking the place of Amanda Hoernicke, and Dr. Fabiola Riobe is a new appointment to the Arts Council, taking the place of Jess Collins.

*Councilmember Eiterich made a motion to approve the recommendations and Councilmember Arroyo seconded the motion. Motion passed unanimously.*

**PROCLAMATIONS**

National Black History Month

**CONSENT AGENDA**

1. Bid award to VF Anderson Builders for the 113th Street East of Renner and 113th Street and Lakeview Stormwater Improvement Projects  
*This area has a high concentration of corrugated metal pipes that are failing or in very poor condition. The two projects were combined into one bid. VF Anderson Builders bid \$2,725,547.25 to construct the projects. The projects will also receive partial funding through the Johnson County Stormwater Replacement Program.*
2. Resolution authorizing the Mayor to execute an encroachment agreement with Southern Star Central Gas Pipeline, Inc. for the Lenexa City Center Multi-Purpose Trail Relocation Public Improvement Project  
*Southern Star Central Gas Pipeline, Inc. has agreed to permit construction over its easement for this project. Improvements include realigning portions of the Lenexa City Center Multi-Purpose Trail.*
3. Resolution authorizing the Mayor to execute a construction engineering agreement with the Kansas Department of Transportation for the Lackman Road Right-Turn Lane at I-435 Project  
*The City has been selected to receive federal funding for 90% of the construction and engineering costs for the Lackman Road Right-Turn Lane at I-435 Project. Because the City will be performing construction engineering services, an agreement with KDOT is required. The total federal funding is \$436,500.*
4. Resolution authorizing the Mayor to execute an agreement with Affinis to provide design and consulting services for the 89th Terrace to 90th Street West of Lackman Stormwater Improvements Project  
*This area has a high concentration of corrugated metal pipes that need replaced. Affinis bid \$230,685 to design and prepare construction plans for the project. The project will also receive partial funding through the Johnson County Stormwater Replacement Program.*
5. Resolution authorizing certain employees and officers to act as agents for the City to transact business with authorized financial institutions and repealing Resolution 2022-094  
*Multiple City representatives are responsible for processing financial transactions on the City's behalf with authorized financial institutions. Due to staffing changes and the election of a new mayor, the City is required to update the signature cards and authorizations for its commercial deposit accounts.*
6. Resolution authorizing certain employees to take necessary and appropriate action, to make inquiries, and to receive notices regarding the Municipal Investment Pool on behalf of the City and repealing Resolution 2022-095  
*Due to staffing changes in the Finance Department, the City is required to modify the employee authorizations for its State of Kansas Municipal Investment Pool (MIP) account. The MIP requires the modifications to be authorized by City Council resolution.*

#### **END OF CONSENT AGENDA**

*Councilmember Karlin made a motion to approve items 1 through 6 on the consent agenda and Councilmember Williamson seconded the motion. Motion passed*

unanimously.

## BOARD RECOMMENDATIONS

7. Consideration of a rezoning and preliminary plan known as Canyon Ridge Apartment Homes for a mixed-use Planned Unit Development comprised of multifamily residential, nursing home, and convenience store with gasoline sales uses on property located near the northwest corner of K-10 Highway & Canyon Creek Boulevard
  - a. Ordinance rezoning property from the AG, Agricultural, CP-O, Planned General Office, and CP-2, Planned Community Commercial Districts to the PUD, Planned Unit Development District
  - b. Approval of a companion preliminary plan for Canyon Ridge Apartment Homes  
*The applicant requests approval of a preliminary plan for a mixed-use PUD containing 346 apartments, an 80-bed nursing home, and a 6,100 square foot convenience store with gasoline sales.*

Scott McCullough, Community Development Director, provided a background on the 45-acre mixed-use project. He talked about opposition to the project and some misinformation that may be circulating regarding the rezoning, some confusion about which property is private and which is parkland, and deviations granted for recently approved convenience stores and gas pump islands. He said that tonight's presentation will be longer than usual to address these issues and provide the facts and staff's findings in relation to the Unified Development Code by which all rezoning and plan applications are judged against.

Stephanie Kisler, Planning Manager, said this is a rezoning and preliminary plan for the Canyon Ridge Apartment Homes to be located near K-10 Highway and Canyon Creek Boulevard. She explained how staff reviews proposed projects, which are submitted by developers and not initiated by staff.

Ms. Kisler presented a location map reflecting the adjacent properties in Lenexa and Olathe. She said that the current zoning is AG (Agricultural), CP-O (Commercial Office District), and CP-2 (Commercial Office District Retail) and the developer has requested it to be rezoned to PUD (Planned Unit Development).

Ms. Kisler said the preliminary plan includes 22 apartment buildings with each building containing 12 or 14 units per building, which is 346 units total and 9.62 dwelling units per acre (dpa); a 6,100 square foot convenience store; and a 68,800 square foot nursing home.

Ms. Kisler presented a history/background of the property, going back to annexation in the 1980s and 1990s. She presented a comparison between the proposed 2018 plan and this current proposed plan.

Ms. Kisler reviewed the Golden criteria, going to each on in detail for this project. She presented a site plan and a PUD component review. She also talked about the requested parking deviation of 28 spaces with 41 deferred spaces.

Ms. Kisler said that the buildings would contain both one- and two-bedroom units and would be two to three stories tall. She presented site sections for reference.

Ms. Kisler said that there is the buffer of city parkland and presented samples of distances from nearby single-family homes to the development.

Ms. Kisler showed the grade differences and a preliminary landscape plan, talking about the preservation of existing vegetation on the site.

Ms. Kisler presented the convenience store elevation and site plan, and said there were requested deviations for building size and circulation distance around the gas canopy, giving examples of how that deviation has been done in other convenience stores.

Ms. Kisler presented the nursing home site plan reflecting a three-story building elevation and said there was a requested deviation of the freeway special setback for parking.

Ms. Kisler talked about how, as part of the PUD process, the applicant creates a list of what will be allowed. In this case, she said they have called out in the Design Standards Document allowing the permitted and special uses for NP-O, RP-4, and CP-2 excluding and prohibiting a list of specific uses. She said these other uses could be developed in the future if it is not developed as proposed.

Ms. Kisler said that both staff and the Planning Commission recommend approval. She presented the various options for action.

Councilmember Nicks asked what density would be allowed in an approved PUD and Ms. Kisler responded 16. Councilmember Nicks asked if the density could increase to RP-4 or RP-5 if the PUD is approved and this development does not occur. Ms. Kisler said the PUD is tied to the proposed plan and that a new plan would have to be proposed and approved for something else to develop.

Councilmember Nicks asked about the sidewalks and trail connections and Ms. Kisler said she is unsure of the City's plans for that trail connection and staff is working with the applicant to determine the feasibility of a future trail connection as there is some challenging grading.

Councilmember Nicks asked if there is an existing intersection with a level of service grade D. Tim Green, City Engineer, said that grades D and E are acceptable and the intersection of 101<sup>st</sup> Street & Woodland Road is a good example of grade C during peak hours.

Councilmember Eiterich asked how the list of uses were determined for the PUD. Ms. Kisler said the applicant and developer decide what they want to use for their development and staff works with them as it goes through to the final plan stage. She clarified that the zoning classifications chosen determine what types of uses would be allowed to develop there; any future changes from this plan would require a new plan submittal and process for approval.

Councilmember Karlin said he is concerned that the public road ending in the cul-de-sac is creating only one point of access to the southwest property, which would not typically be allowed, and making that property unable to be developed. Ms. Kisler agreed that the Fire Department has standards for compliance and safety and has reviewed this plan for compliance.

The applicant was present.

Curtis Holland, legal counsel for Oddo Development, thanked staff for such a thorough and detailed report. He said they have received, read, and responded to the residents' correspondence, trying to clear up misunderstandings. He talked about the zoning and what could be developed here without a rezoning, and how open space is ample in PUD zoning, and how multifamily construction along interstates is common as a buffer to lower density residential. He said they are not asking for RP-4 zoning and gave examples of other instances where this type of development has been done in Lenexa. He noted the substantial distance and buffer between this development and the adjacent residential area, presenting examples of proximity and views from existing residential to proposed development, reflecting less change in views than residents think there will be. He said that the PUD allows for greater design development and standards, which fits what they want to develop.

Councilmember Eiterich asked how the listed uses for the PUD were determined. Mr. Holland said there would not be RP-4 density in this area and Patrick Reuter, Klover Architects, said they could change that reference to RP-3 for clarity in the PUD Design Standards. Councilmember Eiterich asked if they were the developer for the 2018 project, if they own the entire property, and if they will build all the components in this plan. Mr. Holland said they were not the 2018 developer. He said they will own all the property in this plan but would probably not build the entire development.

Rick Oddo, Oddo Development, said they would build out the apartments, as well as maintain and manage them, while the nursing home will be marketed, the convenience store may be owned or sold, but they would act as the developer for entire property.

Councilmember Charlton asked if the developer had investigated the property to the south and considered developing it as well. Mr. Reuter said that the grade changes on that site made it not worth considering as part of this development.

Councilmember Williamson asked how long this has been in planning. Mr. Reuter said about 8-10 months. Councilmember Williamson asked how often

the developer met with area residents during that time. Mr. Reuter said they met formally once. Mr. Oddo said he walked the neighborhoods, but few wanted to talk so they reached out to the HOA. He added that the notices did not go to that many people because this is out of the 500-foot range. Councilmember Williamson asked if any changes were made to the initial plan after speaking to the HOA and Mr. Oddo said the one change made was for the nursing home from two to three stories since it is the farthest away and closest to the highway.

Mr. Reuter talked about the PUD providing for a cohesive high-quality development. He said the buildings would have a mansion-style design with several amenities, buildings nestled into the site while maintaining the wooded tree line. He said there would be a 10-ft walking trail through the development that would connect in the future to City trails. He said the buildings have been designed to look like single family with stone, stucco, and Hardie siding.

Councilmember Herron asked for the anticipated monthly rent and Mr. Oddo said it would be between \$1,900-\$2,600.

Councilmember Nicks asked for the height of the nursing home and Mr. Reuter said its grading is similar to Convenience Store but farther away. Mr. Oddo said it is farther away from the residences than the development on the east.

Mayor Sayers invited public comment.

Tracy Thomas, 26197 W. 96th Terrace, asked those in the audience in opposition to this project to stand and said he represents this group. He made a presentation listing their objections, which include concerns about deforestation, rezoning, impact on wildlife, noise, traffic, water quality, the conservation area, and development north and south of K-10 Highway. He asked if blasting would be used to clear the area and how that might impact the Canyon Creek area. He noted that many people signed a petition against the development, which brings no benefit of restaurants or retail to the area.

Dinesh Kansal, 26148 W 109<sup>th</sup> Street (Olathe), said he is opposed to this development citing concerns about the additional population it will bring to the area, as well as the increased traffic. He asked if the City had statistics on the increases in the population and traffic.

Gordon Pinsky, 25406 W. 96th Terrace, said that Canyon Creek is only one subdivision with different components and there is only one HOA. He cited concerns about changing market trends and the need for these apartments. He asked if Vision 2040 is a tool the City uses and asked about neighborhood nodes. He said there would be no restaurants or retail here and this rezoning to PUD would take away the CP-2 zoning for those types of uses.

Steve Bennett, 25891 W. 96<sup>th</sup> Terrace, said that he is not opposed to development. He said that the resident views shown in the presentation would be from daylight basements and not the first floor, noting that the applicant's examples go through the lowest point of the development. He said the nursing



home is three stories, but residents were told it would be two stories. He cited concerns about the trees to be removed, stormwater drainage and creek erosion, traffic, requested deviations, future KDOT expansions to the K-10 Highway exit ramps, deferred parking, emergency access, and the convenience store site plan.

Anh Rongish, 25110 W. 114<sup>th</sup> Court (Olathe), cited concern about the trees between the apartments and the development being removed and Mayor Sayers said that is would not be the case as that is dedicated City-owned parkland with a deed restriction. Ms. Rongish shared her concerns about traffic safety in a high-crash area and the addition of more traffic in an area that serves the larger community, not just Lenexa.

Mayor Sayers closed public comment. She asked for answers to some of the questions asked. Mr. Reuter said there are 28 apartment buildings. Mr. Oddo said they do not know if blasting will be used, but that if it were, its impacts would not travel across the canyon. Mr. McCullough said that code allows for a valid protest petition from property owners within 200-feet of the property, but due to the parkland adjacent to the development, reaching the required 20-percent opposition is not possible.

Mayor Sayers asked the applicant if they had a chance to find the number of people and number of cars being added with the development. Mr. Oddo responded that there is an average of 1.2 cars/unit and they would tow any street parking.

Mayor Sayers said no one can speak to the question about the KDOT studies currently being conducted, but information on the K-10 Corridor project can be found online. <https://k10.ksdot.gov/>

Mayor Sayers addressed the resident's comment regarding neighborhood nodes, saying they are referenced often in City Council meetings, but there is not a node identified in Vision 2040 here. Mr. McCullough confirmed that rooftops come first and services later, and the City does not pursue those things, but instead has to consider what is proposed.

Matthew Parker, TransSystems, discussed the scope of traffic study and said that several scenarios were considered, including a future scenario. The projection is for a level of service of grade D or better in 2043, which is considered to be acceptable.

Mr. Holland said the property is currently zoned for uses that are higher traffic generators than apartments would be. He added that about 75% of the traffic this development will generate would come from the convenience store.

Mr. Oddo said the convenience store has been used because that is the highest density that could go there. He said they are talking with someone and the proposed model is what they wanted. If that were not to develop, then they have planned for the highest and any of the other allowed commercial uses could go

there and would be lower density.

Mayor Sayers called for discussion and ex parte communications. She said she had coffee with Mr. Oddo after the first of the year about general development but did not speak specifically on this project.

Councilmember Karlin said he had no ex parte. He thanked everyone for coming and sharing their comments. He said the biggest challenge is the rezoning, specific to the timing of the Comprehensive Plan update in process. He does not feel this is the time to make this call on this property.

Councilmember Eiterich asked why there are no planned three-bedroom units. Mr. Oddo said his model and the tenants they seek are not looking for three-bedroom units. Councilmember Eiterich asked if a smaller convenience store would eliminate the need for the deviation. Mr. Oddo replied that the larger store is not uncommon. Councilmember Eiterich asked if parking stalls are considered as spaces and Mr. Oddo said yes, they include guests as well. He said they would be willing to change the reference of RP-4 in the PUD list to RP3.

Councilmember Charlton asked if this is a difficult site and Mr. Reuter said that it is and could be built to RP-4 but they do not want to do that. They want the PUD for up to 16 du. Councilmember Charlton said he does not think the residents' views are going away because of the parkland and that City also has robust rain to recreation program and stormwater plans.

Councilmember Nicks said he submitted all communications to staff for packet distribution, he spoke to Mike Boehm about it, and he talked to Tracy Thomas after the Planning Commission meeting and assured him that a unanimous Planning Commission vote did not mean it was a done deal and that the public would be given the opportunity to speak at the City Council meeting. He said a portion of this plan does not conform to current zoning and the Comprehensive Plan and he does not think the rezoning should be approved. He said Lenexa should be slow to change the area and he thinks this does change the character of the neighborhood. He said that the Chamber recently reported that businesses are bringing employees back to the office so that use could still develop here. He said he is in favor of apartments in the right places, such as City Center, but not here.

Councilmember Arroyo said she had no ex parte. She thanked staff for the helpful presentation and said she loved seeing so many people here and she appreciated the emails. She said she heard a lot of different opinions for how this property should be developed and confirmed that because it is privately owned it cannot be guaranteed that it would not be developed. She asked if it would be possible to remand to the Planning Commission for changes. Mr. McCullough said that the task tonight is to apply the code criteria to the project proposed. The City Council can remand it to the Planning Commission with specific comments and questions for them to consider, but the City Council can also discuss with the applicant specific things it would like to see changed.

Councilmember Arroyo said she is in favor of having affordable housing in Lenexa. She also said approving this does not feel right with this amount of opposition.

Councilmember Williamson said she read every email, visited the site, and walked around and took pictures. She said she took into consideration the concerns shared in the emails and thanked staff for their thorough report that answered many of her questions. She said she had no ex parte. She said she has heard contradictions in what would people like to see developed here and she does not think anything would satisfy everyone. She said Lenexa is growing and there is a multifamily market with studies showing single family homes built next to highways are not sustainable. She said she sees this as a downzoning and that the City has many supports in place that would support the development. She said she was inclined to approve the rezoning.

Councilmember Herron said he spoke to Mike Boehm about the rezoning. He said he does believe it is reasonable to approve the PUD as this is a difficult piece of property to develop and it is not likely to make everyone happy. He said he believes the owners have the right to develop their land and feel staff has outlined well that this project meets the criteria.

Councilmember Eiterich said that she hears the residents' concerns and she understands that this development is not what many expected to happen when they purchased their homes. She said she likes this plan and its layout but likes knowing that if this plan does not develop, any future plan would have to go back through the approval process.

Councilmember Charlton said he is not in favor of multifamily in single family areas. When he was campaigning for office, constituents said they did not want more apartments, but they may be okay in some areas. He said he supports this because he is not sure what else could develop here and there would likely be opposition to a different development. He added that density is needed to draw retail and amenities to the area.

Mayor Sayers said she has not heard enough to ask for a remand. Councilmember Arroyo said she felt empathetic with the residents; although she is comfortable with the rezoning, she is struggling with the plan.

*Councilmember Nicks said he has heard enough concerns that he would like to make a motion to remand item 7 to the Planning Commission to look at this plan's conformance with the Comprehensive Plan, specifically how it affects the neighborhood, and to look at the deviations and review what is allowed in the PUD. Councilmember Karlin seconded the motion. Motion failed 3-4 with Councilmembers Eiterich, Charlton, Williamson, and Herron opposed.*

*Councilmember Herron made a motion to approve Item 7a and Councilmember Charlton seconded the motion. Motion passed 5-2 with Councilmembers Nicks and Karlin opposed.*

*Councilmember Williamson made a motion to approve Item 7b and Councilmember Herron seconded the motion. Motion passed 4-3 with Councilmembers Nicks, Arroyo, and Karlin opposed.*

8. Consideration of a rezoning and preliminary plan known as Santa Fe Commerce Center for an industrial development located at the northeast corner of Santa Fe Trail Drive & Lakeview Avenue - **CONTINUED FROM THE FEBRUARY 6, 2024 CITY COUNCIL MEETING**

- a. Ordinance rezoning property from the AG, Agricultural District to the BP-2, Planned Manufacturing District
- b. Approval of a companion preliminary plan for Santa Fe Commerce Center  
*The applicant requests approval of a preliminary plan for an industrial development consisting of two buildings totaling 222,550 square feet, parking, outdoor storage, and related site improvements.*

Ms. Kisler said this is a rezoning and preliminary plan for the Santa Fe Commerce Center, an industrial development in the northeast corner of Santa Fe Trail Drive and Lakeview Avenue.

Ms. Kisler presented the location map and pointed out how the property intersects with Lakeview Avenue and is on the border of Olathe. She also presented the zoning map showing the current zoning is BP and AG. She said the future land use map calls for business park uses here so this is consistent with the Comprehensive Plan.

Ms. Kisler said this rezoning is to rezone the entire parcel to BP-2 and remove the AG zoning.

Ms. Kisler said the plan includes two buildings totaling about 222,000 square feet with a couple access points off Santa Fe Trail Drive. She said that as part of this site plan, Lakeview Avenue is proposed to become a private street, so the next item on the agenda is a request to vacate the right-of-way to turn it into a private street and allow them to remove the cul-de-sac and reconfigure a drive entrance with parking. Building two includes parking along the front and the docks are on the north side. She said it also features an outdoor storage area.

Ms. Kisler presented a rendering of the building with concrete tilt-up concrete construction with gray neutral tones and some accent colors on the corners, with windows and corner element features. She also presented the landscape plan. She said staff pushed for improvements to the curb appeal with the dock doors facing the right-of-way. The applicant increased landscaping and added berming.

Ms. Kisler said this also includes a preliminary plat with two lots and three tracts. She said Tract A will become part of Lot 2 with a final plat. Tract B will be for stormwater management. Tract C will be the access drive after the right-of-way vacation is approved.

Ms. Kisler said there is a deviation request for the fence setback, which staff is comfortable approving. She showed the storage area and fence location and talked about the fence type and columns providing screening.

Ms. Kisler talked about the public sidewalk requirement for this development, as well as the internal sidewalks between the buildings that have some grade challenges.

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

Councilmember Herron asked if the privatization of Lakeview Avenue affects any other properties or owners. Ms. Kisler said it would serve as an access point for two buildings to the west.

Councilmember Eiterich asked if the future trail could be 10-foot-wide. Ms., Kisler said they would look at that in the future as that gets planned, but there is a good amount of right-of-way to be able to put a trail in.

The applicant was present.

Dan Finn, Phelps Engineering, said that the entire development has the same owner right now, but knowing that will not always be the case, there will be an access easement dedicated over the current right-of-way to provide access to all the properties. We are also dedicating a 10-foot-wide trail easement for the future trail.

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

*Councilmember Karlin made a motion to approve Item 8b and Councilmember Charlton seconded the motion. Motion passed unanimously.*

## **PUBLIC HEARINGS**

9. Consideration of a right-of-way vacation of Lakeview Avenue north of Santa Fe Trail Drive and south of 113th Street - **CONTINUED FROM THE FEBRUARY 6, 2024 CITY COUNCIL MEETING**

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

b. Ordinance vacating the right-of-way

*The applicant requests approval to vacate right-of-way on Lakeview Avenue north of Santa Fe Trail Drive and south of 113th Street to serve as a private drive for the new Santa Fe Commerce Center industrial development and the existing Fry-Wagner Development to the west.*

Ms. Kisler said a public hearing is required for the vacation of Lakeview Avenue. She showed the map reflecting the area to be vacated. She pointed out the

drive access and said that the applicant is going to maintain an access easement. She reviewed the standards for review for right-of-way vacations and said that all of the utilities have been contacted and the final utility issue was resolved last week. The applicant is working with AT&T to make sure that any lines they have in that area are maintained within the easement and they have what they need for connectivity.

Mayor Sayers opened the public hearing at 11:20 PM.

There were no public comments made.

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

The public hearing closed at 11:21 PM.

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

### **NEW BUSINESS**

There was no new business.

### **COUNCILMEMBER REPORTS**

There were no councilmember reports.

### **STAFF REPORTS**

Todd Pelham, Deputy City Manager, reported that the State of the City Address would be tomorrow, the ribbon cutting for Cardboard Corner Cafe in the Public Market would be at Noon on Thursday, and the Winter Farmers Market is on Saturday. He invited the Governing Body to tour the Lenexa Justice Center at 4 PM next Tuesday. He added that there will be a Committee of the Whole meeting on February 27th.

### **END OF RECORDED SESSION**

### **BUSINESS FROM FLOOR**

There was no business from the floor.

### **ADJOURN**

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

The meeting adjourned at 11:23 PM.

# Proclamation

**WHEREAS**, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and,

**WHEREAS**, American women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home; and,

**WHEREAS**, American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force; and,

**WHEREAS**, American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation; and,

**WHEREAS**, American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

**WHEREAS**, American women have served our country courageously in the military; and

**WHEREAS**, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

**WHEREAS**, despite these contributions, the role of American women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history.

**NOW, THEREFORE**, I, Julie Sayers, Mayor of Lenexa, Kansas do hereby proclaim March 2024 in the City of Lenexa to be

## WOMEN'S HISTORY MONTH

**IN WITNESS WHEREOF**, I have hereunto set my hand this 5th day of March, 2024.



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Julie Sayers  
Mayor of Lenexa, Kansas

# Proclamation

**WHEREAS**, Multiple Sclerosis (MS) is a chronic, often disabling, unpredictable disease that attacks the central nervous system; and

**WHEREAS**, MS affects about 2.5 million people worldwide and nearly 1 million people in the United States with about 200 new cases diagnosed each week; and

**WHEREAS**, the disease generally strikes people between the ages of 20 and 50, the cause of MS symptoms remain unknown, and there is currently no cure; and

**WHEREAS**, common symptoms of this disease include fatigue, weakness, tremors, balance and vision problems, depression, numbness, and difficulty walking, although the course of the disease varies greatly from person to person; and

**WHEREAS**, March is National Multiple Sclerosis Education & Awareness month, and communities learning about and becoming aware of the disease can help those who suffer lead more productive and satisfying lives; and

**WHEREAS**, advances in the research and treatment are ongoing and provide hope to those affected by the disease through research donations.

**NOW, THEREFORE**, I, Julie Sayers, Mayor of Lenexa, Kansas do hereby proclaim the month of March 2024 in the City of Lenexa to be

## MULTIPLE SCLEROSIS EDUCATION & AWARENESS MONTH

**IN WITNESS WHEREOF**, I have hereunto set my hand this 5th day of March, 2024.



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Julie Sayers  
Mayor of Lenexa, Kansas