



**MINUTES OF THE  
JULY 16, 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, Denny, and Herron were present with Mayor Sayers presiding.

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

**MODIFICATION OF AGENDA**

Staff requested Item 10 be removed from the Consent Agenda and placed on the Regular agenda.

**CONSENT AGENDA**

1. Acceptance of a permanent sidewalk easement and a temporary construction easement from the Shawnee Mission School District for Mill Creek Elementary School  
*Obtaining these easements is necessary for the City to construct a missing sidewalk link along the south side of 79th Street adjacent to Mill Creek Elementary school.*
2. Acceptance of drainage, utility, and sidewalk easements as shown on Santa Fe Commerce Center, Final Plat  
*Santa Fe Commerce Center is a final plat for an industrial campus located at the northeast corner of Santa Fe Trail Drive & Lakeview Avenue. Drainage, utility, and sidewalk easements are being dedicated to the City with this plat.*
3. Approval of a revised final plan for Tupelo Honey Awning, a restaurant in Restaurant Row at Lenexa City Center  
*The applicant requests approval of a revised final plan for an awning to be installed over the outdoor seating patio of Tupelo Honey, a restaurant in Lenexa City Center. Tupelo Honey is the east tenant of the two-tenant restaurant building in Area A.*
4. Approval to waive the sealed bid process and enter an Equipment Purchase and Replacement Agreement with Push Pedal Pull, Inc.  
*This purchase is for 14 elliptical machines and 20 treadmills from Push Pedal Pull,*

*Inc. for the Rec Center. The total purchase price is \$357,916.*

5. Approval to waive the sealed bid process and enter a Construction Manager at Risk Agreement with Prosser Wilbert Construction, Inc. for construction of the Ad Astra Pool Reconstruction Project  
*A construction manager is needed to assist with the cost estimation, design, and constructability review for the project. The City has selected Prosser Wilbert Construction, Inc. for this project.*
6. Approval of an agreement with HNTB Corp. to provide design services for the Seven Hills Watershed Stormwater Rehabilitation Project  
*Staff requests approval to enter a consultant services contract with HNTB Corp. for the final design and preparation of construction plans for the Seven Hills Watershed Stormwater Rehabilitation Project. The project area includes the neighborhoods from Seven Hills Lake, southwest to near 79th Street & Quivira Road. The total cost of this design contract is \$632,215.*
7. Approval of a purchase agreement for a fire truck from Conrad Fire Equipment, Inc.  
*This purchase agreement is for a 2025 Pierce Velocity Pumper fire truck for the amount of \$1,198,892.77.*
8. Resolution approving adjustments to the pay ranges contained in the fiscal year 2024 Pay Plan and authorizing the City Manager to implement the updated pay plan  
*The City's pay plan is a key component in recruiting and retaining a quality workforce. Staff worked with Lockton Companies, Inc. to review the plan's internal equity and market competitiveness. Staff recommends changes to the pay grades and salary ranges. The estimated cost of annual pay increases and the market pay adjustments is \$3.3 million.*
9. Resolution approving the possession and consumption of alcoholic liquor during Maps Coffee and Chocolate special event in Old Town Lenexa  
*Maps Coffee and Chocolate ("Maps") will sponsor a customer appreciation event in Old Town Lenexa on Friday, August 9, 2024. Maps has applied for a Temporary Permit to sell alcoholic beverages at the event. The sale, possession, and consumption of alcohol at the event requires City Council approval, as well as designating the event's boundaries and identifying the public streets to be closed.*

### **END OF CONSENT AGENDA**

*Councilmember Denny made a motion to approve items 1 through 9 on the consent agenda and Councilmember Nicks seconded the motion. Motion passed unanimously.*

### **NEW BUSINESS**

10. Resolution authorizing staff to publish notice of a proposed trade of certain parkland in the vicinity of Prairie Star Parkway & Mize Road  
*A development group is pursuing a residential development west of Mize Road, north of Prairie Star Parkway, east of Cedar Niles Road, and south of 91st Street where the City owns approximately 60 acres of parkland. The Developer has asked to acquire about 16 acres of the parkland, in exchange for about 28 acres of private*

*property. To start the process, staff needs approval to publish notice of the proposed trade as required by state law.*

Scott McCullough, Community Development Director, said this is a request to authorize staff to publish notice of a proposed trade of parkland in the vicinity of Prairie Star Parkway & Mize Road in the Canyon Creek Point neighborhood. He talked about the 160 acres, of which the City owns 60 acres of parkland. There is streamway in the area that presents constraints to development and opportunities for parkland, but the area lacks appropriately developed streets.

Mr. McCullough showed the 91st Street and Mize Road and the future Cedar Niles Road alignment and talked about the working with the developer through the Capital Improvement Program process to phase in streets as development occurs. He said Jim Lambie and Bruce Rieke have approached staff with the idea of trading land and through several iterations of the proposed trade, staff and the development group arrived at a trade that would benefit both parties.

Mr. McCullough said that in this proposal, the City would give the developer 16 acres total and the private party interest would give the City about 28 acres, for a net 12-acre gain to the park. He said important staff considerations were maintaining the park's frontage along Prairie Star Parkway, property given to the developer would be used for single-family purposes, and that the land traded to the City would be of value to the Parks and Recreation Department.

Mr. McCullough showed the park plan, which was conceptual to demonstrate what kind of park facilities could go in the area. He said the project consists of a mix of single family homes, open space tracts that are part of the stream buffer, commercial uses, and a small block of triplexes. The overall density of the housing would be 2.7 units per acre.

Mr. McCullough said the land use entitlements must still be processed for the trade to be realized, including rezoning, platting and development plan applications with public notice of all applications. If directed to move forward, a neighborhood meeting would be hosted by the developer and the Parks Department to introduce the project and the proposed swap and solicit feedback from residents. He added that state law views this action as disposing of the existing parkland, so the City must go through legal processes beginning with notice of this action, which is the item being considered tonight.

Logan Wagler, Parks and Recreation Director, said that the two main points Parks staff focused on are the trail network for this portion of the city, which includes major corridors coming through this piece of property. Staff wanted to make sure those trail corridors could be captured and used to create a nice space to connect through the property. He added that the Parks Master Plan refers to the 60 Acres Park, identified to occur in six to 10 years, which has natural features, but tough terrain that would make a nice trail system, but be challenging for the development of park. With this swap, the City picks up a lot of property that's flatter and easier to develop with amenities and recreational opportunities, instead of remaining a passive park.

Mr. Wagler said this was discussed with the Parks and Recreation Advisory Board last week and they voted unanimously to support the land swap.

Mayor Sayers said this approval is just to publish the notice that the process is beginning. We are not reviewing any application or commenting on the development. All of the normal processes will take place.

*Councilmember Karlin made a motion to approve Item 10 and Councilmember Williamson seconded the motion.*

Councilmember Nicks said he thinks this would be good for Lenexa residents and add to the three existing parks. He liked that this would be adding 12 acres to the existing area and keeping the frontage along Prairie Star Parkway, increasing opportunities for diverse development, and that everything would still go through the review process.

Councilmember Charlton asked what the process would be.

Mackenzie Harvison, Deputy City Attorney, said the notice must be published per state law two separate times. Residents will have 30 days to gather signatures on a protest petition if they want to file one. The protest petition would require 10% of the electorate and if a valid protest petition is filed, the issue has to be put to a general election question to the whole city. If a protest petition is not filed, then it would go through the planning process as normal.

Beccy Yocham, City Manager, added a real estate contract for the swap would set out any requirements on the developer for improvements to the land that we are taking. There is a pond on the property that we would request improvements to so that it is more appropriate for our use. All those costs would be paid by the developer and that would be established in the real estate contract at the appropriate time in the process.

Motion passed unanimously.

11. Resolution calling for a public hearing on September 3, 2024 to consider exceeding the revenue neutral property tax rate and a public hearing on September 3, 2024 to consider the fiscal year 2025 annual budget  
*State law requires cities to publish notice and conduct a public hearing prior to adopting a property tax rate that exceeds the revenue neutral property tax rate. In addition, state law requires cities to publish notice and conduct a public hearing prior to adoption of the annual budget. Staff proposes to hold both public hearings on September 3, 2024 regarding the fiscal year 2025 budget. The estimated property tax rate is 26.970 mills for the 2025 budget, which exceeds the revenue neutral property tax rate of 25.872 mills as calculated by Johnson County, KS. However, the estimated property tax rate is 0.500 mill lower than the levy for the 2024 budget.*

Ms. Yocham said this action is the calling for a public hearing to consider exceeding the Revenue Neutral Property Tax Rate ("RNR") and a second public hearing on the proposed fiscal year (FY) 2025 budget. She said the RNR is the tax rate required to raise the same amount of property tax as the prior year using the current year's

assessed valuation. The estimated property tax rate in the proposed 2025 budget is 26.97 mills. That is a half-mill reduction from the 2024 tax rate. It's the seventh consecutive mill levy reduction, but it does exceed the RNR of 25.872 mills, which is why a public hearing needs to be called to consider whether to exceed that rate.

Ms. Yocham said the proposed total budget for 2025 is \$246.7 million, which includes \$168.3 million for expenses and \$78.4 million for estimated ending reserve balances. She said tonight's action does not obligate the proposed mill levy or the proposed budget, but authorizes staff to move forward with publication of the required notices for those hearings. Publication of these notices does establish the maximum budget at \$246.7 million and the maximum property tax levy at 26.97 mills, so neither of those amounts will increase after this resolution is passed.

Ms. Yocham talked about the hearings originally being planned in the budget process for August 20, 2025, but said that staff has been notified by a resident that the County is holding a budget meeting that same evening. She asked if moving the hearings to September 3, 2024 would pose any problems for the Governing Body. Councilmember Karlin said he may have a conflict that evening. Ms. Yocham said that there shouldn't be any issue with having a quorum at the September 3, 2024 meeting, so that would be the date for the hearings.

*Councilmember Nicks made a motion to approve Item 11 and Councilmember Arroyo seconded the motion. Motion passed unanimously.*

### **COUNCILMEMBER REPORTS**

Councilmember Arroyo reminded the City Council that she is collecting needed items for Safehome.

Councilmember Denny thanked Chief Layman for the invitation to attend the tactical training event last week.

Councilmember Williamson thanked Mr. Wagler and Parks staff for the Sar-Ko-Par Aquatics Center. She said she has spent two days there with visiting family and it is wonderful.

Mayor Sayers said that there would be Ad Astra engagement opportunities coming up soon.

### **STAFF REPORTS**

Ms. Yocham said that Food Truck Frenzy and the Moonlight Bike Ride will be in Old Town this Saturday night. She reported there would be no Committee of the Whole meeting next week.

### **END OF RECORDED SESSION**

### **BUSINESS FROM FLOOR**

Steve Bennett, 25891 W. 96th Ter, talked about his concerns with transparency, specifically regarding item 10 on the agenda that didn't name the developer that the City

was negotiating with on a project. He talked about the Canyon Creek Point development, residents relying on the master plan, and how changing zoning and the master plan is disturbing nature and upsetting the public.

Dave Owen, 9036 Barstow St, shared his concerns about the proposed homeless shelter at 95th and I-35, saying that this area already has drug trafficking and criminal activity as reported by the Johnson County Criminal Justice Advisory Council. He cited an article regarding Denver, CO hotels turned into homeless shelters and the associated crime data. He urged the City to use its authority to put a stop this project.

Norm Decastro, 20615 W. 88th Ter, said he thought the topic of the proposed homeless shelter was supposed to be on the meeting agenda. Mayor Sayers advised that the application for the Special Use Permit has not yet been received by the City. He asked that sufficient notice be given as this is a big deal and Mayor Sayers confirmed that agendas are made available to the public. He talked about rumors regarding funding the shelter with COVID funds and wanting to know where the funding would be coming from.

Mike Feller, 8355 Hallet St, thanked the City Council and members of staff for their responses to inquiries he submitted via email regarding the proposed homeless shelter, among other issues. He also shared his concerns about the proposed shelter, including many unanswered questions, the sentiment that the project was being rushed, and that the residents he has spoken to do not know about the proposed shelter nor the process for approving a special use permit for it. He recited several excerpts from an email exchange with the Mayor discussing some of the concerns he had and issues he wanted brought to light. Among those issues was a concern that if other cities do not help fund the project, Lenexa will end up carrying the burden. He shared that his hope is that the City Council will reject the proposal should it be recommended for approval by the Planning Commission.

Laura Owen, 9036 Barstow St, shared her concerns about the proposed homeless shelter. She talked about County leaders pushing the plan and putting the Lenexa City Council in a difficult position, the social and economic impacts, reStart's poor track record and funding with taxpayer dollars, the drugs and crime the shelter will draw to the area, the burden this will put on the City's police department, the difference the acceptance of HUD funding will make, and who will benefit from the project.

Jeff Lysaught, 9226 Cottonwood Canyon Dr, said he is from here but has also lived in San Diego and seen what happens when shelters are created. He talked about the costs and how to reduce them, the County needing to do their due diligence, and his concerns about reStart. He would like for leadership to deny this project.

Gaylene Van Horn, 8132 Rosehill Rd, said she lives about two miles from this area and shared her concerns about safety. She referenced the TownTalk article about the special use permit process and asked if an application has been submitted yet. Mayor Sayers confirmed that one has not been submitted. Ms. Van Horn said she is also concerned about the cost of renovations for the shelter and the on-going costs.

Kathy Lysaught, 9226 Cottonwood Canyon Dr, talked about the County approaching La Quinta to purchase the building and how both buildings are old and need significant work

or demolition, and the County turning the buildings over to reStart.

Chadwick Taylor, 15300 W. 93rd Ter, and Ed Zahn, 9402 Hall Dr, said they were on homes association board for Country Hill West and asked if the City has considered any regulations for VRBO and Airbnb rentals. Their concerns area about protecting their property values and maintaining the peace and family-oriented environment in their subdivision. Ms. Yocham said short-term rentals are currently managed by the rental registration process and staff has a plan to look at those regulations later this year. She said that they would be public meetings they could attend.

Ben Hobert, 2208 W. 49th St, talked about funding for the homeless shelter and how COVID and ARPA funding deadlines have been extended through 2026, so he feels the shelter does not need to be rushed. He referenced the vetting and requirements to stay in a shelter in Kansas City, KS as a good example to follow. He mentioned that shelters put a lot of high-stress people in one area and that issues will arise. He pointed out that this property is very close to Rosehill Elementary School.

Brian Bridges, 7606 W. 144th Place, said he attended this meeting in support of those who live close to this project and that he does not think this shelter would be considered if it were near 135th Street & Metcalf. He talked about the Board of County Commissioners' due diligence being inadequate. He asked if this is this the way to solve homelessness and if reStart has any success stories. He also talked about the need to consider reducing property taxes.

Tim McCabe, 7922 Hallet St, talked about a recent trip to Portland, ME where he saw homeless encampments even though there was a multi-million dollar shelter available. He was told that the homeless people did not like the policies and requirements to stay in the shelter, so they chose to live on the streets. He talked about this being a bigger problem that leads to crime, drugs, and violence.

Charlotte O'Hara, 15712 Windsor Dr, thanked the City Council for listening to the constituents and said she wished the public comments were broadcast. She said there is due diligence that has to be done. She said she has been told the project should come before the Lenexa City Council on September 17th.

Mark Hines, 8757 Penrose Ln, said he is on the board of Shawnee Mission Unitarian Universalist Church, which houses Project1020, the only homeless shelter in the area. He said that although he is not an expert on homelessness, he has learned about its complexity. He talked about homeless people being in the community whether sheltered or not. He asked that people give kindness and compassion to those in need.

## **ADJOURN**

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

The meeting adjourned at 8:15 PM.

/s/ Jennifer Martin  
City Clerk