



Revised Agenda

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

**JUNE 18, 2024
7:00 PM
COMMUNITY FORUM**

CALL TO ORDER Pledge of Allegiance

ROLL CALL

APPROVE MINUTES June 4, 2024 City Council meeting draft minutes (located in the Appendix)

**MODIFICATION OF
AGENDA**

APPOINTMENT Melanie Arroyo, Council President - July 1, 2024 through December 31, 2024

CONSENT AGENDA **Item Numbers 1 through 8**
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 Musselman & Hall Contractors LLC for the 2024 Pavement Reconstruction Program, Deer Run Street Reconstruction Project

This project will reconstruct 2.13 lane-miles of roadway. Work includes sub-grade modification, new base and surface asphalt, removing and replacing deteriorated curbs and gutters, and replacing sidewalk panels and ADA ramps throughout the neighborhood. Musselman & Hall Contractors LLC bid \$1,207,599 to do the work.

2. Consideration of a change order for and acceptance for maintenance of the Falcon Valley Drive Street Reconstruction Project
 - a. Approval of Change Order No. 2 for the Falcon Valley Drive Street Reconstruction Project

- b. Acceptance of the Falcon Valley Drive Street Reconstruction Project for maintenance

This project reconstructed a total of 3.17 lane-miles of roadway, including complete pavement reconstruction, underdrain installation, new sidewalk installation, spot replacement of existing curbs, gutters, and sidewalks, and streetlight upgrades. The change order amount is \$197,446.25.

3. Change Order No. 2 to the contract with K&W Underground Inc. for the 2023 Fiber and Conduit Installation Project

This change order is for modification and adjustment of fiber optic cable and conduit at various locations throughout the City. The change order amount is \$76,281.82.

4. Approval and authorization for the Mayor to execute a grant of permanent easement to AT&T Kansas for the Lenexa Old Town Activity Center Project

While vacating right-of-way for the Lenexa Old Town Activity Center Project, a 50-foot utility easement for AT&T Kansas was discovered. AT&T has consented to release the existing 50-foot private utility easement after the City grants a 15-foot utility easement over the existing AT&T facilities.

5. Approval and authorization for the Mayor to execute Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) documents with the Board of County Commissioners of Johnson County, Kansas
 - a. Letters to Housing and Urban Development (HUD) and Johnson County, Kansas stating Lenexa's intent to defer its classification as a Metropolitan City for the purpose of the CDBG and HOME Programs
 - b. Memorandum of Understanding (MOU) with the Johnson County Board of County Commissioners for 2025-2027 CDBG and HOME
 - c. Amendment No. 1 to the MOU - Johnson County HOME Consortium dated June 18, 2020 for federal fiscal year 2021
 - d. Amendment No. 1 to the MOU - Johnson County HOME Consortium dated June 24, 2021, for federal fiscal years 2022-2024

In 2020, the City elected to be included in the Urban County for purposes of Johnson County's Community Development Block Grant (CDBG) and

HOME Investment Partnership (HOME) grants. The City must take several steps to defer its classification as a Metropolitan City from 2025-2027. Amendments to prior Memorandums of Understanding are also required.

- 6. Resolution authorizing the Mayor to execute an agreement with All City Management Services for school crossing guard services during the 2024-2025 school year and the fall semester of the 2025-2026 school year

All City Management Services is the only provider of school crossing guards in this area and staff proposes to contract with the company for the upcoming 2024-2025 school year and the fall semester of the 2025-2026 school year for a total estimated cost of \$230,946.24.

- 7. Resolution declaring it necessary to appropriate private property for the construction of the 83rd Street & Lackman Road Traffic Signal Improvements Project

This resolution will allow the City to proceed with the acquisition of private property associated with the construction of the 83rd Street & Lackman Road Traffic Signal Improvements Project. The total estimated cost for the project, including acquisition, is \$514,500.

- 8. Resolution authorizing the sale, possession, and consumption of alcohol at the 2024 Food Truck Frenzy - Old Town event

The City plans to sponsor a Food Truck Frenzy - Old Town event on July 20, 2024. 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

BOARD RECOMMENDATIONS

- 9. Ordinance adopting the Lenexa Comprehensive Plan – **CONTINUED TO THE JULY 2, 2024 CITY COUNCIL MEETING AT STAFF’S REQUEST**

Since 2021, the City has been working on a major update to the Comprehensive Plan ("Plan"). Extensive engagement has taken place over the past three years, and the Planning Commission approved a resolution adopting the proposed Plan at its meeting on June 3, 2024. The Plan will take effect upon the Governing Body passing an ordinance adopting the Plan.

NEW BUSINESS

None

**COUNCILMEMBER
REPORTS**

STAFF REPORTS

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.

EXECUTIVE SESSION

10. Executive session for preliminary discussion regarding the acquisition of real property pursuant to K.S.A. 75-4319(b)(6)

ADJOURN

APPENDIX

11. June 4, 2024 City Council meeting draft minutes
12. Item 4 -- AT&T Kansas Easement
13. Item 5 -- HUD and Johnson County Letters
14. Item 5 -- 2025-2027 Memorandum of Understanding
15. Item 5 -- 2021 Memorandum of Understanding Addendum
16. Item 5 -- 2022-2024 Memorandum of Understanding Addendum
17. Item 6 -- ACMS Agreement

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 Musselman & Hall Contractors LLC for the 2024 Pavement Reconstruction Program, Deer Run Street Reconstruction Project

CONTACT: Nick Arena, Municipal Services Director
Cody Wilbers, Assistant Municipal Services Director

DATE: June 18, 2024

ACTION NEEDED:

Award the bid to Musselman & Hall Contractors LLC for the 2024 Pavement Reconstruction Program (PRP), Deer Run Street Reconstruction Project ("Project").

PROJECT BACKGROUND/DESCRIPTION:

As part of the PRP, the City is making major improvements to several streets in the Falcon Ridge neighborhood, primarily Deer Run Street and 95th Terrace, located northeast of Prairie Star Parkway & Lone Elm Road. The Project consists of complete pavement reconstruction in several areas, a two-inch mill and overlay in other areas, and spot replacement of existing curbs, gutters, and sidewalks throughout.

Bids were opened June 11, 2024, with the following results:

Engineer's Estimate	\$1,537,163.00
*Musselman & Hall	\$1,207,599.00
McConnell & Associates	\$1,510,617.22
Kansas Heavy Construction, LLC	\$1,719,460.05

*low-bidder

The City has worked with Musselman & Hall and their team of subcontractors in the past and also completed reference checks with surrounding municipalities. Staff believes they are qualified to do the work.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

The Project is funded in the 2024-2028 Capital Improvement Program (Project No. 68001) and remains within the overall PRP budget.

STAFF RECOMMENDATION:

Award the bid.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Integrated Infrastructure & Transportation

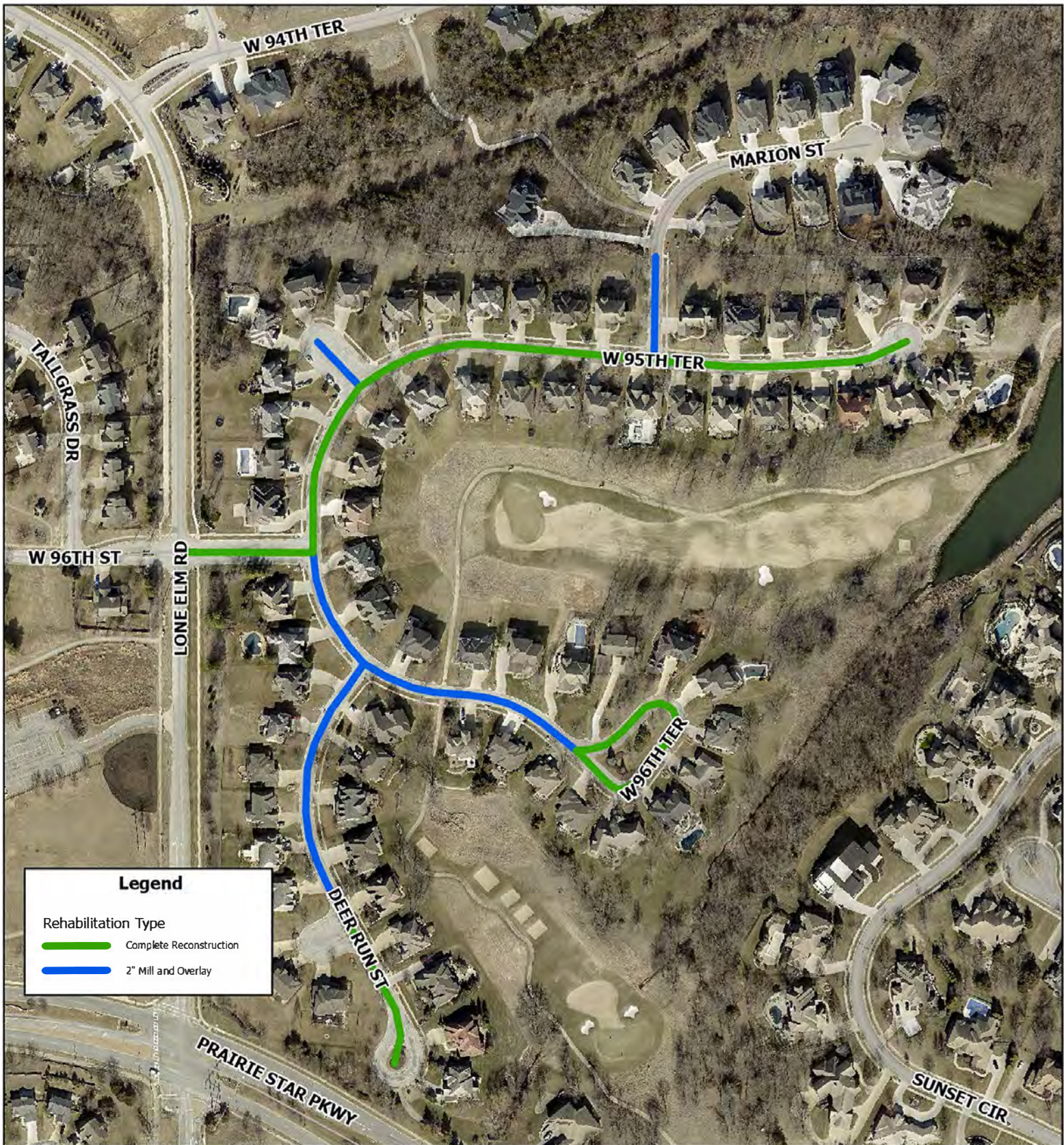
Guiding Principles

Strategic Community Investment

Superior Quality Services

ATTACHMENTS

1. Map



Deer Run Street Reconstruction Project

2024 Pavement Reconstruction Program





**CITY COUNCIL
MEMORANDUM**

ITEM 2

SUBJECT: Consideration of a change order for and acceptance for maintenance of the Falcon Valley Drive Street Reconstruction Project

CONTACT: Nick Arena, Municipal Services Director
Cody Wilbers, Assistant Municipal Services Director

DATE: June 18, 2024

ACTION NEEDED:

- a. Approve Change Order No. 2 for the Falcon Valley Drive Street Reconstruction Project ("Project"); and
- b. Accept the Project for maintenance.

PROJECT BACKGROUND/DESCRIPTION:

Work has been completed on the Project located in the Falcon Valley neighborhood between Prairie Star Parkway and Woodland Road. The Project consisted of complete pavement reconstruction, underdrain installation, new sidewalk installation, spot replacement of existing curbs, gutters, and sidewalks, and streetlight upgrades. A total of 3.17 lane-miles of roadway were reconstructed as part of the Project.

Specific item cost overruns occurred during the Project, and a change order to increase the original contract is needed. Most of the cost overrun is related to unsuitable subgrade materials that were uncovered during the excavation of the deteriorated roadbed. The unsuitable material was removed and replaced with material that met the City's specifications. The other cost overruns were related to asphalt patching on Cooper Street and 98th Street due to deterioration of the asphalt surface and additional necessary concrete work on Falcon Valley Drive, 98th Terrace, 99th Terrace, and Warwick Street.

Staff worked with McConnell & Associates to complete all items identified during the final inspection. These items are now done, and work has been completed in accordance with the plans and specifications. The maintenance bonds for this Project shall go into force upon acceptance by the Governing Body on June 18, 2024, and expire on June 18, 2026.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

The Project was funded through the Pavement Reconstruction Program, which is funded in the 2024-2028 Capital Improvement Program (Project No. 68001). The total project cost is \$3,568,103.43, which is within the \$4 million project budget.

Original Contract Amount	\$3,360,700.18
Change Order #1	\$9,957.00
Change Order #2	\$197,446.25
Final Contract Amount	\$3,568,103.43

STAFF RECOMMENDATION:

Approval of the change order and acceptance for maintenance.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Integrated Infrastructure & Transportation

Guiding Principles

Superior Quality Services
Strategic Community Investment

ATTACHMENTS

1. Map
2. Change Order



Falcon Valley Drive Street Reconstruction Project

2024 Pavement Reconstruction Program





**CONSTRUCTION
CHANGE ORDER FORM**

PO: 2300144

7700 COTTONWOOD STREET · LENEXA, KANSAS 66216 · PH. (913) 477-7500 FAX (913) 477-7730 · WWW.LENEXA.COM

Date: 6/6/2024 Change Order Request 2
Project Manager: Cody Wilbers
Project Number: 68001
Project Name and Location: 2023 Falcon Valley Drive Reconstruction
Contractor Name: McConnell & Associates (4654)

Reason for change order (Check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Unforeseen Conditions | <input type="checkbox"/> Utility Conflict |
| <input type="checkbox"/> Design Omission | <input type="checkbox"/> Work to accommodate another project |
| <input checked="" type="checkbox"/> Scope Change (City Initiated) | <input type="checkbox"/> Scope Change (Contractor Initiated) |
| <input type="checkbox"/> Other | <input type="checkbox"/> Quantity Error |

Urgency of Change Order:

- Contractor cannot proceed with any project work until change order is approved.
- Contractor cannot proceed with major project work, but can continue work.
- Contractor can proceed with all work except the immediate portion affected by the change order.
- Contractor must proceed with work before the change order can be approved.
- Change order is desirable, but not absolutely necessary to complete the project.

Contract Summary:

The original Contract Sum was:	\$3,360,700.18
Net change by previously authorized Change Orders:	\$9,957.00
The Contract Sum prior to this Change Order was:	\$3,370,657.18
The Contract Sum will be modified by this Change Order in the amount of:	\$197,446.25
The new Contract Sum will be:	\$3,568,103.43
% (Increase) decrease from current contract amount:	5.86%
The Contract Time will be (increased) decreased by:	0 Calendar Days

Sufficient budget available to cover the requested change order? YES NO

Additional Required Approval:

City Administrator Approval Required: YES NO
≥ \$20,000 < \$75,000) and not requiring Governing Body approval

Governing Body Approval Required: YES NO
Contracts \$0 to \$1,000,000: Change Orders greater than or equal to \$50,000
Contracts \$1,000,000 to \$3,000,000: Change Order increases contract by greater than 5%
Contracts greater than \$3,000,000: Change Order greater than or equal to \$150,000

Description of work to accomplish the change order:

(Attach appropriate backup material necessary to document the requested change order)

ITEM NO. 1

Surge Rock Addition \$72,438.08

ITEM NO. 2

See Attached Overages & Underages \$125,008.17

Total: **\$197,446.25**

Approved:

Taylor Brooks, McConnell & Associates

Date

Nick Arena, Municipal Services Director

Date

Julie Sayers, Mayor

Date



ITEM 3

SUBJECT: Change Order No. 2 to the contract with K&W Underground Inc. for the 2023 Fiber and Conduit Installation Project

CONTACT: Tim Green, Deputy Community Development Director

DATE: June 18, 2024

ACTION NEEDED:

Approve Change Order No. 2 to the contract with K&W Underground Inc. for the 2023 Fiber and Conduit Installation Project ("Project").

PROJECT BACKGROUND/DESCRIPTION:

This change order increases the contract for the following work:

- Modification and adjustment of the fiber optic cable and conduit for the roadway widening and signalization project at 83rd Street and Hedge Lane.
- Splicing and repairing fibers on Ridgeview Road between Prairie Star Parkway and 118th Street to provide connectivity to the Johnson County Communications Center for additional network connectivity through Olathe to accommodate the relocation of the data center to the new Justice Center.
- Service boxes were added along Pflumm Road to provide appropriate fiber optics pulling distances.
- New conduit was installed across I-35 to replace conduit that was damaged due to work in the highway.
- Additional conduit repair and splicing at various locations.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

Original Construction Contract:	\$156,694.90
Previous Change Order No. 1:	\$12,378.50
Current Change Order No. 2:	\$76,281.82
Revised Construction Contract:	\$245,355.22

This project is funded in the 2024-2028 Capital Improvement Program (Project No. 85045). The 2023 approved budget is \$300,000 and the subsequent years' 2024-2028 budget is \$200,000 per year.

STAFF RECOMMENDATION:

Approval of the change order.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Integrated Infrastructure & Transportation

Guiding Principles

Strategic Community Investment

ATTACHMENTS

1. Change Order



CHANGE ORDER FORM

PO: 2300123

17101 W. 87TH STREET PARKWAY · LENEXA, KANSAS 66219 · PH. (913) 477-7500 FAX (913) 477-7730 · WWW.LENEXA.COM

Date: 6/3/2024 **Change Order Request # 2**
Project Manager: Steve Schooley
Project Number: 85045
Project Name and Location: Fiber and Conduit Installation - 2023
Consultant Name: K&W Underground, Inc

Reason for change order (Check all that apply):

- | | |
|---|---|
| <input checked="" type="checkbox"/> Unforeseen Conditions | <input type="checkbox"/> Utility Conflict |
| <input type="checkbox"/> Design Omission | <input checked="" type="checkbox"/> Work to accommodate another project |
| <input checked="" type="checkbox"/> Scope Change (City Initiated) | <input type="checkbox"/> Scope Change (Contractor Initiated) |
| <input type="checkbox"/> Other | <input type="checkbox"/> Quantity Error |

Urgency of Change Order:

- Consultant cannot proceed with any project work until change order is approved.
- Consultant cannot proceed with major project work, but can continue work.
- Consultant can proceed with all work except the immediate portion affected by the change order.
- Consultant must proceed with work before the change order can be approved.
- Change order is desirable, but not absolutely necessary to complete the project.

Contract Summary:

The original Contract Sum was:	\$156,694.90
Net change by previously authorized Change Orders:	\$12,378.50
The Contract Sum prior to this Change Order was:	\$169,073.40
The Contract Sum will be modified by this Change Order in the amount of:	\$76,281.82
The new Contract Sum will be:	\$245,355.22
% <u>Increase</u> (decrease) from current contract amount:	45%
The Contract Time will be <u>increased</u> (decreased) by:	180 days

Sufficient budget available to cover the requested change order? YES NO

Additional Required Approval:

Governing Body Approval Required: YES NO

Contracts \$0 to \$1,000,000: Change Orders greater than or equal to \$50,000

Contracts \$1,000,000 to \$3,000,000: Change Order increases contract by greater than 5%

Contracts greater than \$3,000,000: Change Order greater than or equal to \$150,000

Administrative Team Member Approval Required: ≤ \$20,000 YES NO

City Manager Approval Required: None of the above criteria apply YES NO

**The change order dollar thresholds listed above are non-cumulative*

Description of work to accomplish the change order:

(Attach appropriate backup material necessary to document the requested change order)

ITEM NO. 1 Deduction	(\$12,378.50)
Fire Station 3 Overpull Fire Station 3 Cleanup Change order #1 had increased the contract to provide funding for this additional work but the work was already included in the original contract documents. This line item corrects the project po accordingly.	
ITEM NO. 2 Additional services	\$30,687.50
Modification and adjustment of the fiber optic cable and conduit for the roadway widening and signalization project at 83 rd & Hedge Lane Terrace.	
ITEM NO. 3 Additional services	\$12,210.00
Splicing and fixing fibers on Ridgeview between Prairie Star Parkway and 118 th Street to provide connectivity to the Johnson County Communications Center for additional network connectivity through Olathe to accommodate the relocation of the data center.	
ITEM NO. 4 Additional services	\$45,762.82
Quote attached . This is a difference from the original quote \$144,316.40 and the new quote \$190,079.22. Description: Additional service boxes were added along the route to provide appropriate pulling distances; new conduit was installed across I-35 to replace conduit that was damaged due to work in the highway; repair conduit in several locations that was found to be damaged; and additional splicing for repair work.	
Total Change Order:	\$76,281.82

Approved: _____
Project Manager

Date

Approved: _____
Tim Green, P.E.
City Engineer

Date

Approved: _____
Scott McCullough
Community Development Director

Date

APPROVED AS TO FORM:

Steven Shrout, Assistant City Attorney

Approved: _____
Julie Sayers
Mayor

Date

Approved: _____
K&W Underground, Inc

Date



ITEM 4

SUBJECT: Approval and authorization for the Mayor to execute a grant of permanent easement to AT&T Kansas for the Lenexa Old Town Activity Center Project

CONTACT: Logan Wagler, Parks & Recreation Director

DATE: June 18, 2024

ACTION NEEDED:

Approve and authorize the Mayor to execute a grant of permanent easement to AT&T Kansas for the Lenexa Old Town Activity Center Project ("Project").

PROJECT BACKGROUND/DESCRIPTION:

During the Project design, it was discovered that the rights-of-way along Oak Street were not vacated during the original construction of the Community Center. The section of Oak Street west of Haskins Street to the current terminus of the parking lot was vacated by Ordinance 5978 and will serve as a private driveway into the Lenexa Old Town Activity Center parking lot. During the vacation process, a 50-foot private utility easement for Southwestern Bell Telephone Company, a Delaware corporation, d/b/a AT&T Kansas ("AT&T") was found located along the existing Oak Streets rights-of-way. AT&T has consented to release the existing 50-foot private utility easement after the City grants a 15-foot utility easement over the existing AT&T facilities. Once the 15-foot utility easement is granted, AT&T will release the 50-foot utility easement and then an application for replat will be submitted.

STAFF RECOMMENDATION:

Approval to execute a grant of permanent easement.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Inviting Places
Healthy People
Vibrant Neighborhoods

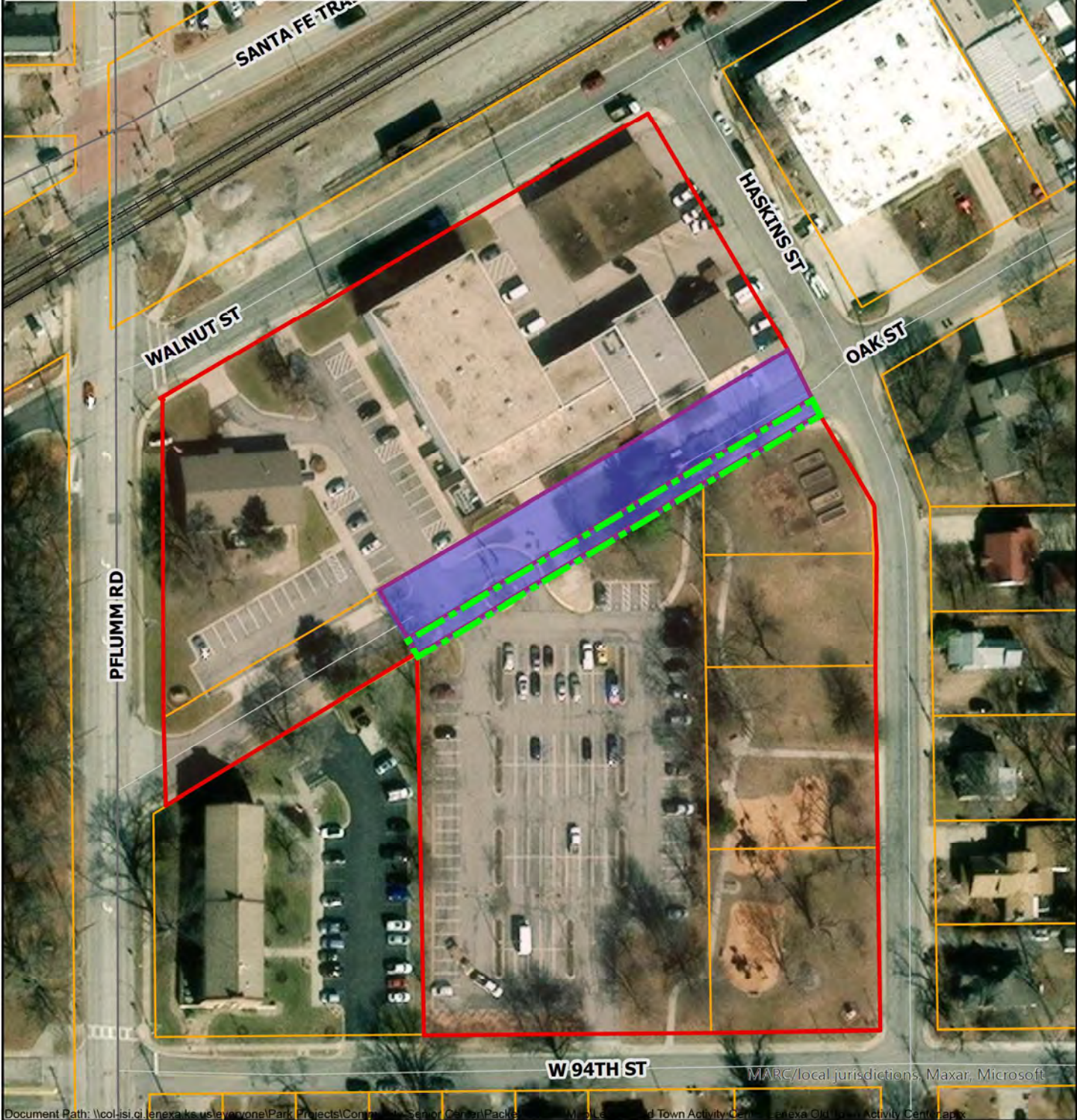
Guiding Principles

Strategic Community Investment
Extraordinary Community Pride
Inclusive Community Building

ATTACHMENTS

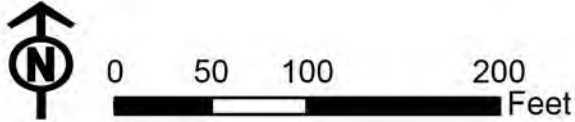
1. Map
2. Easement located in the Appendix

PROPOSED PLAT ———
 EXISTING 50' UTILITY EASEMENT ———
 PROPOSED 15' UTILITY EASEMENT - - - - -



Document Path: \\colisi.ci.lenexa.ks.us\everyone\Park Projects\Community Senior Center\Packaging\Map\Lenexa Old Town Activity Center\Map.apx
 Data Source: City of Lenexa and Johnson County Kansas
 For further information, please call 913-477-7500

Lenexa Old Town Activity Center





ITEM 5

SUBJECT: Approval and authorization for the Mayor to execute Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) documents with the Board of County Commissioners of Johnson County, Kansas

CONTACT: Tim Green, Deputy Community Development Director

DATE: June 18, 2024

ACTION NEEDED:

- a. Approve and authorize the Mayor to execute letters stating Lenexa's intent to defer its classification as a Metropolitan City;
- b. Approve and authorize the Mayor to execute a new Memorandum of Understanding (MOU) for federal fiscal years 2025-2027;
- c. Approve and authorize the Mayor to execute an amendment to the 2021 MOU; and
- d. Approve and authorize the Mayor to execute an amendment to the 2022-2024 MOU.

PROJECT BACKGROUND/DESCRIPTION:

CDBG is a federal program administered by the Department of Housing and Urban Development (HUD). It provides funding to local governments and states to support a wide range of community development activities aimed at improving the quality of life for low- and moderate-income individuals and neighborhoods. These activities may include affordable housing initiatives, economic development projects, infrastructure improvements, and services to address various community needs such as job creation, public facilities, and neighborhood revitalization.

HOME grant programs fund a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people. HOME is the largest federal block grant to state and local governments designed exclusively to create affordable housing for low-income households.

Due to the complexity and staff requirements to manage these programs in-house, Lenexa deferred its status as a Metropolitan City in 2020 and elected to be included in the Urban County (Johnson County) for purposes of the CDBG and HOME grants for federal fiscal years 2022-2024. The City signed a Cooperation Agreement and MOU setting forth the City and County's duties and establishing a funding formula. Johnson County is beginning the urban county qualification process for continued participation in the CDBG and HOME grant programs for 2025-2027. In order for Lenexa to continue deferring its status as a Metropolitan City, the following documents must be executed:

- Letters to HUD and Johnson County Community Development stating Lenexa's intent to defer its classification as a Metropolitan City.
- A new MOU with Johnson County for federal fiscal years 2025-2027.

According to the existing and proposed MOUs, the annual CDBG sub-grant to the City is based upon the City's percentage of the Johnson County population according to the 2010 U.S. Census Bureau data, excluding the cities of Overland Park and Shawnee (both of which are Metropolitan Cities). That amount has averaged approximately \$180,000 per year.

The Johnson County HOME Consortium is composed of the County, as the lead entity, and the Cities of Overland Park and Shawnee. The HOME Program annual sub-grant to the City is based on the city's percentage of the Johnson County population, including populations in the cities of Overland Park and Shawnee. That amount has averaged \$71,600 per year. Lenexa agrees to match the amount of the City's HOME sub-grant by 25%. Johnson County Community Development administers both the CDBG and HOME programs through HUD. For CDBG projects, the City submits an application for its desired public improvement project, and is solely responsible for design and construction administration. For HOME projects, the City defers its funding to the County to manage the entire process.

In addition, Johnson County has requested the City execute amendments to the 2021 MOU and the 2022-2024 MOU. The amendment provides for two eligible activities for HOME funds: single-family homeowner rehabilitation ("Rehab") and the Housing Development Loan (HDL) program. Pursuant to the agreement, the City agrees to defer approval of Rehab and HDL program applications to the County.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

CDBG Program	\$180,000/year*
HOME Investment Partnership	\$71,600/year*
City of Lenexa HOME match	\$17,900/year (25% of HOME grant)

*Estimated amount. The actual CDBG Program and HOME Investment Partnership sub-grants to the City shall be based upon the City's percentage of the Johnson County population according to the 2010 U.S. Census Bureau data.

STAFF RECOMMENDATION:

Approval to execute the documents.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040
Vibrant Neighborhoods

Guiding Principles
Inclusive Community Building
Strategic Community Investment

ATTACHMENTS

1. Letters located in the Appendix
2. 2025-2027 Memorandum of Understanding located in the Appendix
3. 2021 Memorandum of Understanding Addendum located in the Appendix
4. 2022-2024 Memorandum of Understanding Addendum located in the Appendix



ITEM 6

SUBJECT: Resolution authorizing the Mayor to execute an agreement with All City Management Services for school crossing guard services during the 2024-2025 school year and the fall semester of the 2025-2026 school year

CONTACT: Dawn Layman, Police Chief
Brett Rushton, Police Major

DATE: June 18, 2024

ACTION NEEDED:

Adopt a resolution authorizing the Mayor to execute an agreement with All City Management Services (ACMS) for school crossing guard services during the 2024-2025 school year and fall semester of the 2025-2026 school year.

PROJECT BACKGROUND/DESCRIPTION:

The Police Department has contracted with ACMS for crossing guard services since 2016. Because ACMS is the only provider of this service in this area and the PD is satisfied with their services, staff recommends approval of a contract with them for the 2024-2025 school year and the fall semester of the 2025-2026 school year. Currently, there are a total of 14 crossing guards at the following locations:

Mill Creek	79th Street & Pflumm Road
Mill Creek	79th Street & Cottonwood Street
Christa McAuliffe	83rd Street & Tomashaw Lane
Christa McAuliffe	83rd Street & Maurer Road
Rising Star	87th Street Parkway & Candlelight Lane (north)
Rising Star	87th Street Parkway & Candlelight Lane (south)
Sunflower	90th Street & Loiret Boulevard
Sunflower	90th Street & Lackman Road
Lenexa Hills	87th Street Parkway & Haven Street
Rosehill	99th Street & Rosehill Road
Canyon Creek	97th Street & McCormack Drive
Manchester Park	98th Street & Prairie Creek Road
Manchester Park	98th Terrace & Prairie Creek Road

Manchester Park	99th Street & Prairie Creek Road
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Shifts for each crossing begin 30 minutes prior to school start time, lasting for 30 minutes, and begin five minutes prior to school dismissal time, lasting for 30 minutes, or as otherwise agreed to by the parties, for a maximum of 2 hours per day.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

The contract amount is estimated to be \$230,946.24 for August 2024 to December 2025, which is based on the total number of days school is in session and the number of crossing guard locations. This contract term aligns with the City's budget cycle.

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040
Healthy People

Guiding Principles
Superior Quality Services

ATTACHMENTS

- 1. Resolution
- 2. ACMS Agreement located in the Appendix

RESOLUTION NO. _____

RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH ALL CITY MANAGEMENT SERVICES, INC [“ACMS”] FOR SCHOOL CROSSING GUARD SERVICES.

WHEREAS, the City desires to provide school crossing guard services through a third party; and

WHEREAS, ACMS has provided these services to City since August 1, 2016; and

WHEREAS, the City desires to continue contracting with ACMS for school crossing guard services for the 2024-2025 school year and the fall semester of the 2025-2026 school year; and

WHEREAS, both parties have read and understand the terms and conditions of said Agreement, which is attached hereto as Exhibit “A”, and made a part hereof by reference.

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

SECTION ONE: The City of Lenexa, Kansas, a municipal corporation, does hereby approve and authorize the Mayor to execute the Agreement for School Crossing Guard Services, attached hereto as Exhibit “A” and incorporated herein by reference.

SECTION TWO: This Resolution shall become effective upon adoption.

ADOPTED by the City Council June 18, 2024.

SIGNED by the Mayor June 18, 2024.

CITY OF LENEXA, KANSAS

[SEAL]

Julie Sayers, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

MacKenzie Harvison, Deputy City Attorney



ITEM 7

SUBJECT: Resolution declaring it necessary to appropriate private property for the construction of the 83rd Street & Lackman Road Traffic Signal Improvements Project

CONTACT: Tim Green, Deputy Community Development Director

DATE: June 18, 2024

ACTION NEEDED:

Adopt a resolution declaring it necessary to appropriate private property for the construction of the 83rd Street & Lackman Road Traffic Signal Improvements Project ("Project").

PROJECT BACKGROUND/DESCRIPTION:

The Project consists of the installation of a new traffic signal at 83rd Street & Lackman Road. The Project will also include pedestrian access improvements.

This is the first step in acquiring the necessary easements for the Project. The City will need to acquire easements from two property owners adjacent to the Project area. These resolutions empower the Community Development Director, or their designee, to approve offers, negotiate for the acquisition of such private property, and enter into agreements to accomplish such acquisition, provided sufficient funding is available in the approved Project budget. This provision affirms the standard practice by which Community Development staff make 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 acquisition counsel on the Project.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

This Project is in the 2024-2028 Capital Improvement Program (Project No. 60127) with a total estimated cost of \$514,500, which includes any necessary acquisition costs.

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

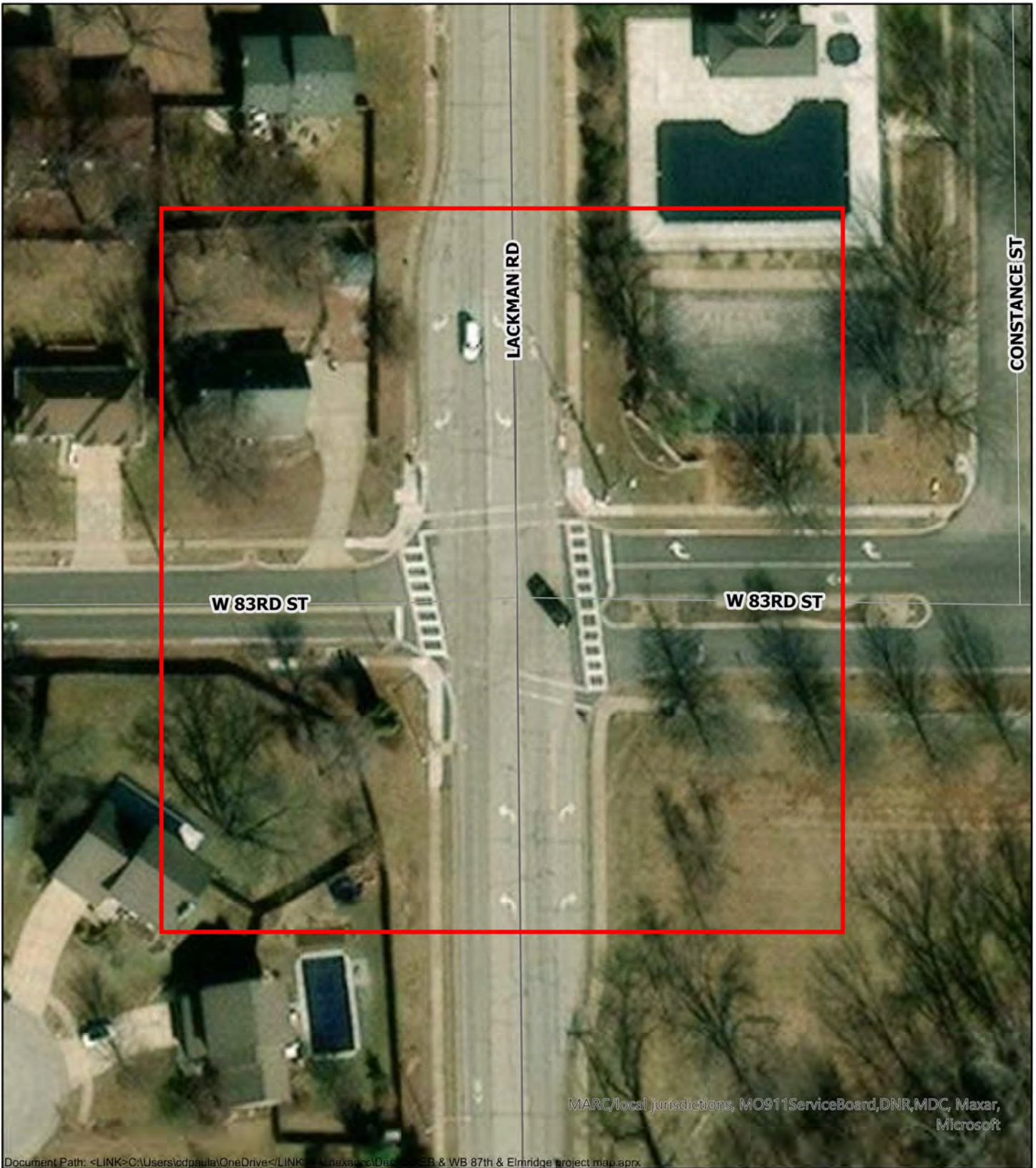
Integrated Infrastructure & Transportation
Healthy People

Guiding Principles

Strategic Community Investment

ATTACHMENTS

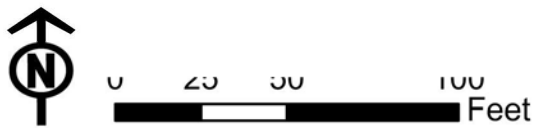
1. Map
2. Resolution



Document Path: <LINK>C:\Users\cdpaula\OneDrive\<LINK>Lenexa\Des\EB & WB 87th & Elmridge project map.aprx

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

83rd Street & Lackman Road Traffic Signal Project Aerial/Vicinity Map



RESOLUTION NO. _____

A RESOLUTION DECLARING IT NECESSARY TO APPROPRIATE PRIVATE PROPERTY FOR THE USE OF THE CITY OF LENEXA, KANSAS FOR CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS ASSOCIATED WITH THE 83RD STREET AND LACKMAN ROAD TRAFFIC SIGNAL IMPROVEMENTS PROJECT.

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

83rd Street and Lackman Road Traffic Signal Improvements Project.

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:

83rd Street and Lackman Road Traffic Signal Improvements Project

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 Community Development Director, or 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 18th day of June 2024.

SIGNED by the Mayor this 18th day of June 2024.

CITY OF LENEXA, KANSAS

[SEAL]

Julie Sayers, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Steven D. Shrout, Assistant City Attorney



ITEM 8

SUBJECT: Resolution authorizing the sale, possession, and consumption of alcohol at the 2024 Food Truck Frenzy - Old Town event

CONTACT: Mike Nolan, Assistant City Manager
Steven Shrout, Assistant City Attorney

DATE: June 18, 2024

ACTION NEEDED:

Adopt a resolution authorizing the sale, possession, and consumption of alcohol at the 2024 Food Truck Frenzy - Old Town event.

PROJECT BACKGROUND/DESCRIPTION:

The City will host a Food Truck Frenzy event on July 20, 2024, in Old Town Lenexa. The event's boundary includes a portion of Santa Fe Trail Drive from Pflumm Road to 92nd Street, which will be closed to vehicular traffic.

Pursuant to Kansas law, alcohol may only be consumed on public streets, alleys, roads, sidewalks, or highways if the local governing body has approved the event by resolution and authorized the closure of any applicable streets. A licensed drinking establishment may be authorized to extend its licensed premises into the event or a temporary permit for the sale of alcoholic liquor must be issued to each person or organization intending to sell alcoholic liquor at the event. The City intends to partner with Jerry's Bait Shop to be the authorized seller of alcoholic beverages at the event.

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040
Inviting Places

Guiding Principles
Extraordinary Community Pride

ATTACHMENTS

1. Resolution

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE SALE, POSSESSION, AND CONSUMPTION OF ALCOHOL AT THE FOOD TRUCK FRENZY – OLD TOWN EDITION EVENT.

WHEREAS, the Food Truck Frenzy – Old Town Edition event (“Food Truck Frenzy”) will take place Saturday, July 20, 2024 in Old Town Lenexa; and

WHEREAS, the City intends for Mike Rounkles LLC d/b/a “Jerry’s Bait Shop” to provide and sell alcohol at the Food Truck Frenzy for consumption on the premises, including consumption on certain public streets, roads and sidewalks closed to vehicular traffic; and

WHEREAS, pursuant to K.S.A. 41-719, alcohol may be consumed on public streets, alleys, roads, sidewalks or highways as part of an event, so long as a temporary permit for the sale of alcoholic liquor has been issued by the State or a licensed drinking establishment has been authorized to extend its licensed premises pursuant to K.S.A. 41-2608 and the local governing body has approved the event and authorized the closure of any applicable streets to vehicular traffic during the special event; and

WHEREAS, in accordance with K.S.A. 41-719, the City desires to close certain streets, alleys, roads and sidewalks within the boundaries depicted on Exhibit A, attached hereto and incorporated herein by reference, to vehicular traffic and to allow the consumption of alcohol within said boundaries during the Food Truck Frenzy.

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

SECTION ONE: In accordance with K.S.A. 41-719, the Governing Body hereby authorizes the consumption of alcoholic liquor on public streets, alleys, roads, sidewalks or highways that are closed to vehicular traffic as part of the Food Truck Frenzy – Old Town Edition event.

SECTION TWO: The Governing Body hereby authorizes Mike Rounkles LLC d/b/a “Jerry’s Bait Shop” to provide and sell alcohol at the Food Truck Frenzy – Old Town Edition event, provided Mike Rounkles, LLC d/b/a/ “Jerry’s Bait Shop” first obtains the necessary temporary permit or authorization to extend its licensed premises pursuant to K.S.A. 41-2608 for the sale of alcoholic liquor from the State of Kansas, Division of Alcoholic Beverage Control.

SECTION THREE: The Governing Body hereby authorizes the closure of the following street to vehicular traffic during the Food Truck Frenzy – Old Town Edition event:

- Santa Fe Trail Drive from Pflumm Road to 92nd Street, including the parking lot, as depicted in Exhibit A attached hereto and incorporated herein by reference.

The street is anticipated to close at 1:30 p.m. on Saturday, July 20, 2024 and re-open at 10:00 p.m. on Saturday, July 20, 2024.

SECTION FOUR: The boundaries of the Food Truck Frenzy – Old Town Edition event, within which alcoholic liquor may be possessed or consumed, shall be as designated on the attached Exhibit A. The Community Development Director or designee will mark the boundaries of the approved event area by signs, a posted map, or other means that will reasonably identify the area in which alcoholic liquor may be possessed or consumed.

ADOPTED by the City Council June 18, 2024.

SIGNED by the Mayor June 18, 2024.

CITY OF LENEXA, KANSAS

Julie Sayers, Mayor

ATTEST:


Jennifer Martin, City Clerk


APPROVED AS TO FORM:


Steven D. Shrout, Assistant City Attorney


Exhibit A – Food Truck Frenzy – Old Town
 Saturday, July 20, 2024




- 

Road Closures:
 Old Town Parking Lot
 – 1:30p-10p
 SFTD – 2:30p-10p
- 

Jerry's Beer Tent
 Serving
 5:00p to 9:00p
- 

Band Stage
 Band plays
 5p-9p
- 

Food Trucks
 (10 total)
- 

Restrooms

ITEM 9

SUBJECT: Ordinance adopting the Lenexa Comprehensive Plan

CONTACT: Scott McCullough, Community Development Director
Stephanie Sullivan, Planning Manager

DATE: June 18, 2024

ACTION NEEDED:

Pass an ordinance adopting the Lenexa Comprehensive Plan ("Plan").

PROJECT BACKGROUND/DESCRIPTION:

In 2021, the City embarked on a major update to the Plan. Extensive staff, Steering Committee, and public engagement have occurred since 2021 and a draft of the Plan was prepared and shared with the public at an open house on March 27, 2024. A report reflecting the comments received at the open house and recommended revisions to the draft Plan was shared with the Planning Commission and City Council at a joint meeting on April 23, 2024. Feedback at the joint meeting was provided to staff and a revised draft Plan was generated, which is the draft Plan under consideration at this time.

The only change to the Plan from the April 23rd joint meeting was to revise the classification of a property located in the area west of K-7 Highway and south of the 99th Street alignment per the maps below (Exhibits 1 and 2) from High-Density Residential to Medium-Density Residential (green dot). This was based on neighborhood feedback during the open house and acknowledgment that the High-Density Residential classification, often used as a buffer between a state highway and residential area, was less appropriate at the noted location. Instead, the Medium-Density Residential classification was viewed as more appropriate given the Suburban-Density Residential classification to the immediate north.



Exhibit 1: Original draft Plan reflecting High-Density Residential



Exhibit 2: Revised draft Plan reflecting Medium-Density Residential

[Click here to view the Draft Comprehensive Plan.](#)

Highlights of the plan include:

- A vision statement and 14 goals with associated policy statements
- Area of change map (reimagining areas to address changing market trends)
- Revised transportation network and recreation trail maps
- Incorporating policies for:
 - Complete neighborhoods (mixing housing types and amenities)
 - Missing middle housing (duplex, row houses, etc.)
 - Context-sensitive design
 - Vision 2040 values and Neighborhood Nodes
 - Encouraging appropriate redevelopment of commercial areas
 - Expanding recreational trails
 - Strengthening policies that model sustainability throughout the Plan
 - Annual reviews and implementation

On June 3, 2024, the Planning Commission held a public hearing, received public testimony, and voted unanimously to approve a resolution adopting the Lenexa Comprehensive Plan as proposed by staff. The Plan will take effect upon the Governing Body passing an ordinance adopting the Plan.

STAFF RECOMMENDATION:

Passage of the ordinance.

PLANNING COMMISSION ACTION:

On June 3, 2024, the Planning Commission held a public hearing and received testimony.

Public testimony centered on the same two areas discussed at the April 23rd joint City Council / Planning Commission meeting - one parcel west of K-7 Highway and one parcel east of K-7 Highway. Two residents from the Canyon Creek Highlands neighborhood requested that the City review the alignment of future 99th Street planned to be constructed south of their neighborhood, as well as consider revising the proposed Business Park land use to Medium-Density Residential land use to mitigate the concern for future semi-truck oriented uses.

Attorney David Waters, representing landowner Andy Cope, proposed reclassifying a parcel east of K-7 Highway from Office, Research, and Development land uses to Medium-Density Residential.

The Planning Commission supported the land use patterns proposed in the draft Plan when considering the planned street system and other factors. The Commission also noted that the area will be scrutinized in more detail when development plans come forward for consideration, which may necessitate revised

street alignments and land uses based on such plans.

Chairman Poss entertained a motion to **ADOPT** the new Lenexa Comprehensive Plan. Moved by Commissioner Burson, seconded by Commissioner Woolf, and carried by a unanimous voice vote.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Healthy People

Inviting Places

Vibrant Neighborhoods

Integrated Infrastructure & Transportation

Thriving Economy

Guiding Principles

Inclusive Community Building

Sustainable Policies and Practices

Responsible Economic Development

Extraordinary Community Pride

ATTACHMENTS

1. Draft Comprehensive Plan (link)
2. PC Staff Report
3. PC Draft Minutes Excerpt
4. Correspondence
5. Ordinance

LENEXA COMPREHENSIVE PLAN



PROJECT SUMMARY

The Comprehensive Plan represents the City’s official roadmap for the future, which is intended to guide Lenexa for the coming years. The Comprehensive Plan is a policy guide that outlines actions to work towards achieving the City’s vision. It will serve as an important decision-making tool for City officials, residents, business owners, developers, and other stakeholders within Lenexa. It is intentionally broad in nature, addressing issues relating to land use, growth, housing, economic development, transportation, community facilities, infrastructure, and other relevant topics.

In 2021, the City embarked on a major update to the Comprehensive Plan. Extensive staff, Steering Committee, and public engagement have occurred since 2021 and a draft of the Plan was prepared and shared with the public at an open house on March 27, 2024. A report reflecting the comments received at the open house and recommended revisions to the draft Plan was shared with the Planning Commission and City Council at a joint meeting on April 23, 2024. Feedback at the joint meeting was provided to Staff and a revised [draft Plan](#) was generated, which is the draft under consideration at this time. This project requires a Public Hearing.

STAFF RECOMMENDATION: APPROVAL

HIGHLIGHTS OF THE DRAFT PLAN

- A vision statement and 14 goals with associated policy statements
- Area of change map (reimagining areas to address changing market trends)
- Revised transportation network and recreation trail maps
- Incorporating policies for:
 - Complete neighborhoods (mixing housing types and amenities)
 - Missing middle housing (duplex, row houses, etc.)
 - Context-sensitive design
 - Vision 2040 values and nodes
 - Encouraging appropriate redevelopment of commercial areas
 - Expanding recreational trails
 - Strengthening policies that model sustainability throughout the plan
 - Annual reviews and implementation

JOINT PC/CC FEEDBACK

Feedback at the joint meeting was provided and a revised draft Plan was generated. The only change to the draft Plan was to revise the classification of a property located in the area west of K-7 and south of the 99th Street alignment per the maps below (Exhibits 1 and 2) from High-Density Residential to Medium-Density Residential (green dot). This was based on neighborhood feedback during the open house and acknowledgement that the High-Density Residential classification, often used as a buffer between a state highway and residential area, was less appropriate at the noted location. Instead, the Medium-Density Residential classification was viewed as more appropriate given the Suburban-Density Residential classification to the immediate north.

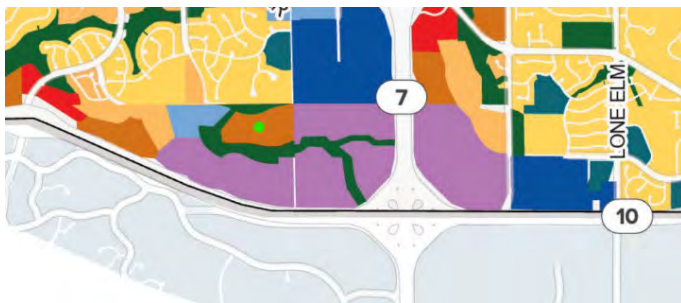


Exhibit 1: Original draft Plan reflecting High-Density Residential

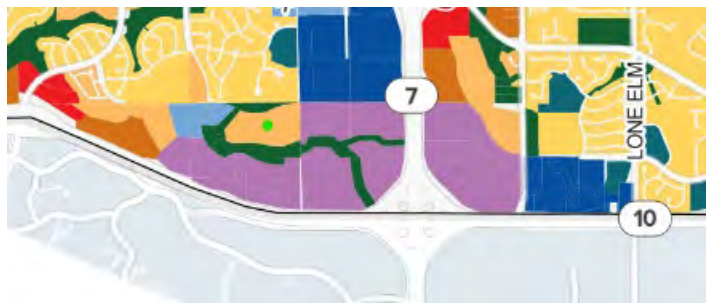


Exhibit 2: Revised draft Plan reflecting Medium-Density Residential

POST JOINT PC/CC MEETING COMMUNICATIONS

After the joint Planning Commission/City Council meeting held April 23, 2024, Staff was approached by Greg Sieve, a resident of Canyon Creek Highlands neighborhood, which is located north of the property changed from High-Density Residential to Medium-Density Residential regarding the alignment of future 99th Street. Mr. Sieve requests two changes to the Plan as reflected in his attached email dated May 20, 2024, and as reflected in Exhibit 3 where the yellow line reflects the current planned alignment of future 99th Street and the green line reflects the desire of the neighborhood to push the alignment of future 99th Street to the south. The orange-hatched area reflects the requested change from Business Park to Medium-Density Residential classification.



Exhibit 3: Canyon Creek Highlands neighborhood request to align future 99th Street to the south (green line) and reclassify the orange-hatched area from Business Park to Medium-Density Residential.

As noted previously, the Plan is broad in nature and many elements of development are worked out when an area becomes ripe for development. The draft Plan’s Transportation and Mobility Network Map (Exhibit 4) reflects a general alignment and expectation for an arterial street in this area as part of the overall street network.

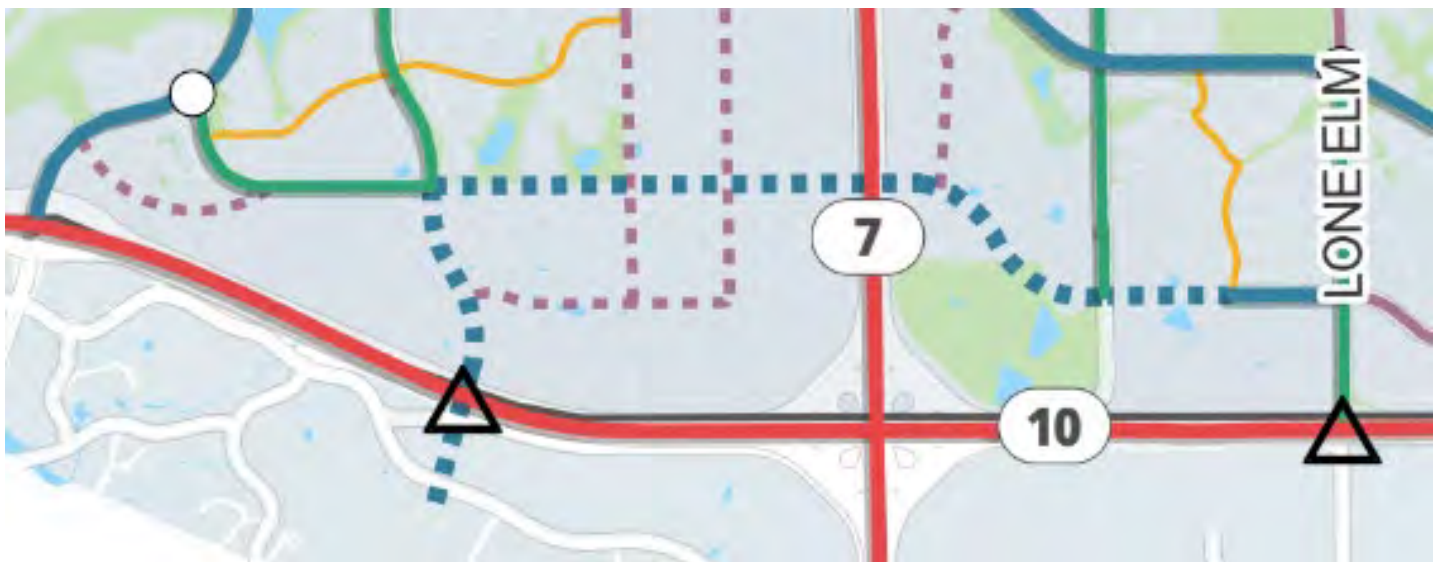


Exhibit 4: Draft Transportation Plan excerpt.

The City completed an alignment study of the subject street section circa 2006. It studied the impacts of the planned street relative to the streams, topography, flight over K-7 Highway, costs, effect on bifurcating development parcels, etc. The study provided two options for the alignment south of the Canyon Creek neighborhood (Exhibit 5 – Canyon Creek Highlands neighborhood outlined to the north of the street). Both options have the street bending south of the existing stream, but the study does not recommend alignments farther south due to significant challenges with crossing K-7 Highway, multiple stream crossings and their cost and impact to the environment, cost for retaining walls and earthwork, disruption in the continuity of travel along an arterial street, etc.



Exhibit 5: Alignment study of 2006.

It should be noted that arterial streets adjacent to single-family neighborhoods is a typical land use layout in Lenexa. Additionally, the preferred alignment is not new with this new Comprehensive Plan – it is included in the current Comprehensive Plan and the alignment study was completed in 2006.

The neighborhood would like the street pushed as far south as possible to avoid the impacts that an arterial street creates. For reasons noted, Staff believes the neighborhood will already enjoy some relief due to the stream pushing the street south. The alignment will need to be in the general location of that reflected in the 2006 study based on the reasons noted; however, the precise alignment and timing of constructing the street will be determined in the future and will take into account input from multiple stakeholders.

As for the request to reclassify the orange-hatched area from Business Park to Medium-Density Residential, Staff believes that because it is necessary to maintain the 99th Street alignment north to more efficiently fly-over K-7 Highway, classifying this area to residential would create a less-than-ideal land use pattern placing residential uses between nonresidential uses.

Staff shared the neighborhood’s request with the owner of the property in question. Dan Foster with Schlager & Associates, representing the property owner, reviewed the request and offered a response in an email dated May 23, 2024 (attached).

If the street were able to locate to the south more efficiently and cost-effectively, the ideas expressed to alter its alignment and reclassify the orange-hatched area would garner greater consideration from Staff. All things considered, Staff’s perspective is that the draft Plan reflects the most ideal street alignment and land use pattern based on what is known at this time. Staff believes the street alignment and Business Park classification in the draft Plan should be sustained, acknowledging that as the area becomes ripe for development the circumstances may change.

NEXT STEPS

- This project requires adoption by the Planning Commission and the City Council. Pending action from the Planning Commission, the project is tentatively scheduled for consideration by the City Council on June 18, 2024.

RECOMMENDATION FROM PROFESSIONAL STAFF

★ **Conduct a Public Hearing.**

★ **Staff recommends approval of the Lenexa Comprehensive Plan.**

- The Comprehensive Plan is consistent with Lenexa's goals through ***Strategic Community Investment, Inclusive Community Building, Responsible Economic Development, and Sustainable Policies and Practices*** to create ***Healthy People, Inviting Places, Vibrant Neighborhoods, Integrated Infrastructure and Transportation, and Thriving Economy.***

COMPREHENSIVE PLAN

Staff recommends adoption of the Lenexa Comprehensive Plan as presented.

REGULAR AGENDA

3. Consider adopting the new [Lenexa Comprehensive Plan](#) - Conduct a Public Hearing and consider adopting the City's new Comprehensive Plan.

STAFF PRESENTATION

Scott McCullough, Community Development Director, presented the report on behalf of the City of Lenexa. Mr. McCullough stated that the development of Lenexa's new Comprehensive Plan was a process that spanned more than two years and involved contributions from the community, several boards, commissions, and staff. He explained the purpose of the Comprehensive Plan, detailing its components and the reasons for its creation and subsequent revision. He further noted that the Comprehensive Plan was updated to align with Lenexa's Vision 2040. Mr. McCullough highlighted that the classification of properties within the plan is based on various factors, including the street and highway system, topography, impacts on site users and surrounding users, with opportunities to foster a diverse economy. He provided a PowerPoint presentation detailing the following information:

- ❖ Project Scope
 - Task 1: Project Management
 - Task 2: Foundational Community Engagement
 - Task 3: Existing Conditions Analysis
 - Task 4: Vision, Goals, and Preliminary Policy Framework
 - Task 5: Land Use Scenarios and Plan Framework
 - Task 6: Draft Framework Plans
 - Task 7: Draft Comprehensive Plan and Adoption

- ❖ Project Objectives
 - Reflect & implement Vision 2040's values.
 - Acknowledge current market trends in classifying areas of development opportunities.
 - Incorporate sustainable goals and practices throughout the plan.
 - Accommodate ever-changing technology in transportation and building practices.
 - Create a regulatory framework that encourages diverse housing and high quality of life.

- ❖ Plan Highlights
 - A vision statement and 14 goals and associated policy statements
 - Area of change map (reimagining areas to address changing market trends)
 - Revised transportation network and recreation trail maps
 - Incorporating policies for
 - Complete neighborhoods (mixing housing types and amenities)
 - Missing middle housing (duplex, row houses, etc.)
 - Context sensitive design
 - Vision 2040 values and nodes
 - Encouraging appropriate redevelopment of commercial areas
 - Expanding recreational trails
 - Strengthening policies that model sustainability throughout the plan
 - Annual reviews and implementation

- ❖ Vision and Goals

- Vision Statement
 - Goals, Policies, and Relation to Vision 2040
 - Housing and neighborhood
 - Commercial and employment
 - Transportation and mobility
 - Community facilities and infrastructure
 - Parks, open space, and recreation
- ❖ Future Land Use
 - Future Land Use scenarios
 - Areas of change map
 - Future Land Use Map
 - Future Land Use classifications
 - Percentage of total land area by land use classification
 - Comparing acreage by land use classification
 - Growth Strategy
 - Promote infill development
 - Enhance infrastructure with growth
 - Neighborhood Nodes
- ❖ Housing and Neighborhoods
 - Framework Map
 - Context sensitive infill development
 - Explore complete neighborhoods
 - Housing considerations
- ❖ Commercial and Employment
 - Framework Map
 - City Center core
 - New business parks
 - New commercial areas
 - Commercial and employment areas considerations
- ❖ Transportation and Mobility
 - Mobility Network Map
 - Pedestrian Facilities Map
- ❖ Community Facilities and Infrastructure
 - Facilities Map
 - Provide high quality community services as the City grows
 - Wastewater
- ❖ Parks, Open Space, and Recreation
 - Parks, Open Space, and Recreation Map
 - Enhance, protect, and increase access to the City's Parks and natural assets
- ❖ Implementation
 - Next steps
 - Regional planning and partnerships
 - Potential funding sources

- Reporting

Mr. McCullough stated that he wanted to address a couple of issues raised during the joint meeting with the Governing Body in April. He noted that there were concerns regarding areas on both the west and east sides of K-7 Highway. Specifically, he highlighted a parcel on the map of the west side that was classified as high-density residential, which had prompted public engagement during the open house. Following discussion and analysis, Staff recommended reclassifying the parcel to medium-density residential. He explained that this change from high to medium density was the proposal currently being presented. He pointed out a yellow line on the map representing a 99th Street alignment resulting from a 2006 study conducted by the City. This study aimed to establish a continuous traffic pattern for travelers over K-7 Highway. He explained that this reclassification was prompted by the need to address traffic flow and density, considering the properties situated to the north and south of the highway. He commented that Greg Sieve, representative for Canyon Creek Highland subdivision residents, approached Staff with possible options and both options proved to be very challenging. He said the input used for the Comprehensive Plan is based on the 2006 traffic study conducted by the City and that the study resulted in a good outcome.

Mr. McCullough addressed the second concern, raised by Andy Cope, a property owner, regarding a parcel of land zoned for Office, Employment, and Research, as classified in the current Comprehensive Plan. Mr. Cope requested that the parcel be classified for multifamily uses. While no changes were made to this classification, a review of the entire area was conducted. The review revealed that with the development of the Lone Elm interchange and future 101st Street, an arterial street, non-residential land use outcomes were ideal for that area. He emphasized that Staff has worked diligently to place multifamily residential developments in appropriate locations, and the City believes that a diverse land use pattern is essential for the Office, Employment, and Research zones to effectively serve the residents of Lenexa. He stated it is Staff's opinion that the nonresidential classification should remain as is in that area. He concluded by recommending adoption of the Comprehensive Plan.

PUBLIC HEARING

Chairman Poss **OPENED** the Public Hearing and asked if anyone wished to speak on this item.

David Waters, with Spencer Fane LLP and Mayor of Westwood, Kansas, stated that he served on the City of Westwood Planning Commission for eight years prior to becoming Mayor and assisted with their Comprehensive Plan. Mr. Waters spoke on behalf of Andrew Cope, who owns several properties in Lenexa. He expressed agreement with Staff's position on the alignment of 99th Street, in support that it should remain as shown on the plan. However, he noted a difference in opinion regarding the area zoned for Office, Employment, and Research. Mr. Waters maintained that medium and high-density development would be more compatible with the existing single-family homes, schools, and churches in the area. He stated that these uses would be more suitable due to the existing stream buffers and corridors, and they would better align with the Comprehensive Plan's priorities and policies. He concluded by requesting reconsideration of the areas off Monticello and Gleason Roads, to the north of K-10 Highway, specifically suggesting reclassifying the eastern portion from Office, Employment, and Research zoning to another designation, and returning the western portion to high-density residential development.

Matthew Lee stated that he was representing some of the neighbors who reside in the Stone View subdivision. Mr. Lee voiced his concern regarding the portion of the Comprehensive Plan that addresses the addition of the Lone Elm interchange. He believes this area is unique compared to anywhere else within the city limits. He mentioned that the Kansas Department of Transportation (KDOT) has been studying that intersection for K-10 Highway improvements, which include widening the intersection and

adding access points to get on and off the highway. He commented that he has communicated with KDOT regarding the proposed interchange and feels that their decisions are heavily influenced by the discussions and decisions made by the City of Lenexa and the City of Olathe. He finds it interesting that the City of Olathe opposes adding an interchange at Lone Elm, believing that Olathe is not equipped to handle the increased traffic that the interchange would generate. He stated that there are no other areas where thousands of vehicles are being funneled in such proximity to homes, as what is being proposed for Lone Elm Road. He named several major interchanges as examples to illustrate his point. He believes it would be a disservice to the residents who have purchased homes in the Stone View subdivision. He expressed hope that the Comprehensive Plan can still be revised before it moves forward to the City Council.

Greg Sieve said he was there representing the Canyon Creek Highland area. Mr. Sieve stated that he has met with fellow neighbors several times to discuss the proposed development in their area. He thanked Scott McCullough and Staff for dedicating their time to listening and discussing their concerns. He said that he and the residents of Canyon Creek Highland subdivision's major concern was the positioning of future 99th Street. Referring to the map displayed on the screen, he pointed out the yellow line that indicated the proposed location of 99th Street, explaining that it was determined based on an alignment study conducted in 2006. He and the residents of Canyon Creek Highland subdivision expressed a preference for an alternative option represented by a green line outlined on the same map. He indicated the preferred option crossed the streamway only once at a 90-degree angle and not multiple times as one of his earlier options did. He expressed his view that the 2006 alignment study was outdated. He also commented about the possibility of a distribution center similar to Amazon being established in the area that was previously classified for Office, Employment, and Research, but is now proposed as a business park. He discussed their concern regarding the frequency of semi-truck traffic that would pass through the subdivision, emphasizing the need to relocate the alignment of 99th Street further south to address this issue. He referenced the Transportation and Mobility Map and pointed out possible scenarios for the flow traffic. Mr. Sieve voiced concern that the addition of 99th Street would lead to a dangerous school crossing at 99th Street for children going to school at 97th & Gleason. He noted some of the goals within the Comprehensive Plan that would be abandoned with the implementation of the 99th Street addition.

Dana Krug, a resident of Canyon Creek Highland subdivision, stated that the homes within their subdivision are valued around \$800,000 to \$900,000 and they are paying more than \$10,000 to \$11,000 a year in taxes. Mr. Krug commented that they chose to buy homes in that area because of the zoning that existed at their time of purchase. He said he has never experienced a unilateral zoning change and feels it is very impactful. He spoke on the growth of Lenexa and stated that he expects to experience growth in his area. He said the city should not encourage the zoning change in order to develop growth in that area. He noted that the corner of Gleason and 99th Street touches their subdivision, and on the opposite corner, there is industrial zoning with no existing buffer. He feels a buffer would be necessary at that intersection if zoning becomes a higher intensity. He talked about the existing creeks and streams in their neighborhood and said placing industrial projects in that area would be odd and out of place. He agreed with Mr. Sieve on his view of semis being dangerous for children crossing the busy intersection of 99th Street on their way to school. He asks that the commission consider moving the road farther south to keep large truck traffic away from their subdivision. He suggested the need for a park in their area to give children a place to play. Mr. Krug mentioned a service road in the area of Prairie Star Parkway that would be a better route for truck traffic (existing Hedge Lane outer road). He said using that service road would lessen the expense of building a brand-new road when the service road could be utilized.

Chairman Poss entertained a motion to **CLOSE** the Public Hearing. Moved by Commissioner Horine, seconded by Commissioner Burson, and carried by a unanimous voice vote.

COMMISSION DISCUSSION

Commissioner Horine said that having been involved in the work with the City's Comprehensive Plan since the early 1980s, he has seen the process go through and been on both sides, as a board member and a presenter for his clients. Mr. Horine commented that it is very seldom that what is presented is going to develop immediately. As development continues, the City has been open to resident concerns. He stated that there will not be an Amazon Island created in the area previously mentioned nor will there be semi-trucks driving by a school. When there is a plan for that area the City will evaluate that plan and come up with a solution that will satisfy the concerns of the developer and the residents. He stated that the Comprehensive Plan is what the City is envisioning as a probable best use, not a specific zoning district. He stated that if a better plan or study with supported facts is submitted to staff, they will review those plans and potentially change the original intended use or zoning designation. He mentioned a previous iteration of the Comprehensive Plan that included stars that represented areas that were open to optional uses or zoning designations. He suggested the possibility of the area under discussion east of K-7 be symbolized with a star to designate its use as a business park or multifamily residential housing. He concluded by complimenting Staff's presentation of the Comprehensive Plan.

Commissioner Harber echoed Mr. Horine's comments concerning Staff's work on the Comprehensive Plan. Mr. Harber reiterated the previous comments that the Comprehensive Plan is multidecade and future forward plan. He talked about the development he has witnessed as a lifelong resident of Lenexa and the controversy that has come with the all the changes. He said he does not dismiss the concerns of the residents. He believes it is a positive and appropriate Plan for the next several decades and he plans to support it.

Commissioner Wagner said the Plan was well thought out while a lot of work went into it. Ms. Wagner said although there is a small, concentrated area that has raised concerns, the overall Comprehensive Plan is a good update. She noted that if anything comes out of the discussion it would be an updated view of the 99th Street area.

Commissioner Macke said she is in support of her fellow Commissioners. She supports the Plan and says it is reassuring that this is a distant vision of what Lenexa could look like in the future. She said working in the industry she knows the area of discussion will be highly studied before there is any major land use changes, rezoning or traffic changes. It is a vision that we can refer to as we move forward and make decisions.

Commissioner Katterhenry agreed that the Comprehensive Plan is just a plan and a vision and is not concrete. Mr. Katterhenry commented that there will be a lot of engineering studies conducted before the decision is made on the alignment of the road. He appreciated all the input provided during the discussion of the various options. He said the alignment will be worked out and be done in the most economic and realistic way.

Commissioner Woolf echoed that the Comprehensive Plan is a directional document and is something that the City of Lenexa can envision and that may come into fruition. Mr. Woolf added that as development occurs, the City will make decisions on a case-by-case basis. These decisions will be made with the best interests of not only the developers but everyone in the Lenexa community.

Commissioner Burson said that as a member of the steering committee for the Comprehensive Plan, all that were involved receive a lot of guidance throughout the process. Mr. Burson stated that this element helps them understand how the market has shifted since the previous Comprehensive Plan. He noted that, while working on the Plan, they needed to acknowledge the reality that large retail stores will not be developed at K-7 or K-10. He stated that consultants, professional staff, and input from community citizens contributed to a mixed and diverse thought process to allow for some flexibility at that intersection. He pointed out the parcel to the east and stated that it was classified as a business park on the Future Land Use Map since he joined the Planning Commission. He noted that it is the landowner who wants to

potentially change the classification of the land. He mentioned that applicants can submit plans for land that was originally classified on the Future Land Use Map as one use but upon Staff and board review, changed to a better and higher use. He said that option still exists for any landowner in Lenexa. He emphasized that there will be another study conducted by the city before constructing another arterial road. He asked Tim Collins if that was an accurate statement. Mr. Collins replied that it was reasonably accurate. He said the 2006 study was just an alignment study so the next study will be a lot more detailed going forward. Mr. Burson stated that as a member of the commission he did not see sufficient evidence to change the alignment. He said whether it becomes a business park or industrial park, it is still a lot of trips and as city staff, they all do a good job in providing safe pedestrian access through planning.

Chairman Poss echoed what all the Commissioners commented. Mr. Poss said the 2006 study is the best information we have today and there will be a lot more study that will go into the construction of a new arterial road. He stated the Comprehensive Plan is the big picture; therefore, it was a vision for the entire city to work together and build a cohesive community for everyone. Chairman Poss asked Tim Collins what the future was for the outer road on the west side of K-7 Highway. Mr. Collins replied that the street is called Hedge Lane Terrace and it is intended to go away.

MOTION

Chairman Poss entertained a motion to recommend **ADOPTING** the new [Lenexa Comprehensive Plan](#). Moved by Commissioner Burson, seconded by Commissioner Woolf and carried by a unanimous voice vote.

From: Greg Sieve <gregcv106@gmail.com>
Sent: Monday, May 20, 2024 1:48 PM
To: Scott McCullough <smccullough@lenexa.com>
Cc: Bill Nicks <bnicks@lenexa.com>; Mark Charlton <mcharlton@lenexa.com>
Subject: Comprehensive Plan Update

Scott, I wanted to share with you the consensus that a group of residents of Canyon Creek Highlands arrived at after discussing the proposed changes to the Comprehensive Plan. We met as a group last Wednesday and invited Council Member, Bill Nicks, who attended the meeting, listening to our conversations and concerns first hand.

First we support the proposal to change zoning for the residential area bordering Canyon Creek Highlands to the south from high density to a maximum of medium density.

We support extending the medium residential density area beyond Gleason Road to the east to Highway 7 and bounded by the streamway to the south. This is a change from Business Park zoning to medium density residential zoning represented as the yellow cross hatch in the map below.



We discussed that by expanding this zoning it would:

***Align with conversations that multiple citizens, members of the council, and the planning and zoning committee expressed about the need for more moderately priced homes.

***Have less touch points between residential and Business Park zoning that were not buffered by existing streamways and the recommended move of 99th Street.

***It is aligned with stated requirements from the Comprehensive Plan for Business Parks bordering residential areas to have significant buffers including physical distance and opaque landscaping.

***It is aligned with Housing and Neighborhood goals #2, #2.3 and #2.5 listed below.

It is our understanding that new medium residential areas will adhere to all of the stated goals / objectives / practices in the Comprehensive Plan including those related to adjacency to established suburban density including:

***Housing and Neighborhoods Goal #2

Support a wide range of housing to support residents of all backgrounds and stages of life.

***Goal #2.3

Accommodate infill developments and consider moderate density increases in established neighborhoods where increased density is determined to be appropriate based on the context of the area.

***Context sensitive infill is defined as creating cohesive and connected neighborhoods bringing people closer to amenities and mitigate traffic congestion. Ensure that denser development is a net benefit to the community and does not detract from existing residents to utilize and enjoy their homes. Including transitions with landscape buffers, stepping back building heights, preserving existing trees and natural topography. Design higher density residential buildings to resemble and complement existing single family homes.

***Goal #2.5

Consider higher density multi family housing in areas that provide well planned transition to lower density housing.

We support modifying the 99th Street extension, proposed in 2006, to be moved to the south border of the proposed medium residential development from Clare Road to Highway 7 in a way that minimizes environmental, logistical, and economic concerns. Reference the green line versus the yellow line in the above map as a starting point for consideration.

Moving the 99th Street extension to the south would create the following outcomes:

***Joins the medium residential area with Canyon Creek Highlands aesthetically without a four lane divided road barrier.

***Enables graduated density increases starting with lower densities for homes with better aesthetic views next to green areas and retention ponds, then increased density as it progresses toward Business Park zoning boundaries and Highway 7. (Goal 2.3 and 2.5)

*** Reduces visual and noise nuisances from truck traffic

***Most importantly, it eliminates the potential of a very dangerous School Crossing zone across 99th Street if it remains where the 2006 plan places the roadway. We also have concerns for how Gleason Road may be used for truck traffic as the Canyon Creek Elementary School is bordering at 97th Street.

There was much conversation regarding the Business Park zoning to the north and west of Highway 10 and Highway 7. We are very concerned about having the possibility of a facility like an Amazon distribution center, operating 24 hours a day with heavy traffic of semi-trucks operating on 99th Street extension and Gleason Road (and extension), as their path to the highway.

If this were to happen it would make the move of 99th Street to the south an imperative for residents of

Canyon Creek Highlands and speaking for future residents of the new medium density residential area an imperative for them also.

We support the exploration of other zoning designations for the area including a return to Office/ Research, Mixed Use or some level of residential.

Scott from our conversations, we realize the Comprehensive Plan is a live document subject to change with many options that may occur based on market conditions. We also recognize that developers / investors look at the proposed zoning and may choose to invest large sums of money based on the zoning type presented. We wanted to provide you and staff with our perspectives upfront and early in the process.

Thank you for your consideration of the collective ideas of the residents of Canyon Creek Highlands.

Greg Sieve

From: Dan Foster <df@schlagelassociates.com>
Sent: Thursday, May 23, 2024 10:47 AM
To: Scott McCullough <smccullough@lenexa.com>
Cc: Andrew M Cope <andy@jocoland.com>
Subject: 20-207 RE: Comprehensive Plan Update

Thanks for the opportunity to provide input to the discussion on the alignment of 99th Street.

We appreciate the adjacent resident support of a residential land use south of Canyon Creek Highlands. We understand their concern about business park uses adjacent to single family and we support the high density residential use proposed on the reimagined comprehensive plan. We reviewed the alignment proposed by the residents but applied City standards for curves and tangents. We also reviewed the comments regarding the suggest change to 99th Street alignment. The residents had provided similar comments regarding truck traffic during the approval of the Cedar Canyon West project so we are aware of and acknowledge their concerns. After reviewing the information provided, we feel there are significant issues and challenges with changing the 99th Street alignment. Our client does not support moving 99th Street south as proposed by adjacent residents for the reasons below.

1. A preliminary alignment study was prepared for 99th Street. The alignment for the road has been established for many years and with the recent construction of 99th west of Clare, changing the alignment it not as simple as indicated on the plan provided by the residents. The intersection of 99th and Clare is under construction so that cannot move. Using the minimum City standard for tangents and curves, the alignment proposed by the residents is not possible on the west end. See comments 4 and 5.
2. 99th Street cannot move south to the location proposed by the adjacent resident because it would locate the road in an area with steeper cross slopes than the current location. It would require significant more grading resulting in removal of the stream corridor south of 99th and the City would have to acquire more property to construct the road.
3. The location of 99th Street proposed by the adjacent resident would put the multifamily and industrial uses right adjacent to Canyon Creek Highlands(sharing a common property line) instead of using the road to be part of the buffer separation between uses.
4. The location of 99th Street proposed by the adjacent resident would leave small undevelopable slivers of property between 99th and the stream corridor(that are not in the stream corridor and the right of way) so the City would have to purchase/acquire more property than just the right of way. Using the City minimum curve and tangents, 99th cannot be aligned further south without creating a small 5 acre parcel that is not really developable. This does not include the sliver that is only 100' wide between the stream corridor and 99th that is needed to transition grade from the right of way to the stream corridor.
5. Relocating 99th reduces the size of the remaining residential parcel west of Gleason so that it would also be a difficult parcel to develop.

6. Per the City street plan, there would be a commercial collector south of the stream corridor south of 99th to serve the business park uses. If 99th is moved south then the stream corridor would be sandwiched between 99th and the commercial collector which does not seem to align with the goals of the City.
7. The future interchange improvements for K-7 and K-10 interchange do not work at the location of 99th Street proposed by the adjacent resident because of the flyover ramp configuration . See attached. Moving 99th south along the adjacent single family and then curving back up to the original alignment also causes damages to the remainder business park parcels. It makes them less rectangular and creates more small slivers that are not developable.
8. The current alignment allows for the Office Research and Development parcels north of 99th to have direct access to 99th. If 99th street is moved south those parcels would no longer have direct access to 99th as shown on the original alignment study. Now those parcels would have to use Gleason and Dunraven for access.
9. The current alignment is curved along the residential to minimize impact on the stream corridor north of 99th. This creates a landscape buffer between the road and single family residential.
10. The current alignment crossing the pipeline at nearly 90 degrees which is the typical pipeline standard. Changing the alignment would change the crossing to be more angled and may not be feasible given the topography and pipeline standards.
11. Gleasons has long been the division between residential and more commercial/office uses. There might be some potential for multifamily east of Gleason, however it would need to be high density because of the context of having office, research, development and warehouse uses north and south. How far multifamily could be extended would depend on the Clare Road interchange. With no Clare Road interchange then truck would have to go north to 99th and through multifamily residential if the land use was changed. Multifamily might be extended to Dunraven, as I have seen plans from the City where Gleason terminates at 99th and does not cross the stream corridor south of 99th. It would need to be high density residential because the land use to the north, east and south would be office warehouse uses.
12. We would prefer to keep the high density designation on the future land use plan. With the topography of the current parcel shown as high density residential on the draft comprehensive plan, an RP-3 building that can step down the grade (ie 2/3 split) would fit the topography better than a medium density residential building. Ultimately any plan for that area would be a planned district that the adjacent owners can provide input and eventually need to be reviewed and require approval of the City.
13. The plan as proposed has typical and appropriate land use transitions. The business park is next to K-10 highway, then a stream corridor, then high density residential, then a typical arterial road, then a stream buffer and finally the single family.
14. As discussed at the Planning Commission and/or City Council meeting, the City has enforcement control for truck routes. When the City is able to get the Clare Road and K-10 interchange constructed most of the truck traffic from the business park uses will use the commercial collector (100th Street) south of 99th Street to access the interchange. If the Lone Elm and K-10

interchange is constructed first and 99th is extended over K-7 then truck traffic from the business park uses would go east over K-7 to that interchange or may use Dunraven to access the Prairie Star Parkway and K-7 interchange. The City will approve plans and access to Gleason from the proposed Office Research and Development uses.

We recommend keeping the alignment of 99th Street in the location currently shown. It matches the alignment study the City prepared, works with the future K-7 and K-10 interchange improvements, and works with the proposed land use plan. Please feel free to contact us if you have any questions or want to discuss our comments.

Daniel G. Foster, PLA

Principal / Landscape Architect

Direct 913-322-7142



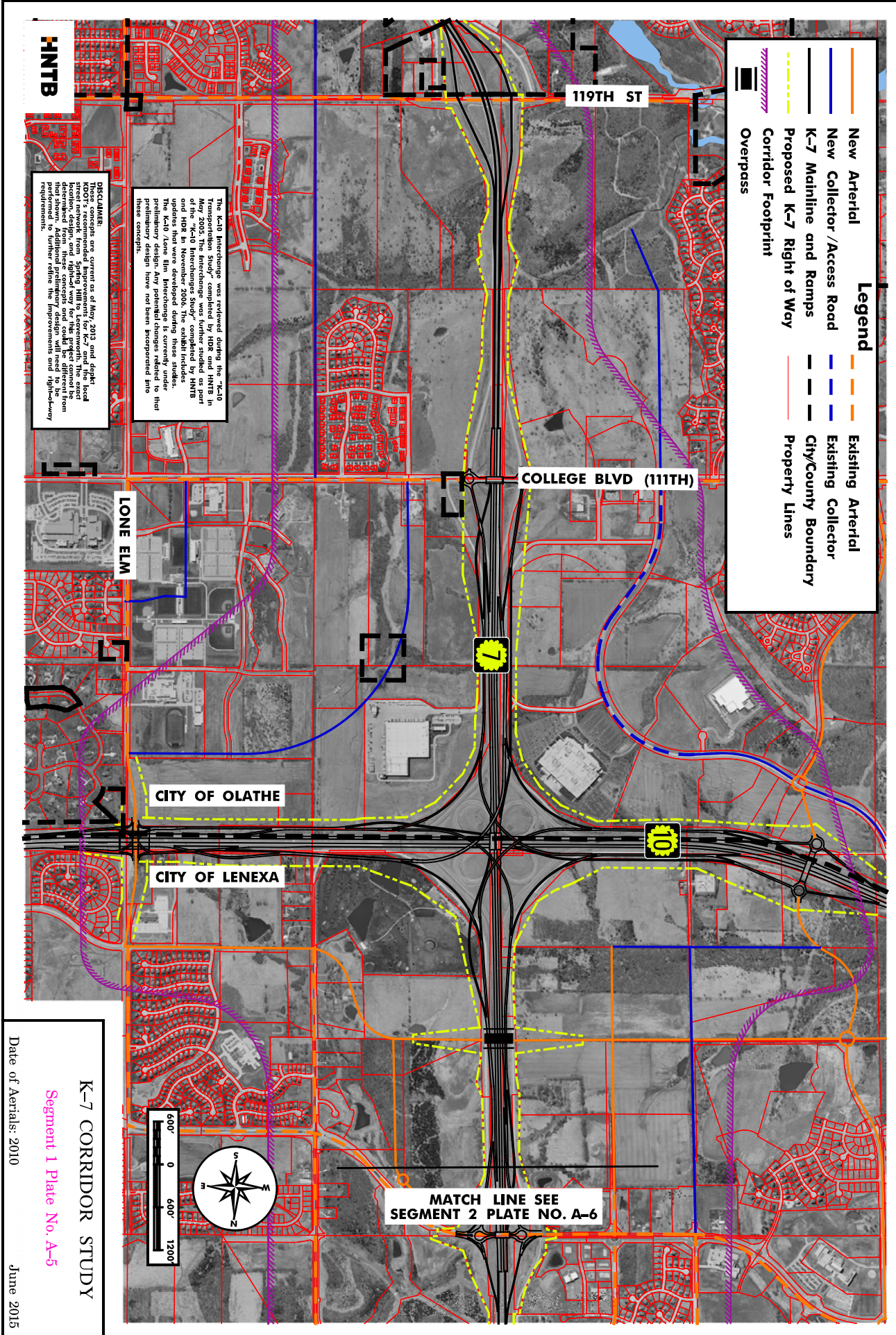
14920 W. 107th Street, Lenexa, Kansas 66215-4018

(913) 492-5158 Main

www.schlagelassociates.com

Legend

- New Arterial
- New Collector / Access Road
- K-7 Mainline and Ramps
- Proposed K-7 Right of Way
- Corridor Footprint
- Overpass
- Existing Arterial
- Existing Collector
- City/County Boundary
- Property Lines



The K-7 Interchange was reviewed during the K-7-10 study. The K-7-10 study was completed in May 2005. The Interchange was further studied as part of the "K-7-10 Interchanges Study" completed by HNTB and HDR in November 2006. The exhibit includes updates that were developed during these studies. The exhibit includes updates that were developed during these studies. The exhibit includes updates that were developed during these studies. Any potential changes related to this preliminary design have not been incorporated into these concepts.

DISCLAIMER:
 These concepts are current as of May, 2013 and depict HNTB's recommended improvements for K-7 and the local roadway network. The project is subject to final location, design, and right-of-way for the project cannot be guaranteed. Additional preliminary design will need to be performed to further refine the improvements and right-of-way requirements.

K-7 CORRIDOR STUDY
 Segment 1 Plate No. A-5
 Date of Aerials: 2010
 June 2015

MATCH LINE SEE
 SEGMENT 2 PLATE NO. A-6

From: Waters, David E. <dwaters@spencerfane.com>
Sent: Wednesday, May 29, 2024 9:19 AM
To: Scott McCullough <smccullough@lenexa.com>
Cc: Julie Sayers <jsayers@lenexa.com>; Beccy Yocham <byocham@lenexa.com>; Bill Nicks <bnicks@lenexa.com>; Mark Charlton <mcharlton@lenexa.com>
Subject: RE: Lenexa Comprehensive Plan--Comments for Joint Council and Planning Commission Meeting

Scott,

In advance of the June 3 Planning Commission meeting, please find attached an updated letter on behalf of my client, Mr. Andy Cope. Again, we appreciate your receiving this and giving these thoughts good consideration prior to finalization of the updated Comprehensive Plan. Thank you.

David E. Waters Partner
Spencer Fane LLP
Office Managing Partner, Overland Park, Kansas

6201 College Boulevard, Suite 500 | Overland Park, KS 66211
O 913.327.5189
dwaters@spencerfane.com | spencerfane.com

From: Waters, David E.
Sent: Friday, April 19, 2024 11:06 AM
To: smccullough@lenexa.com
Cc: Julie Sayers <jsayers@lenexa.com>; Beccy Yocham <byocham@lenexa.com>; bnicks@lenexa.com; mcharlton@lenexa.com
Subject: Lenexa Comprehensive Plan--Comments for Joint Council and Planning Commission Meeting

Scott,

In advance of the City's upcoming joint City Council and Planning Commission meeting regarding the 2024 Comprehensive Plan, please find attached to this email a letter I have prepared providing additional comments regarding the City's plan as my client, Mr. Andy Cope, and his property. We greatly appreciate your consideration. Thank you.

David E. Waters Partner
Spencer Fane LLP
Office Managing Partner, Overland Park, Kansas

6201 College Boulevard, Suite 500 | Overland Park, KS 66211
O 913.327.5189
dwaters@spencerfane.com | spencerfane.com

DAVID E. WATERS
DIRECT DIAL: 913-327-5189
dwaters@spencerfane.com

May 29, 2024

VIA EMAIL TO SMCCULLOUGH@LENEXA.COM

Mr. Scott McCullough, AICP
Community Development Director
City of Lenexa, Kansas
17101 West 87th St. Parkway
Lenexa, Kansas 66219

Re: Lenexa Comprehensive Plan Updates

Dear Mr. McCullough:

As you know, our firm represents Mr. Andrew M. Cope and certain businesses of his, including K10-A, LLC, in regard to certain property he owns in Ward 2 in the City of Lenexa. On April 19, 2024, we wrote to you and other City officials specifically regarding his property located near 102nd Terrace and Monticello Road in the City of Lenexa, as shown below:



Our April 19 letter was in regard to the City's consideration of a new Comprehensive Plan. We have not seen any drafts of a revised Comprehensive Plan following the City Council's and Planning Commission's April 23, 2024, joint work session. However, we understand that the City may still be holding out on an unrealistic expectation (or hope) that this area will develop for business or office purposes, notwithstanding that—throughout years now of this designation—it simply is not happening.

Nevertheless, we understand that the Planning Commission will again consider the Comprehensive Plan on June 3, 2024. Accordingly, for purposes of that meeting, and on behalf of Mr. Cope, we would resubmit our previous thoughts and concerns (see attached a copy of the original April 19 letter) and ask

that this letter—together with the original letter—be submitted to and included in the June 3 Planning Commission packet materials.

To summarize our previous letter, we believe it would be clear that, under the “Golden” factors, this property is most appropriate to be rezoned for mid- to high-density residential uses. As one example only, the character of the neighborhood is predominantly residential, and even the non-residential uses are ones that are compatible with—and indeed allowed in—residentially-zoned areas (churches and schools). We do not believe that an “island” of office use, in the middle of the surrounding uses, would be compatible with the character of the neighborhood. It is also unreasonable to hope that the all of the surrounding residential homes could be taken down for office uses, rendering a Comprehensive Plan that still sees the “middle” (our client’s property) as suitable for office simply unrealistic. We further daresay that the surrounding residents would not appreciate the City’s apparent plan to build office or research parks adjacent to their homes.

To that discussion, we would provide an example of a higher-density residential plan that would be appropriate for the site, one that is indicative of where the actual market is, and one that reflects the actual types of applications the City could plan on receiving:

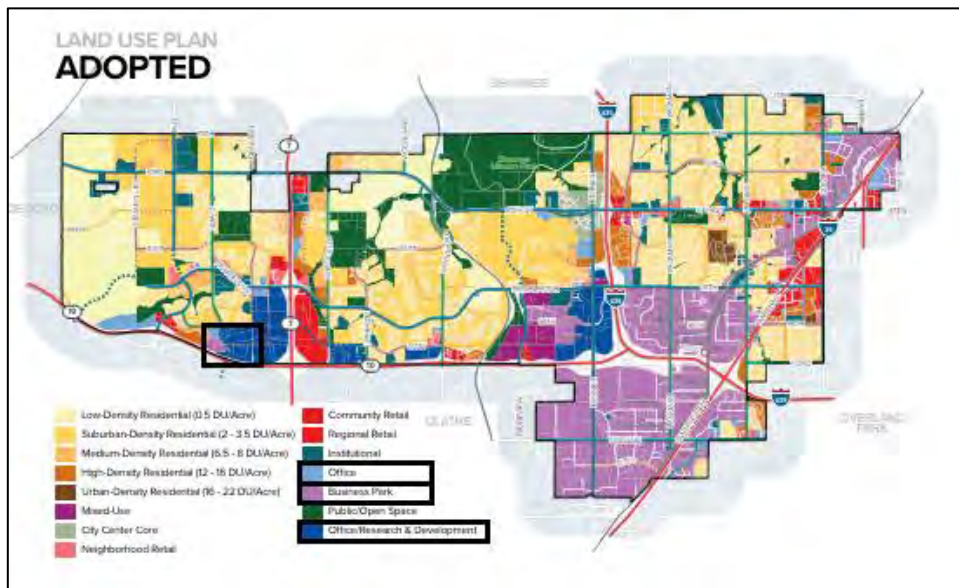


We ask that City staff, the Planning Commission, and the City Council strongly consider the knowledge and experience which Mr. Cope and his other planning professionals—who are in regular contact with the City—and move on from its insistence that office or business park uses will find success in this area of the City. This is especially true given all of the surrounding residential uses.

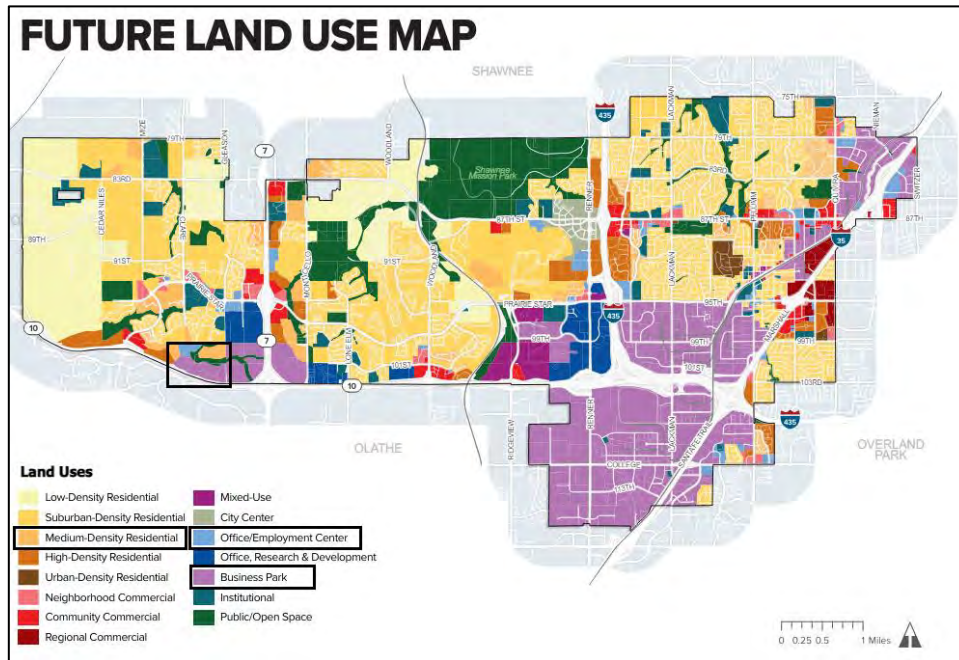
In addition, and since our last letter, we understand that other changes to the Comprehensive Plan are being proposed that would impact other of Mr. Cope's property (through K10-C, LLC), as shown outlined in blue below:



Under the current Comprehensive Plan, these properties also appear to be planned for a mix of Office/Research and Development, Office, and Business Park:



However, and notwithstanding the Comprehensive Plan, the area has not developed for office, business, or research purposes, and no interest in such uses has been shown. In perhaps partial recognition of this, the latest version of the draft revised Comprehensive Plan appears to show this area with at least some Medium-Density Residential, yet still with much Business Park and Office/Employment Center uses:



For many of the same reasons set forth in our April 19 letter, we do not believe that Lenexa’s current approach toward development of this area reflects the market (past, present, and future) and the actual likelihood of future development.

Rather, we believe that—in line with the updated Comprehensive Plan areas directly west of this area, but also adjoining K-10 highway—these areas should also allow for High- to Mid-Density Residential uses. Accordingly, Mr. Cope would request that the Planning Commission—at this time—and the City Council—when the Plan comes before it—recommend and approve such higher residential uses. We understand that City staff has supported higher residential uses for at least a portion of this area and, in further support of our position, we would offer the following comments from Mr. Daniel G. Foster, PLA, with the Schlagel firm (which comments we understand have previously been provided to you) (emphasis added below):

Gleasons has long been the division between residential and more commercial/office uses. There might be some potential for multifamily east of Gleason, however **it would need to be high density because of the context of having office, research, development and warehouse uses north and south.** How far multifamily could be extended would depend on the Clare Road interchange. With no Clare Road interchange then truck would have to go north to 99th and through multifamily residential if the land use was changed. Multifamily might be extended to Dunraven, as I have seen plans from the City where Gleason terminates at 99th and does not cross the stream corridor south of 99th. **It would need to be high density residential because the land use to the north, east and south would be office warehouse uses.**

We would prefer to keep the high density designation on the future land use plan. With the topography of the current parcel shown as high density residential on the draft comprehensive plan, an RP-3 building that can step down the grade (ie 2/3 split) would fit the topography better than a medium density residential building. Ultimately any plan for that area would be a planned district that the adjacent owners can provide input and eventually need to be reviewed and require approval of the City.

The plan as proposed has typical and appropriate land use transitions. **The business park is next to K-10 highway, then a stream corridor, then high density residential, then a typical arterial road, then a stream buffer and finally the single family.**

We agree with Mr. Foster's analysis, and we believe that the City's own criteria for reviewing rezoning application would support revisions to the Comprehensive Plan—now, at this time—that reflect the market and actual likelihood for future development.

Much of the City's rationale—as best we can tell from correspondence we have reviewed—appears to be circular, suggesting that the Comprehensive Plan cannot be appropriately changed now because of what the Comprehensive Plans of the past say. Of course, the Comprehensive Plan is not a legally-binding document but rather serves as a basis or guide for coordinated and harmonious development or redevelopment. K.S.A. 12-747(c). We believe the City should look to how nearby areas have actually developed, the prospects for actual development (not merely wishful colors on a map), the applications which the City is actually receiving for rezonings or plan approvals, and the expertise of landowners, developers, and professional consultants (including that of Mr. Cope) in how harmonious development can occur.

We ask that you share this letter with the City Council and the Planning Commission in advance of the June 3 Planning Commission meeting. I plan on attending the meeting on behalf of Mr. Cope, and will provide these comments there as well, if public comment is to be received. I and Mr. Cope would welcome the opportunity to speak further with the City on these issues in advance of that meeting and, if possible, we would ask that you help schedule such a meeting.

Thank you in advance for your and the City's kind consideration of our and Mr. Cope's requests on revisions to Lenexa's updated Comprehensive Plan. Please do not hesitate to contact us if you have any questions or if we can be of further assistance.

Best regards,



David E. Waters

DEW/dew

cc: The Honorable Julie Sayers, Mayor (via email to jsayers@lenexa.com)
Beccy Yocham, City Manager (via email to byocham@lenexa.com)
Councilmember Bill Nicks, Ward 2 (via email to bnicks@lenexa.com)
Councilmember Mark Charlton, Ward 2 (via email to mcharlton@lenexa.com)
Dave Dalecky, Planner II (via email to ddalecky@lenexa.com)

Attachment

DAVID E. WATERS
DIRECT DIAL: 913-327-5189
dwaters@spencerfane.com

April 19, 2024

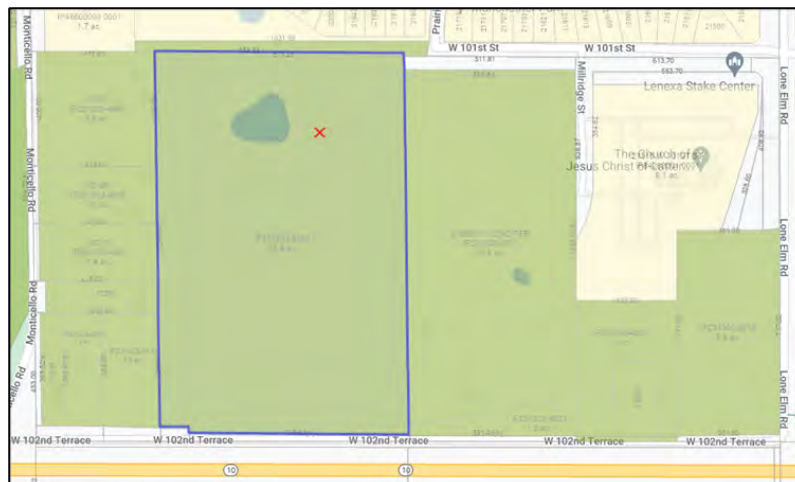
VIA EMAIL TO SMCCULLOUGH@LENEXA.COM

Mr. Scott McCullough, AICP
Community Development Director
City of Lenexa, Kansas
17101 West 87th St. Parkway
Lenexa, Kansas 66219

Re: Lenexa Comprehensive Plan Updates

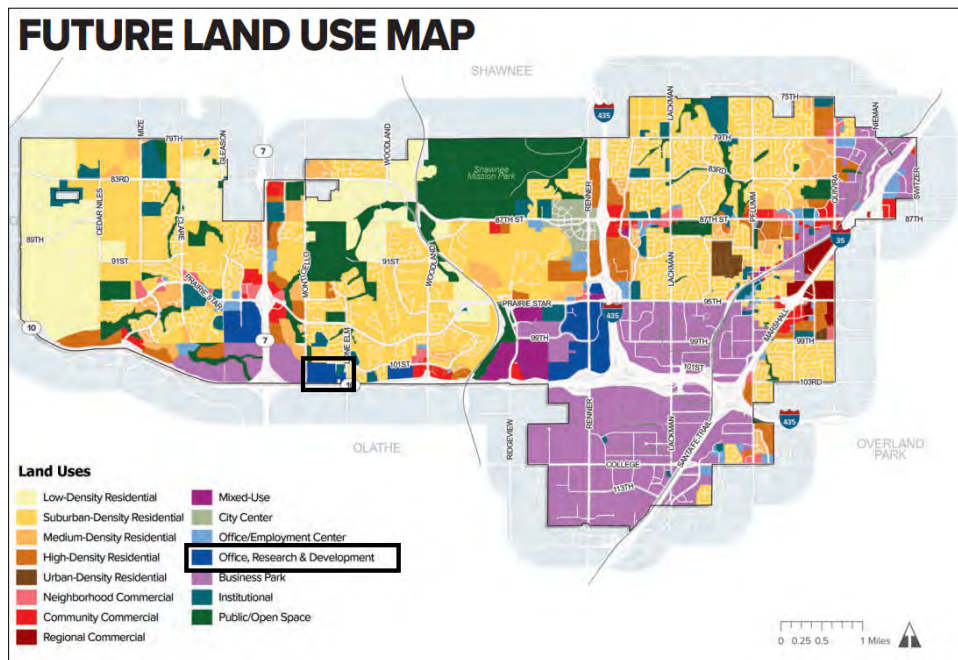
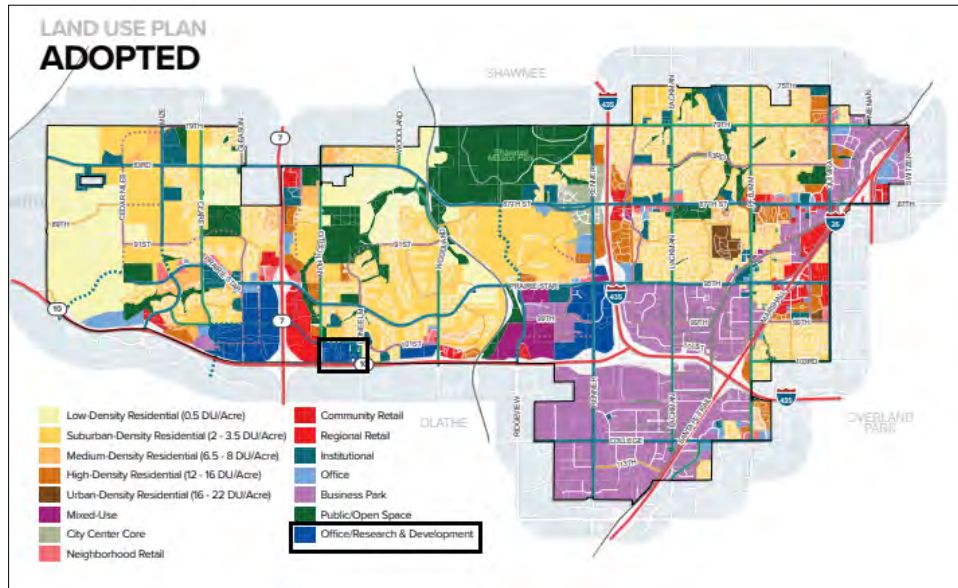
Dear Mr. McCullough:

Our firm represents Mr. Andrew M. Cope and certain businesses of his, including K10-A, LLC, in regard to certain property he owns located near 102nd Terrace and Monticello Road in the City of Lenexa, as shown below (which we will refer to in this letter as the “Property”):



We understand that the Lenexa City Council and Lenexa Planning Commission will hold a joint work session on Tuesday, April 23, 2024, to review an updated draft of Lenexa’s new Comprehensive Plan, which will directly impact our client’s Property. Accordingly, the purpose of this letter is to provide the City, the City Council, and the Planning Commission with our and Mr. Cope’s thoughts and comments on the Comprehensive Plan, and we would respectfully ask that the City consider these prior to making any final decisions.

The Property is currently zoned AG (agricultural). According to the City’s Comprehensive Plan (both the current version from 2016, and the draft update for this year), the City plans for the Property to be used in the future for “Office/Research & Development”:



However, and notwithstanding the Comprehensive Plan, the area has not developed for office or research purposes, and no interest in office uses has been shown. We have previously corresponded with you that the Property and the area would be more suitable for medium-density residential housing (or other residential uses), and that there is interest in development of that kind. We also understand that Mr. Dan Foster, with the Schlagel firm shared the following thoughts with your office:

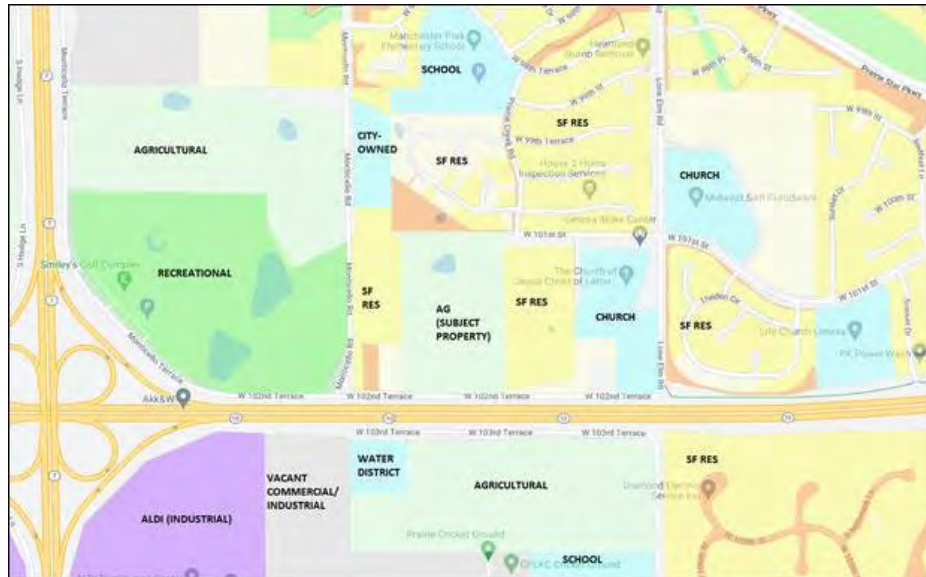
The previous and the new draft comprehensive plans show this parcel as an office use. It has been master planned for office forever and has no one has had any interest for an office use. He does have interest in a residential use. He would like to see this parcel shown as medium density residential. Parcels north and west are residential uses and there is a church to the east. With the change in the office market since 2020, office parcels this size (small offices to provide professional services) seek

locations near retail centers. While it adjacent to proposed BP land use, there is no mutually advantageous connection or compatibility of for business or resources. The office on the small parcel near the retail on Woodland has more mutually beneficial connection as does the office on Prairie Star adjacent to the hospital. Additionally a medium density residential use can work more with the existing conditions of the site (extensive stream corridor and topo) per goal 3.1 in housing and neighborhoods.

We agree with Mr. Foster’s analysis, and we believe that the City’s own criteria for review of a rezoning application (e.g., from AG to a residential zone) would support revisions to the Comprehensive Plan—now, at this time—that reflect the market and actual likelihood for future development. Below, we offer our initial analysis of Sec. 4-1-G-5 of the City’s zoning regulations as they would relate to Mr. Cope’s Property.

The character of the neighborhood.

The character of the neighborhood, on the north side of K-10, is predominantly agricultural and residential, with also a large recreational area, and some “governmental/public” areas which are a bit of a misnomer because they reflect churches and schools. The below is marked up from AIMS with the “Land Use” tag turned on.



Particularly north of K-10, the character of the neighborhood is, indeed, predominantly residential, and even the non-residential uses are ones that are compatible with—and indeed allowed in—residentially-zoned areas (churches and schools). We do not believe that an “island” of office use, in the middle of the surrounding uses, would be compatible with the character of the neighborhood.

The zoning and use of properties nearby.

The subject property is currently zoned AG. There is AG zoning to the east and west (with a few homes to the direct west), and northwest; R1 zoning is to the north; a little bit of CPO to the east (but used as a church—the Latter-day Saints), with more R1 to the east of that. To the south is more AG and also some more R1, with some BP (business park) to the southwest. There is also an elementary school to the south, and a school to the north. Of course, immediately to the south is K-10.

In our previous correspondence, you had stated that the “adjacent proposed uses” south of new 101st Street would be “planned” office/industrial. It is unclear at this time whether there are actually any “planned” or proposed uses beyond what the City has suggested in the Comprehensive Plan. Obviously,

Mr. Cope's Property makes up the majority of the area that would be south of 101st St. and between Lone Elm and Monticello (north of K-10), so if Mr. Cope does not have a "planned" or proposed office/industrial use (and he does not), we would query what actual "planned" uses there really are outside of the City's Comprehensive Plan.

Furthermore, by our count, there are at least six homes to the west of the Property and one to the east. We believe it is incredibly unlikely that, in the near future, all of these residents would sell off their individual parcels to create a parcel that would be practically developable for office or research purposes. Furthermore, the only existing "office" use nearby is actually a church (which fits into a residential category just as well or better as into an office category).

The suitability of the subject property for the uses to which it has been restricted.

This factor would speak to whether the Property is suitably zoned for agriculture. Both we, Mr. Cope, and the City would seem to agree that that the Property is not ultimately suitable for agricultural zoning, so this factor should weigh in favor that a rezoning is appropriate. The most likely rezoning options are what should actually be incorporated into the Comprehensive Plan.

The extent to which the proposed use will detrimentally affect nearby property.

Medium-density residential zoning could not reasonably be seen as detrimentally affecting nearby property (in fact, it would be a less intense use than office/research park) and would provide an appropriate transition from the single-family zoning north down to K-10 and adjacent to church property and a recreational area. The construction of 101st Street would also offer protection from adjacent single-family uses to the north.

We do not believe that the City could reasonably maintain a position that a change to medium-density residential zoning would detrimentally affect the City's own vision for nearby properties (which, again, are not actually being used for how the City sees it, at least as reflected in the current draft Comprehensive Plan). Such a position would essentially freeze Mr. Cope's use of his Property until such time as the City could convince all other single-family homeowners nearby to sell their properties for office uses. Given that Mr. Cope's parcel is the largest undeveloped parcel in that section, we believe it would be unreasonable for the City to lock him into a plan while it waits for smaller minority owners to sell. This is especially true where there simply has not been any viable market in this area for office/research uses.

The length of time the subject property has remained vacant as zoned.

The Property has never been developed. This factor speaks again to that the Property should be rezoned. Furthermore, it has never been developed for the City's planned office/research purposes and, as Mr. Foster pointed out, it has been master-planned for office for a significant amount of time and has seen no interest for an office use. In fact, Mr. Cope has owned the property since February 1998. During that time, there has been repeated interest in the property for medium- and even high-density residential uses, but the City has never embraced those proposals. Twenty-six years later, the situation remains the same.

The relative gain to public health, safety and welfare due to the denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

We believe this factor exposes the crux of the issue. Again, what the City appears to be asking for is that Mr. Cope "wait and see" how other properties develop into office/research first, which makes little to no sense given that his Property is the only one truly undeveloped—placing the burden on him to do nothing but wait and see whether other existing residential home sites can develop into office/research first. That

is unrealistic, to freeze development in this way. If any of this area would be developed for office/research first, it would be this one—our client’s Property—not the others, on which homes exist (and the one “office” use that is nearby is actually a church). This area has been shown as office/research on the Comprehensive Plan for a number of years and it simply has not developed that way. Asking that Mr. Cope wait for something to maybe happen is an undue hardship.

Recommendations of City's permanent professional staff.

We certainly understand that, at this time, you have stated that you would recommend against a rezoning for medium-density residential uses. We appreciate your consideration of this letter, and hope that the City will reconsider its current position.

Conformance of the requested change to the adopted or recognized Master Plan being utilized by the City.

We believe that now would be the appropriate time to revise the Comprehensive Plan in order to make it consistent with actual nearby land uses and the uses that are most likely to be proposed for the area in the future.

The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include, but are not limited to, sanitary and storm sewers, water and electrical service, police and fire protection, schools, parks and recreation facilities, etc.

There is certainly no information to suggest that a medium-density residential use would put pressure on available infrastructure. If anything, the use would be less intense than office/research, which would require significant surface parking (impacting drainage); furthermore, a medium-density residential use would be more consistent with the nearby schools and green space.

The extent to which the proposed use would adversely affect the capacity or safety of that portion of the street network influenced by the use, or present parking problems in the vicinity of the property.

A residential use that would be less-intense than office zoning would not adversely affect capacity of the street network and would actually provide less of an impact on traffic and parking. As pointed out by Mr. Foster, there are no mutually-advantageous connections for office/research businesses in the area (such as restaurants for employees).

The environmental impacts the proposed use will generate including, but not limited to, excessive storm water runoff, erosion and sedimentation, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm.

There is zero indication that the proposed use (medium-density residential) would cause environmental impacts, etc., especially when compared to office/research purposes. Additionally, as stated by Mr. Foster, a medium-density residential use would work better given existing site conditions, such as the existing stream corridor and the general topography of the site.

The extent to which the proposed development would adversely affect the capacity or water quality of the stormwater system, including without limitation, natural stream assets in the vicinity of the subject property.

Similarly, there is zero indication that a medium-density residential use would adversely affect these issues, especially when compared to office/research uses.

The ability of the applicant to satisfy any requirements (e.g., site plan, etc.) applicable to the specific use imposed pursuant to the zoning regulations in this Chapter and other applicable ordinances.

There could be no showing of any inability to satisfy these requirements at this time.

Accordingly, we believe that, if the City were to analyze an application for medium-density rezoning, it would need to find that its factors for consideration weigh in favor of recommending such an application for approval.

We ask that you share this letter with the City Council and the Planning Commission in advance of next week's joint meeting. As you know, I myself have been involved in comprehensive planning in several capacities, including as city attorney for several cities, and personally as a member of the Westwood Planning Commission for eight years, the Westwood City Council for four years, and now as the Mayor of Westwood, currently in my second four-year term. I would welcome the opportunity to speak further with the City on my own experiences in this area, even outside of legal considerations.

Thank you for your and the City's kind consideration of our and Mr. Cope's request on revisions to Lenexa's updated Comprehensive Plan, and please do not hesitate to contact us if you have any questions or if we can be of further assistance.

Best regards,



David E. Waters

DEW/dew

cc: The Honorable Julie Sayers, Mayor (via email to jsayers@lenexa.com)
Beccy Yocham, City Manager (via email to byocham@lenexa.com)
Councilmember Bill Nicks, Ward 2 (via email to bnicks@lenexa.com)
Councilmember Mark Charlton, Ward 2 (via email to mcharlton@lenexa.com)

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE CITY OF LENEXA COMPREHENSIVE PLAN.

WHEREAS, the City has consistently evaluated the Lenexa Comprehensive Plan in an effort to remain current with new development proposals, technology and changing community goals and objectives; and

WHEREAS, the last such substantive revision of the Comprehensive Plan occurred in 2016; and

WHEREAS, in 2021, the City of Lenexa undertook a complete revision of its Comprehensive Plan, including, but not limited to, comprehensive surveys and studies of past, present and future conditions and trends relating to land use, population and building intensity, public facilities, economic conditions and natural resources; and

WHEREAS, the results of those surveys and studies have been published in the form of a draft Comprehensive Plan, which is available for viewing in an interactive, web-based format at www.lenexa.com and also maintained in written, paper-copy format in the City of Lenexa Department of Planning and Development (“Proposed Plan”); and

WHEREAS, the Lenexa Planning Commission has determined that the Proposed Plan will ensure the coordinated and harmonious development which will best provide for the health, safety, order, convenience, prosperity, and general welfare of the City; and

WHEREAS, on June 3, 2024, the Lenexa Planning Commission held a duly noticed public hearing on the Proposed Plan for the purpose of hearing and considering public comment thereon and a written summary of said public hearing has been presented to the Governing Body for consideration; and

WHEREAS, the Proposed Plan, showing the Planning Commission’s recommendations for development and redevelopment of the City as required by K.S.A. 12-747, was adopted by the Lenexa Planning Commission on June 3, 2024 by Resolution 2024-01 and a certified copy thereof was forwarded to the Governing Body with the Planning Commission’s recommendation for approval; and

WHEREAS, the Governing Body, after review of the Proposed Plan, the summary of the public hearing thereon, and the Planning Commission’s recommendation, hereby accepts said recommendation.

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

Section One: The City of Lenexa Comprehensive Plan, as attached hereto as Exhibit “A,” is hereby approved and adopted. The Comprehensive Plan shall constitute

the bases or guide for public action to insure a coordinated and harmonious development or redevelopment which will best promote the health, safety, morals, order, convenience, prosperity and general welfare as well as wise and efficient expenditure of public funds.

Section Two: The City Clerk is authorized and directed to provide an attested copy of the City of Lenexa Comprehensive Plan and any amendments thereto, to all other taxing subdivisions in the planning area which request a copy of such plan.

Section Three: This Ordinance shall take effect, and the Comprehensive Plan shall become effective, upon passage and publication of the ordinance summary in the official City newspaper as provided by State law.

PASSED BY the City Council this 18th day of June 2024.

SIGNED BY the Mayor this 18th day of June 2024.

CITY OF LENEXA, KANSAS

Julie Sayers, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Steven D. Shroust, Assistant City Attorney

APPENDIX



**MINUTES OF THE
JUNE 4, 2024
LENEXA CITY COUNCIL MEETING
COMMUNITY FORUM, 17101 W 87th STREET PARKWAY
LENEXA, KS 66219**

CALL TO ORDER

Mayor Sayers called the meeting to order at 7 PM.

ROLL CALL

Councilmembers 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; Scott McCullough, Community Development Director; Sean McLaughlin, City Attorney; Jennifer Martin, City Clerk; and other City staff.

APPROVE MINUTES

Councilmember Eiterich made a motion to approve the May 21, 2024 City Council meeting draft minutes and Councilmember Arroyo seconded the motion. Motion passed unanimously.

MODIFICATION OF AGENDA

There were no modifications to the agenda.

PROCLAMATIONS

Lenexa Barbecue Month
LGBTQ Pride Month
National Gun Violence Awareness Day

PRESENTATIONS

Annual Comprehensive Financial Report

Nate Blum, Chief Financial Officer, introduced Chester Moyer, RubinBrown partner, to present the FY 2023 Annual Comprehensive Financial Report. Mr. Moyer talked about the audit process and reviewed the executive summary from the report, which highlighted required communications from the formal report. He said they have issued the highest level audit, an unmodified, clean opinion. He noted that City staff did an excellent job pulling together the reports this year and said there were no matters reportable in the management letter or the single audit or the firefighter's relief association audit.

Mr. Moyer talked about assessing near-term financial position, the general fund summary, the government-wide statement of net position, and investment earnings. He added that the City holds investments to maturity.

Councilmember Karlin thanked Mr. Blum and the Finance team for their work and congratulated them on a job well done.

CONSENT AGENDA

1. Acceptance for maintenance
 - a. Acceptance of the Watercrest Landing, Fourth Plat, public improvements for maintenance
This project constructed public street, storm, and streetlight improvements in the Watercrest Landing, Fourth Plat subdivision. The work was privately funded.
 - b. Acceptance of the Watercrest Landing, Fifth Plat, public improvements for maintenance
This project constructed public street, storm, and streetlight improvements in the Watercrest Landing, Fifth Plat subdivision. The work was privately funded.
2. Approval to purchase a Bobcat T26 compact track skid steer loader for Municipal Services
The stormwater division will use this equipment. This purchase award is through a cooperative purchasing agreement for a total cost of \$77,966.

END OF CONSENT AGENDA

Councilmember Eiterich made a motion to approve items 1 through 2 on the consent agenda and Councilmember Nicks seconded the motion. Motion passed unanimously.

BOARD RECOMMENDATIONS

3. Approval of Lenexa Arts Council's 2024 recommendations for public art priority locations
Annually, the Lenexa Arts Council submits a list of priority locations for public art to the Governing Body for approval.

Logan Wagler, Parks and Recreation Director, talked about the Committee of the Whole meeting discussion in May regarding the public art priority list. He said staff took the Governing Body's feedback regarding adding an indoor piece of art at the Lenexa Justice Center to the priority list to the Lenexa Arts Council (LAC) and the LAC agreed to the addition.

Mr. Wagler presented a map of the City reflecting the locations of public art.

Councilmember Denny made a motion to approve Item 3 and Councilmember Williamson seconded the motion. Motion passed unanimously.

PUBLIC HEARINGS

4. Public hearing to consider fiscal year 2025 Community Development Block Grant infrastructure projects

A public hearing to solicit input on potential infrastructure projects is required to receive fiscal year 2025 Community Development Block Grant funds.

Tim Green, Deputy Community Development Director/City Engineer, said that this is a public hearing for 2025 Community Development Block Grant (CDBG) projects. He talked about how the City receives CDBG funds from the County through a memorandum of understanding, which he will bring to the City Council at a future meeting for approval. He said staff has allocated these funds in previous years toward a streetlight public improvement project, receiving about \$190,000 each year. Staff is requesting to continue streetlight replacement in 2025. With each streetlight costing about \$10,000 to install, he said the City typically pays an additional \$110,000 to have a \$300,000 project and install about 25 streetlights. He said he feels this is a good improvement in the neighborhoods.

Mr. Green said that staff recommends continuing the streetlight replacement in the Candlelight Square and Tuxedo subdivisions, which are in the vicinity of 87th Street Parkway & Pflumm Road, in 2025.

Mr. Green said that a public hearing is required to see if there are any other suggested projects from the public.

Mr. Green presented a map of the areas where streetlights have been replaced over the past four years.

Mayor Sayers asked how many streetlights have been completed to date and how many are left. Mr. Green said that all 7,500 been changed over to LED, but they are now working to upgrade the old wood poles to City standards with the correct spacing. He said he would get Mayor Sayers the number of remaining streetlights to replace.

Mayor Sayers opened the public hearing at 7:24 PM.

No one from the public spoke.

Councilmember Denny made a motion to close the public hearing and Councilmember Karlin seconded the motion. Motion passed unanimously.

The public hearing closed at 7:24 PM.

NEW BUSINESS

5. Resolution approving a Governing Body Finance Policy for a Property Tax Rebate Program

The fiscal year 2024 budget includes \$100,000 to fund a Property Tax Rebate Pilot Program ("Program"). The Program is intended to provide property tax relief for eligible

homeowners and lessen the tax burden resulting from rising home values by offering property tax rebates to eligible homeowners for the City's share of their property taxes. The proposed Governing Body Policy sets out the parameters for eligibility and administration of the Program.

Kyle Glaser, Economic Development Analyst, reviewed the proposed program parameters, which were initially presented and discussed at the Committee of the Whole meeting May 14th.

Mr. Glaser said every applicant must meet the eligibility criteria for the program year. He said that the rebate payments would be calculated on pro-rata share of available funds, up to a maximum of \$924. He reviewed the application procedures and requirements, saying applications would be accepted August 1st through October 31st.

Councilmembers Karlin and Denny shared concerns about applicants emailing the applications and documents containing personal information. Mr. Glaser responded that submittals could also be made in person or sent by mail.

Beccy Yocham, City Manager, said that staff would make sure that the submittals would be made in a secure manner through coordination with the IT and Legal Departments.

Councilmember Herron asked how people who do not have bank accounts would receive their rebates and Mr. Blum said that while direct deposit is preferred, checks could be written if necessary.

Councilmember Eiterich said she is happy this is coming to fruition.

Mayor Sayers reiterated that this is a pilot program and the funds were allocated in the 2024 budget.

Councilmember Charlton made a motion to approve Item 5 and Councilmember Arroyo seconded the motion. Motion passed unanimously.

COUNCILMEMBER REPORTS

There were no councilmember reports.

STUDENT INTRODUCTIONS

Scouts Jake and Danny attended the meeting for their Citizenship in the Community and Communications merit badges.

STAFF REPORTS

6. Quarterly Financial Report

Mr. Blum said this is an unaudited, cash basis quarterly update report. He presented

the five key indicator areas and the rating scale and reported that the City's key revenues in the first quarter of 2024 have increased by \$500,000 or 1% compared to collections for the same quarter in 2023, primarily due to increased receipts of property, sales, and use taxes. He also said that expenditures are within budget.

Mr. Blum proceeded to go over the revenue, expenditure, reserve policy, debt management, investment, and economic indicators, which all had a green, positive outlook status. He reported that city and county sales tax is down.

Ms. Yocham said there would not be a Committee of the Whole meeting next Tuesday.

END OF RECORDED SESSION

BUSINESS FROM FLOOR

There was no business from the floor.

ADJOURN

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

The meeting adjourned at 7:44 PM.

See Survey and Field Notes that are attached as “Exhibit”

This agreement does not constitute a conveyance of the Property, nor of the minerals therein and thereunder, but grants only an Easement subject to the following:

(a) This Easement is granted for the purpose of permitting GRANTEE to construct, operate, maintain, protect, repair, relocate, upgrade, replace, and remove such underground communications, data, video and information systems and lines, circuits, and conduits, together with such other appurtenances thereto (collectively, the “Facilities”), as GRANTEE may from time to time require upon, across, over, above, under and within the Easement.

(b) GRANTOR further conveys to GRANTEE the following incidental rights and powers: the right of pedestrian and vehicular ingress to and egress from said Easement utilizing reasonable routes across the Property, including but not limited to the right to use existing and future roads, parking lots, entrances and exits and all other paved areas of the Property, provided, however, GRANTEE shall request prior permission for and coordinate any vehicular ingress and egress across the property with the GRANTOR and GRANTEE shall not interfere with GRANTOR’s operations; the right to drain or sheet flow storm water runoff from the Easement onto the Property and/or into existing and future storm water collection and drainage facilities located within the Property; the right to clear and keep cleared trees, brush, and all other obstructions from the surface and subsurface of said Easement; the right to place on the surface of the Easement manholes, cable risers, connector terminals, repeaters, testing terminals and route markers, provided, however, Grantee shall request prior permission which permission shall not be unreasonably denied or delayed before installing or otherwise placing on the surface of the Easement any of the abovementioned facilities and the facilities shall not interfere with the GRANTOR’s operations; the right to construct, operate and maintain, or license others to do so, service lines for electric power

(c) GRANTOR, its/their successors and assigns, shall have the right to use the surface of the Easement herein granted insofar as such use does not, in the reasonable judgment of the GRANTEE, impair, interfere with or obstruct the use of the Easement by GRANTEE, or its successors and assigns. GRANTOR hereby covenants that no excavation, building, structure or other obstruction will be constructed, erected, built or permitted on surface of the Easement and no change will be made in the grade, elevation or contour of the Easement, nor any tree planted thereon, without the prior written consent of GRANTEE, which consent will not be unreasonably denied, delayed or conditioned.

(d) During the period of installation, removal or replacement of the Facilities by GRANTEE within the Easement herein granted, GRANTEE shall have the right to use as temporary construction easements 10 feet on either side of the Facility or with prior approval and coordination with the GRANTOR so much of the surface of the Property as may be reasonably necessary for GRANTEE'S construction, installation, removal or replacement of said Facilities. Following the initial installation of GRANTEE'S Facilities, and also after any later activities by GRANTEE which affect the Property, GRANTEE shall promptly restore the grounds affected thereby to as nearly as practicable the same condition that existed prior to such activity, including, but not limited to the installation of sod.

(e) The Easement granted hereby is subject to all valid and subsisting oil, gas, sulfur, and mineral leases, unitization agreements, deeds, easements, rights-of-way, restrictive covenants, mineral and royalty grants and reservations, or other instruments now of record which affect the Easement.

(f) GRANTOR warrants that he/she/they are the owners of the Property occupied by the Easement herein granted, and that GRANTOR has the right to make this conveyance and receive the consideration therefor. GRANTOR covenants that GRANTEE may quietly enjoy the Easement for the uses herein stated.

(g) NOTWITHSTANDING ANY PROVISION OF THIS EASEMENT TO THE CONTRARY, IN NO EVENT SHALL EITHER PARTY BE LIABLE TO THE OTHER PARTY FOR ANY SPECIAL, INCIDENTAL, INDIRECT, PUNITIVE, RELIANCE OR CONSEQUENTIAL DAMAGES, WHETHER FORESEEABLE OR NOT, INCLUDING, BUT NOT LIMITED TO, LOSS OF PROFITS OR REVENUE, COST OF CAPITAL, COST OF REPLACEMENT SERVICES, OR CLAIMS OF ANY OTHER THIRD PARTIES, OCCASIONED BY ANY CAUSE WHATSOEVER, INCLUDING, WITHOUT LIMITATION, BREACH OF CONTRACT, BREACH OF WARRANTY, NEGLIGENCE OR STRICT LIABILITY.

(h) GRANTEE hereby agrees to save and hold harmless the GRANTOR from and against any and all claims, demands, or causes of action of whatever nature, asserted by others which are caused by or arise in any manner out of acts or omissions of GRANTEE, its employees, or any other persons acting under its control, in the use and occupancy of the Easement granted.

TO HAVE AND TO HOLD the above described Easement, together with all and singular the rights and appurtenances thereto belonging, unto GRANTEE, its successors and assigns, forever, and GRANTOR does hereby bind its self, and its heirs and assigns, to warrant and forever defend all and singular the Easement unto GRANTEE and its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

SIGNED AND EXECUTED this _____ day of _____, 20_____.

City of Lenexa, Kansas

By: _____
Julie Sayers, Mayor

Approved as to Form

Steven Shrout, Assistant City Attorney

ACKNOWLEDGMENT

THE STATE OF _____
COUNTY OF _____

BEFORE ME, the undersigned authority, on this day personally
appeared _____, known to me to be
the person__ whose name__ is/are subscribed to the foregoing instrument as
_____ of _____, a
corporation, and acknowledged to me that __he executed the same for purposes and
considerations therein expressed in the capacity stated, and as the act and deed of said
corporation.

Given under my hand and seal of office this the _____ day of _____,
20____.

Notary Public in and for the State of _____

My Commission Expires: _____



June 25, 2024

Office of Community Planning & Development Kansas City Regional Office
Attn: Dominique Waters, Acting Director
400 State Ave Ste 200
Kansas City, KS 66101

Dear Dominique Waters:

This letter is to advise HUD and Johnson County of the City of Lenexa's intent to defer its classification as a metropolitan city for the purpose of the CDBG and HOME programs. The City elects to continue to our participation as part of Johnson County's qualification as an urban county for Federal Fiscal Years 2025-2027.

The Lenexa City Council approved the Memorandum of Understanding with Board of County Commissioners of Johnson County, Kansas for Fiscal Years 2025-2027 at their June 18, 2024 Council meeting.

If you have any additional questions, please contact the City of Lenexa at 913-477-7661.

Sincerely,

Julie Sayers
Mayor

cc: Leslie Davis, Johnson County, Kansas Community Development



June 25, 2024

Ms. Leslie Davis
Community Development Coordinator
111 S. Cherry, Suite 2000
Olathe, KS 66061

Dear Ms. Davis:

This letter is to advise HUD and Johnson County of the City of Lenexa's intent to defer its classification as a metropolitan city for the purpose of the CDBG and HOME programs. The City elects to continue to our participation as part of Johnson County's qualification as an urban county for Federal Fiscal Years 2025-2027.

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If you have any additional questions, please contact the City of Lenexa at 913-477-7661.

Sincerely,

Julie Sayers
Mayor

cc: U.S. Department of Housing and Urban Development (HUD)

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING, entered the date of last signature below (the “Effective Date”), is by and between the Board of County Commissioners of Johnson County, Kansas, a body corporate and political subdivision of the State of Kansas (“County”) and the City of Lenexa, Kansas (“City”) (collectively, the “Parties”).

Recitals

- A. The COUNTY and CITY have determined under a Cooperation Agreement executed in 2020 that it is in the best interests of the public health, safety, and welfare to cooperate in undertaking community renewal and lower income housing activities, specifically urban renewal and publicly assisted housing and fund such activities from annual Community Development Block Grant (CDBG) authorized by Title 1 of the Housing and Community Development Act of 1974 and HOME Investment Partnerships (HOME) authorized by Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (ACT). The Cooperation Agreement is attached hereto as **Exhibit A** and is incorporated by reference as if fully set forth herein;

- B. Under the Cooperation Agreement and in furtherance thereof, the CITY deferred its status as a Metropolitan City and elected to be included in the Urban County for the purposes of the COUNTY’s CDBG Program and thereby automatically participates in the COUNTY’s HOME Program for Federal Fiscal Years 2025, 2026, 2027;

- C. To the extent that federal funds are available for the COUNTY’s CDBG Program and the COUNTY’s HOME program during the aforesaid Federal Fiscal Years, the COUNTY agrees to allocate CDBG and HOME funds for projects within the

CITY, provided the projects meet all the federal requirements of the CDBG and HOME Programs as may be established by the U.S. Department of Housing and Urban Development (HUD) and operate according to the Policies and Procedures of the Johnson County CDBG Program and the Johnson County HOME Consortium; and

- D. The COUNTY and CITY desire to reduce to writing their understanding as to the method for determining the amount of the annual subgrants to the CITY from the COUNTY's annual CDBG grant and the Johnson County HOME Consortium's annual HOME grant for the aforesaid Fiscal Years.

The Parties understand and mutually agree as follows:

ARTICLE I
Purpose and Scope of Services

1.0. Purpose and Scope of Service

The Parties incorporate the Recitals as if fully set forth herein. The Parties wish to cooperate in undertaking community renewal and lower income housing activities, specifically urban renewal, and publicly assisted housing for the CDBG and HOME programs. The Parties' goal is to ensure the funds allocated as the CITY's subgrant will only be used for CDBG and HOME qualifying projects and activities in the CITY and will be spent in a timely manner on eligible activities. The purpose of this Agreement is to set out the goals and responsibilities of the Parties in furtherance of that goal.

ARTICLE II
Term

2.0. Term.

The term of this MOU shall be for Federal Fiscal Years 2025, 2026, and 2027.

ARTICLE III
Compensation

3.0. Compensation

3.1. Total compensation. The Parties shall not exchange funds. Instead, this MOU sets forth the method for determining the CDBG and HOME Program Subgrant.

3.2. Method for Determining the CDBG Subgrant. The County and City agree that in Federal Fiscal Years 2025, 2026, and 2027, the Adjusted CDBG Grant Amount, upon which the CITY's subgrant is based, will be determined by:

3.2.1. Subtracting a maximum of 20% from the COUNTY's annual CDBG grant, plus program income, for program administration and planning per 24 CFR 570.200(g).

3.2.2. The amount remaining after this deduction from the COUNTY's annual CDBG grant is the Adjusted CDBG Grant Amount.

3.3. Method for Determining the HOME Program Subgrant. The County and City agree that in Federal Fiscal Years 2025, 2026, and 2027, the Adjusted HOME Grant Amount, upon which the CITY's subgrant is based, will be determined by:

3.3.1. Subtracting a maximum of 10% from the COUNTY's annual HOME grant for program administration and planning per 24 CFR 92.207 and 20%, plus program income, for Community Housing Development Organizations per 24 CFR 92.300.

3.3.2. The amount remaining after this deduction from the COUNTY's annual HOME grant is the Adjusted HOME Grant Amount.

ARTICLE IV
Responsibilities

4.0. Responsibilities

4.1. The County's Responsibilities

4.1.1. The COUNTY, for the duration of the Cooperation Agreement and to the extent that federal funding for the CDBG Program is made available, agrees to subgrant to the CITY from the Adjusted CDBG Grant Amount for Federal Fiscal Years 2025, 2026, 2027, an annual subgrant based upon the CITY's percentage of the Johnson County population, according to the 2010 U.S. Census Bureau population data as published by the U.S. Census Bureau and excluding populations in the Cities of Overland Park and Shawnee.

4.1.2. Upon the COUNTY's execution of HUD's Consolidated Plan Grant Agreement, the COUNTY will notify the CITY in writing of the amount of the CITY's CDBG and HOME subgrant and the basis on which the amount was determined.

4.1.3. Once the COUNTY allocates all funding for a fiscal year they will notify the CITY. The notification will be for all Lenexa projects and include detailed documentation of the following: description of the project and individuals/interests/community served, the project address, the scope of work, and cost per project.

4.1.4. During the first quarter of each calendar year, the COUNTY will submit a letter to the CITY outlining the COUNTY's anticipated HOME match requests for the next calendar year.

4.2. The City's Responsibilities

4.2.1. The CITY acknowledges and agrees that, pursuant to 24 CFR 570.501(b), the CITY shall be subject to the same requirements

applicable to all cities included in the urban county including but not limited to:

- 4.2.1.1. Using the COUNTY's CDBG Application, and adhering to the COUNTY's Application schedule and to dates supplied by the COUNTY in order to assure compliance with the COUNTY's Citizen Participation Plan and the requirements of the U.S. Department of Housing and Urban Development (HUD) for the submission of the Consolidated Plan and/or Annual Action Plan; and
 - 4.2.1.2. Using all forms, supplied by the COUNTY, for CDBG activities in the CITY; and
 - 4.2.1.3. Providing the COUNTY with a list of the CITY's proposed awards and one complete copy of each application by the date specified by the COUNTY.
- 4.2.2. The CITY agrees to carry out its CDBG assisted activities in a timely manner as is required of the COUNTY at 24 CFR 570.902.
- 4.2.3. Subject to Kansas Cash Basis Law. The CITY agrees to match the amount of the CITY's HOME subgrant by Twenty-five Percent (25%), as required at 24 CFR 92. 218(a), unless the COUNTY has been granted a reduction of its HOME match liability due to a Presidential Disaster Declaration. The CITY may match additional HOME funds should other participating jurisdictions fail to fully expend or commit the HOME funds available to them in a given Federal Fiscal Year. The COUNTY will monitor all expenditures and commitments of HOME funds to ensure that HOME funds are utilized according to Program Regulations. Upon the receipt of the notification and all information set forth in Article IV, the CITY will provide the match payment for that fiscal year.

4.2.3.1. However, if the COUNTY's funds are recaptured by the Office of Housing and Urban Development, the CITY will not provide a match for those years.

4.2.4. The CITY certifies that in all matters relating to the CDBG and HOME Programs it will follow the COUNTY'S Citizen Participation Plan approved by HUD.

ARTICLE V
Special Terms

5.0. Special Terms

- 5.1. Eligible CDBG Activities.** The COUNTY agrees to approve the CITY's proposed CDBG projects provided they meet all federal requirements of the CDBG Program as may be established by HUD and remain in compliance with the COUNTY's CDBG Program Policies and Procedures.
- 5.2. Population Percentage.** The COUNTY and CITY agree that, according to the Census 2010 data as published by the U.S. Census Bureau, the CITY's percentage of the Johnson County population, excluding Overland Park and Shawnee is 16% for CDBG.
- 5.3. Use of Funds.** Funds allocated as the CITY's subgrant will only be used for CDBG eligible projects and activities within the corporate limits of Lenexa, Kansas and serving the Lenexa community.
- 5.4. Eligible HOME Activities.** There are two eligible activities for HOME funds: Single family homeowner Rehabilitation (Rehab) and the Housing Development Loan (HDL) program. The CITY agrees to defer approval of Rehab and HDL program applications to the COUNTY.
- 5.5. Population Percentage.** The COUNTY and CITY agree that, according to the Census 2010 data as published by the U.S. Census Bureau, the CITY's percentage of the Johnson County population, including Overland Park and Shawnee is 9% for HOME.

- 5.6. Use of Funds.** Funds allocated as the CITY's subgrant will only be used for HOME qualifying projects and activities within the corporate limits of Lenexa, Kansas and serving the Lenexa community.

ARTICLE VI
General Terms

6.0. General Terms

- 6.1. Amendments.** This Agreement may be amended by supplemental writing signed by both Parties.
- 6.2. Choice of Law.** This Agreement shall be interpreted under and governed by the laws of the State of Kansas. The parties agree that any dispute or cause of action arising in connection with this Agreement will be brought in the district court of Johnson County, Kansas.
- 6.3. Compliance with Laws.** The CITY and COUNTY shall keep informed of and comply with all applicable federal, state, and local laws and regulations in the performance of this Agreement.
- 6.4. Counterparts and Electronic Delivery.** This Agreement may be executed in one or more counterparts, each of which will for all purposes be deemed an original and all of which will constitute the same agreement. All such counterparts shall be deemed an original, shall be construed together, and shall constitute one and the same instrument. Signatures to this Agreement transmitted by any electronic means intended to preserve the original graphic and pictorial appearance of this Agreement shall have the same effect as physical delivery of the paper document bearing original signature.
- 6.5. Entire Agreement.** This Agreement, which consists of this Agreement, which consists of 8 pages, and Exhibit A – the Cooperation Agreement, which consists of 9 pages, expresses the complete understanding of the Parties with respect to the subject matter and supersedes all prior proposals, agreements, representations, and understandings.

6.6. Termination. The Parties may not terminate this agreement. The Parties have agreed in the Cooperation Agreement that neither party shall withdraw during the three-year period between Federal Fiscal Year 2025 and 2027.

IN WITNESS WHEREOF, The COUNTY and the CITY have caused this Agreement to be executed in triplicate by their respective authorized representatives.

**JOHNSON COUNTY BOARD OF COUNTY
COMMISSIONERS**

THE CITY OF LENEXA

Mike Kelly, Chairman

Julie Sayers, Mayor

Date: _____

Date: _____

ATTEST:

ATTEST:

Lynda Sader, Deputy County Clerk

Jennifer Martin, City Clerk

APPROVED AS TO FORM

APPROVED AS TO FORM

Assistant County Counselor

Steven Shrout, Assistant City Attorney

**AMENDMENT #1 TO HOME MEMORANDUM OF UNDERSTANDING – JOHNSON
COUNTY HOME CONSORTIUM DATED JUNE 18, 2020**

THIS FIRST AMENDMENT to the Memorandum of Understanding – Johnson County HOME Consortium dated June 18, 2020 (“MOU”) for Federal Fiscal Year 2021, entered the date of last signature below (the “Effective Date”), is by and between the Board of County Commissioners of Johnson County, Kansas, a body corporate and political subdivision of the State of Kansas (“County”) and the City of Lenexa, Kansas (“City”) (collectively, the “Parties”).

RECITALS

- A. Johnson County, as Lead Entity for the Johnson County HOME Consortium, has subgranted HOME to the City of Lenexa via the MOU.
- B. Affordable housing support has been identified as a new eligible activity for HOME funds.
- C. The Parties wish to amend their MOU to retroactively add affordable housing support as an eligible activity and to clarify that the City is deferring the authority to decide which projects are approved to the County.

In consideration of the above, the Parties agree to amend the MOU as follows:

1.0 The MOU is amended to add a new section I.D., which shall be and read as follows:

D. Eligible Activities. There are two eligible activities for HOME funds: Single family homeowner rehabilitation (“Rehab”) and the Housing Development Loan (“HDL”) program. The City agrees to defer approval of Rehab and HDL program applications to the County.

2.0 All other terms and conditions of the Agreement shall remain unchanged and in full force and effect.

The Parties have caused their duly authorized representatives to execute the above and foregoing Amendment to the MOU on the date of last signature below.

THE REST OF PAGE INTENTIONALLY LEFT BLANK

**BOARD OF COUNTY COMMISSIONERS OF
JOHNSON COUNTY KANSAS**

CITY OF LENEXA

Mike Kelly, Chairman

Printed Name:
Title: Mayor

Date: _____
ATTEST:

Date: _____
ATTEST:

Lynda Sader, Deputy County Clerk

APPROVED AS TO FORM

APPROVED AS TO FORM

Betsey Lasister, Ass't County Counselor

**AMENDEMENT #1 TO HOME MEMORANDUM OF UNDERSTANDING – JOHNSON
COUNTY HOME CONSORTIUM DATED JUNE 24, 2021**

THIS AMENDMENT to the Memorandum of Understanding – Johnson County HOME Consortium Memorandum dated June 24, 2021 for Federal Fiscal Years 2022-2024 (“MOU”), entered the date of last signature below (the “Effective Date”), is by and between the Board of County Commissioners of Johnson County, Kansas, a body corporate and political subdivision of the State of Kansas (“County”) and the City of Lenexa, Kansas (“City”) (collectively, the “Parties”).

RECITALS

- A. Johnson County, as Lead Entity for the Johnson County HOME Consortium, has subgranted HOME to the City of Lenexa via the MOU.
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THE REST OF PAGE INTENTIONALLY LEFT BLANK

**BOARD OF COUNTY COMMISSIONERS OF
JOHNSON COUNTY KANSAS**

CITY OF LENEXA

Mike Kelly, Chairman

Printed Name:
Title: Mayor

Date: _____

Date: _____

ATTEST:

ATTEST:

Lynda Sader, Deputy County Clerk

APPROVED AS TO FORM

APPROVED AS TO FORM

Betsey Lasister, Assistant County
Counselor

AGREEMENT FOR SCHOOL CROSSING GUARD SERVICES

THIS AGREEMENT is entered into by and between the City of Lenexa, Kansas, ("City") and All City Management Services, Inc. ("Company").

For and in consideration of the promises and agreements herein set forth, the City and the Company agree as follows:

1. Purpose

The purpose of this agreement is to provide school crossing guards at certain designated public school locations throughout the City of Lenexa, Kansas.

2. Term

The term of this agreement shall commence on the 1st day of August, 2024, and end on the last school day of the fall semester of 2025, which will be no later than December 31st, 2025, unless otherwise terminated as provided herein.

In the event the Company fails to adequately meet the requirements of this agreement, the City reserves the right to cancel this agreement at any time.

3. Scope and Description of Services

- A. The Company will provide trained individuals to work at designated locations throughout the City of Lenexa.
- B. The City requires the furnishing of school crossing guards at times and locations designated in "APPENDIX B - CROSSING GUARD LOCATIONS" attached hereto and incorporated herein by reference. (Number of locations may be modified at any time at the sole discretion of the City).
- C. All personnel of the Company assigned as school crossing guards shall be appropriately trained and shall meet the following criteria:
 - Minimum age of eighteen (18) years
 - No criminal convictions
 - Good physical and mental health
 - Ability to read and write English
 - Ability to understand and follow directions
- D. All personnel of the Company assigned as school crossing guards shall be provided with proper equipment and uniforms, and shall, when working, be in uniform and identifiable as a school crossing guard.
- E. Supervisors shall be selected by the Company to supervise all guards. Supervisors shall be responsible for scheduling the crossing guards, visiting and inspecting the guards while they are on duty, and filling in as necessary for open shifts, illness, etc. Supervisors shall ensure that each crossing is covered as required by a trained guard, and that the guards are performing the duties required of them.
- F. A Company staff person shall be assigned to be the project manager. This person shall work with the above-described supervisor(s) and City staff to ensure that the overall goals of the program are met, to make unannounced periodic visits to the crosswalks to observe the crossing guards' performance while on duty, and to hold regularly scheduled meetings with City staff to review the program and administer any adjustments necessary to maintain an effective, efficient, and well-managed program.

4. Payment for Services

Unless otherwise authorized by the City in writing, the City shall pay to the Company, as full payment for all services to be performed by the Company pursuant to this agreement, as follows:

Fall 2024 & Spring 2025:

Crossing Officers: \$30.46 per hour, max two hours per day

Fall 2025:

Crossing Officers: \$32.92 per hour, max two hours per day

The parties understand that due to COVID -19 or other widespread illness and/or pandemic, weather, or other unforeseen circumstances, the operation of schools may be interrupted and/or altered, possibly multiple times, throughout the term of this Agreement. The parties agree that services shall be performed, and payment made, only for days when school is in session.

Services added, services not actually provided, or services not complying with this agreement, will be added/deducted to/from this amount on an appropriate, prorated basis, reflecting the number of service days in each month. The increase/reduction in cost is a matter of contract and shall not be construed as a liquidation of the City's right to collect damages that result from the Company's failure to complete the requested work.

The Company shall submit invoices for payment on a bi-weekly basis to include all services performed in the previous bi-weekly period. Terms are Net 30 days.

The Company shall not be held responsible for delays caused by the City or regulatory agencies.

5. Independent Contractor

The Company shall at all times operate as an Independent contractor and shall not at any time be considered an agent or employee of the City.

6. Taxes and Overhead

The Company shall assume full responsibility for workers' compensation, state and federal unemployment taxes, social security, withholding tax deductions, uniforms, training programs, liability insurance, legal liability insurance, and all necessary licenses, administration, inspection, and supervision costs.

7. Compliance with All Laws

The Company shall comply with all applicable statutes, ordinances, and regulations of the United States, the State of Kansas, and the City of Lenexa.

8. Insurance and Indemnification

- A. The Company shall carry and keep in force insurance as required in the attached "APPENDIX A."
- B. The Company agrees to indemnify and hold harmless the City from any claims, damages or liabilities, including legal fees that the City may incur, as a consequence of any negligent act or omission or other actionable fault by the Company, or its agents and employees, in the performance of its obligations under this agreement.
- C. The Company shall not be liable to the City for any alleged negligence attributable to the City.
- D. Nothing in this agreement is intended to be interpreted to expand any liability that the Company may have to any third party.

E. It is hereby agreed and understood between the Parties that the required insurance policies, coverage forms and/or additional insured designations required by Appendix A are not intended to waive application of the Kansas Tort Claims Act, K.S.A. 75-6101 et seq., to any claim related to or arising out of this Agreement in any way. Specifically, the Parties intend that the liability exemptions set forth in K.S.A. 75-6104 and the liability limits set forth in K.S.A. 75-6105 are not waived by the provisions of Appendix A. Further, to the extent the City and/or Company believe that one or more provisions of the Kansas Tort Claims Act should apply to a claim related to or arising out of this Agreement, and a court determines that it does not, City is entitled to seek indemnification from Vendor up to and including the full limits of insurance required by Appendix A.

9. Termination

In the event the Company fails to adequately meet the requirements of this agreement, the City reserves the right to cancel this agreement at any time.

The City may cancel this agreement for any or no reason by issuing thirty (30) days written notice to the Company.

10. Successors and Assigns

This agreement shall be binding upon, and inure to the benefit of, the respective successors and assigns of the parties hereto. Any successor to the Company's rights under this agreement must be approved by the City in writing. Any successor will be required to accede to all of the terms, conditions, and requirements of this agreement as a condition precedent to such succession. Assignment of any portion of the work must be approved in advance, in writing, by the parties thereto.

11. Noncollusion

The Company warrants and represents that it has not paid and agrees not to pay any bonus, commission, fee, or gratuity to any employee or official of the City for the purpose of obtaining this agreement.

12. Nondiscrimination in Employment

In accordance with K.S.A. 44-1030, Company agrees that:

- (1) Company shall observe the provisions of the Kansas Act Against Discrimination and shall not discriminate against any person in the performance of work under the present Agreement because of race, religion, color, sex, disability, national origin or ancestry;
- (2) In all solicitations or advertisements for employees, Company shall include the phrase "equal opportunity employer," or a similar phrase to be approved by the Kansas Human Rights Commission ("Commission");
- (3) If Company fails to comply with the manner in which it reports to the Commission in accordance with the provisions of K.S.A. 44-1031 and amendments thereto, Company shall be deemed to have breached the present Agreement and it may be cancelled, terminated or suspended, in whole or in part, by the City;
- (4) If Company is found guilty of a violation of the Kansas Act Against Discrimination under a decision or order of the Commission which has become final, Company shall be deemed to have breached the present Agreement and it may be cancelled, terminated or suspended, in whole or in part, by the City; and
- (5) Company shall include the provisions of subsections (1) through (4) (immediately above) in every subcontract or purchase order so that such provisions will be binding upon such subcontractor or vendor.

The provisions of this Section shall not apply to Company if:

- (1) It employs fewer than four employees during the term of this Agreement; or
- (2) This Agreement cumulatively totals \$5,000 or less during the fiscal year of City.

13. Notices

All notices shall be sent to:

CITY:
 Lenexa Police Department
 Attn: Sergeant Jason Hinkle
 12500 W. 87th
 Lenexa, KS 66215
 E-mail: jhinkle@lenexa.com

COMPANY:
 Claudia Than: Contract Administrator
 All City Management Services, Inc.
 10440 Pioneer Blvd. Suite 5
 Santa Fe Springs, CA 90670
 E-mail: cthan@thecrossingguardcompany.com

14. Governing Law

This agreement shall be interpreted under and governed solely by the laws of the State of Kansas.

15. Headings

The section headings of this agreement are for convenience and reference only and in no way define, limit, or describe the scope or intent of this agreement.

16. Authority

The parties represent that the individual executing this Agreement on behalf of the entity has the authority to bind the entity and agree to the terms contained herein.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as recited above.

"CITY" – City of Lenexa

[SEAL]

 Julie Sayers, Mayor

 Date

Attest:

 Jennifer Martin, City Clerk

Approved as to form:

 Mackenzie Harvison
 Deputy City Attorney

"COMPANY" – All City Management Services, Inc.



 Demetra Farwell, Corporate Secretary

5/21/24

 Date

APPENDIX A: INSURANCE REQUIREMENTS

- A. Company shall procure, and maintain for the duration of this agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the services provided hereunder. The cost of such insurance shall be the sole responsibility of Company.
- B. Company shall maintain the following coverage's and minimum limits.
1. Commercial General Liability: [ISO "occurrence" form or its equivalent] \$1,000,000 per occurrence limit and products - completed operations aggregate limit. Any general aggregate limit should be at least \$2 million with a per site/project endorsement. Policy must include contractual liability and independent contractors. ISO form endorsements or other policy provisions which limit contractual liability are not acceptable.
 2. Automobile Coverage: Policy shall protect Company against claims for bodily injury and/or property damage arising out of the ownership or use of any auto; or any owned, hired, and non-owned autos. \$1,000,000 per occurrence limit.
 3. Workers' Compensation and Employers Liability: Workers' compensation limits as required by the statutes of the state of Kansas and employers liability limits of \$100,000/\$500,000. When workers' compensation insurance policy is applicable, waiver of subrogation and "other states" coverage is required.
 4. Coverage Limits. Coverage limits for General and Auto liability exposures may be met by a combination of primary and umbrella policy limits.
 5. Exposure Limits: The above are minimum acceptable coverage limits and do not infer or place a limit on the liability of the Company. Any insurance or self-insurance maintained by the City of Lenexa shall be excess and not contribute with the coverage provided by the Company.
- C. Additional Insured. The City of Lenexa shall be listed as an additional insured with respect to any insurance required by this Agreement.
- D. Verification of Coverage.
1. Company shall furnish the City certificates of insurance accompanied by additional insured endorsements (ISO Form CG 2010 or its equivalent) effecting the coverage required by the City. The endorsements and certificate for each insurance policy are to be executed by a person authorized by the insurer to bind coverage on its behalf.
 2. The certificate of insurance must contain a statement that the insurance coverages are or are not provided by Kansas admitted insurance companies. Those that are not licensed in Kansas must specifically be approved by City.
 3. Any self-insurance or self-insured retentions must be specified on the certificate of insurance. In addition, the name, address, and telephone number of the claims office must be indicated on the certificate or separate attached document. Any and all deductibles or self-insurance in the above described coverages shall be assumed by and be for the account of, and at the sole risk of the Company.
 4. If any of the foregoing insurance coverages are required to remain in force after final payment, a current certificate with appropriate endorsements evidencing continuation of such coverage shall be submitted along with the application for final payment.
- E. Cancellation. Each Insurance policy required by this agreement shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits; unless thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.
- F. Subcontractors. The Company shall include all subcontractors as additional insureds under its policies or shall furnish to the City separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

APPENDIX B: CROSSING GUARD LOCATIONS 2024-2025

School	Intersection	Shifts
Mill Creek	79 th & Pflumm	(1) Beginning 30 minutes prior to school start time for 30 minutes, and (2) beginning 5 minutes prior to school dismissal time for 30 minutes. Maximum 2 hour/day.
Mill Creek	79 th & Cottonwood	Same as above
Christa McAuliffe	83 rd & Tomashaw	Same as above
Christa McAuliffe	83 rd & Maurer	Same as above
Rising Star	87 th & Candlelight	Same as above
Rising Star	87 th & Candlelight	Same as above
Sunflower	90 th & Loiret	Same as above
Sunflower	90 th & Lackman	Same as above
Lenexa Hills	87 th & Haven	Same as above
Canyon Creek	97 th & Terrace/Carbondale St	Same as above
Rosehill	99 th & Rosehill	Same as above
Manchester	98 th & Prairie Creek	Same as above
Manchester	98 th Terr & Prairie Creek	Same as above
Manchester	99 th & Prairie Creek	Same as above

All City Management Services Inc.

Client Worksheet August 2024 to June 2025

Department: 2500601

Billing Rate for 8/2024 - 6/2025: \$ 30.46

City of Lenexa
12500 West 87th
Lenexa, KS 66215

KEY:

Traditional Calendar:

For sites with no regularly scheduled early release days, use 180 regular days

Sites with traditional calendar: August 2024 to June 2025

	28		180		\$30.46	=	\$153,518.40
14 Sites at 2.00 hrs per day	Total Hrs/day	X	days/yr	X	Hourly Billing Rate		

TOTAL PROJECTED HOURS	5,040.00	TOTAL ANNUAL PROJECTED COST	\$153,518.40
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All City Management Services Inc.

Client Worksheet August 2025 to Decemember 2025

Department: 2500601

Billing Rate for 8/2025-12/2025: \$ 32.92

City of Lenexa
12500 West 87th
Lenexa, KS 66215

KEY:

Traditional Calendar:

For sites with no regularly scheduled early release days, use 180 regular days

Sites with traditional calendar: August 2025 to Decemember 2025

	28		84		\$32.92	=	\$77,427.84
14 Sites at 2.00 hrs per day	Total Hrs/day	X	days/yr	X	Hourly Billing Rate		

TOTAL PROJECTED HOURS	2,352.00	TOTAL ANNUAL PROJECTED COST	\$77,427.84
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