



**MINUTES OF THE
NOVEMBER 19, 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 Eiterich, Arroyo, Williamson, Denny, and Herron were present with Mayor Sayers presiding. Councilmembers Karlin and Nicks were absent. Councilmember Charlton arrived at 7:02 PM.

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

APPROVE MINUTES

Councilmember Denny made a motion to approve the November 5, 2024 City Council meeting draft minutes and Councilmember Herron seconded the motion. Motion passed unanimously.

MODIFICATION OF AGENDA

There were no modifications to the agenda.

PROCLAMATIONS

World Pancreatic Cancer Day

CONSENT AGENDA

1. Change Order No. 2 for the 2024 Pavement Management Program Ultra-Thin Bonded Asphalt Surface and Mill and Overlay Project
This project treated approximately 24 residential lane-miles with an Ultra-Thin Bonded Asphalt Surface treatment and another 6.5 lane-miles of an asphalt mill and overlay. Work also included removing and replacing deteriorated curb and gutter, replacing sidewalk panels, and adding ADA ramps as needed. After two Change Orders, the total project cost was \$4,935,796.25.
2. Approval of 29 Cereal Malt Beverage license renewals for 2025
Licenses to sell Cereal Malt Beverages (CMB) in the city must be renewed annually. This is the annual license renewal request for 29 locations licensed to sell CMB.
3. Approval of a banking services agreement with UMB Bank, N.A.
Staff recommends continuing with UMB Bank as the provider of the City's banking

services. UMB has provided excellent banking services to the City since 2009. UMB proposed to continue providing those services at a reasonable price, while providing adequate compensation for account balances.

4. Approval of an interlocal agreement with the City of Overland Park for the replacement of 103rd Street bridge over Flat Rock Creek
Lenexa and Overland Park share 103rd Street from Pflumm Road to Quivira Road. This area includes a bridge over Flat Rock Creek. This bridge is included in Lenexa's bridge inventory and Lenexa takes the lead on inspection and repairs with Overland Park sharing the cost. The estimated total cost of the project is \$1,348,889. Overland Park's share is \$674,444.50 and Lenexa's share is \$674,444.50.
5. Approval of Amendment No. 10 to the Medical Services Agreement with Marathon Health, LLC to add a Behavioral Health Specialist to the LiveWell Health Center
The City would like to add a Behavioral Health Specialist to the staffing of the LiveWell Health Center. The cost to add this provider will be \$12,318.75 per month in 2025 and \$12,935 per month in 2026.
6. Approval of an insurance contract with Midwest Employers Casualty Company for fiscal years 2023 and 2024 workers' compensation excess insurance coverage
The City's third party administrator for workers' compensation coverage requested proposals to provide excess insurance coverage for the self-funded workers' compensation fund. Based on the proposals received, staff recommends a two-year renewal with Midwest Employers Casualty. The annual quote for this coverage is \$182,599 each year.
7. Approval and authorization of the execution of all documents necessary to secure specific stop-loss reinsurance from HM Insurance Group for the City's healthcare benefit plan for 2025
The City's health benefits consultant and staff recommend entering into an agreement with HM Insurance Group for specific stop-loss coverage for the self-funded employee health care plan for 2025. The 2025 annual estimated premium is \$1,635,480 based on 440 employees.
8. Resolution providing notice and calling for a public hearing to appear and show cause why the fire damaged structure at 19430 W. 87th Lane should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure
A fire occurred at 19430 W. 87th Lane on October 9, 2024, resulting in substantial damage to the structure. The proposed resolution sets a public hearing for December 17, 2024, should fire damage repairs not commence in a manner acceptable to the Building Codes Administrator prior to that date.
9. Consideration of resolutions associated with the Vista Village development
 - a. Resolution authorizing the partial assignment and amendment of Resolution 2022-052 relating to the intent to issue up \$32.5 million in industrial revenue bonds (IRBs) for LUXE, LLC
 - b. Resolution of intent to issue up to \$2.5 million in IRBs for Central Trust Bank to finance, equip, and construct a 4,250 square foot office development

The City received an application from Central Trust Bank requesting issuance of up to \$2.5 million in industrial revenue bonds (IRBs) to finance a portion of the construction of a 4,250 square foot office building ("Project") to be located in the Vista Village development at the southeast corner of Prairie Star Parkway & Ridgeview Road. The IRBs are requested to allow the applicant to take advantage of the sales tax exemption on construction materials. Financing for the Project was originally approved by Resolution 2022-052 ("Original Resolution") approving \$32.5 million in IRBs for the adjacent Villas at Vista Village project. A portion of the Original Resolution will now be assigned to the Project and the \$32.5 million in IRBs will be reduced to \$30 million.

END OF CONSENT AGENDA

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

BOARD RECOMMENDATIONS

10. Ordinance approving a three-year special use permit for a personal instruction, general use for Shoot 360 located at 17255 College Boulevard in the BP-2, Planned Manufacturing District
The applicant proposes to operate an indoor youth basketball training facility, classified as a personal instruction, general use within the BP-2 District, which requires a special use permit.

Stephanie Sullivan, Planning Manager, said this application is for a basketball shooting range at 17255 College Boulevard. She showed the location map reflecting the parcel and noting that the property is bounded by Olathe City Limits. The tenant will occupy about 19,000 square feet of the total building.

Ms. Sullivan said the site is in an industrial area zoned BP-2 and personal instruction uses are commonly found in areas like this one due to the buildings having higher ceilings and more room for activities. She presented the floor plan and talked about the use of space, saying there would be a maximum of 30 trainees and five staff at a time. The business would operate from 9 AM to 9 PM generally, but that would vary depending on time of year. She added that both individual and group training would be provided using high-tech resources.

Ms. Sullivan presented 13 criteria staff reviewed for the application and discussed the traffic and parking analysis that was performed. She said it was difficult to analyze parking due to building vacancy but staff made assumptions about what that vacant space could be in the future and the parking needs of the entire building. She said staff has no concerns about the parking.

Both staff and the Planning Commission recommend approval.

The applicant thanked the Council for its consideration.

Councilmember Denny made a motion to approve Item 10 and Councilmember

Charlton seconded the motion. Motion passed unanimously.

11. Ordinance approving a three-year special use permit for a daycare, general use for Adventure Awaits located at 8132 Twilight Lane in the R-1, Residential Single-Family Zoning District

The applicant proposes to operate an in-home daycare for up to 12 children, classified as a daycare, general use, within the R-1 District, which requires a special use permit.

Ms. Sullivan said this application is for an in-home daycare special use permit (SUP) at 8132 Twilight lane. She presented a location map and said the zoning and future land use are compatible in this area. She noted that in-home daycares are supplementary to the residence's primary use and that caring for more than six up to 12 children requires an SUP. She added that there would be two employees, the homeowner and another person who does not live there and the daycare would operate Monday through Friday from 7:30 AM to 5:30 PM. A daycare for up to six children is already being operated from the home.

Ms. Sullivan presented 13 criteria staff reviewed for the application and discussed the traffic and parking analysis that was performed. She said there is no parking allowed along Twilight Lane on the curve, which is marked. Staff has talked to the applicant about the parking situation and it has been determined that the second employee will park on the street so parents can use the driveway for drop-off and pick-up. Resident vehicles will be parked in the garage.

Both staff and the Planning Commission recommend approval of the application with one condition that the employee park on the street.

Councilmember Herron asked staff to clarify the area for no parking and Ms. Sullivan said it is only on the east side and parking is allowed on the west side.

Councilmember Charlton asked how the "no parking" area is designated and Ms. Sullivan said it is marked with no parking signs.

The applicant said she would keep household vehicles in the garage now to allow parents to park in the driveway and the additional employee will park on the street.

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

12. Consideration of a rezoning and preliminary plan known as Ross Canyon for a multifamily residential development on property located near 93rd Street between Mill Creek Road and Renner Boulevard
 - a. Ordinance rezoning property from the AG, Agricultural and R-1, Single-Family Residential Districts to the RP-3, Planned Residential Medium-Density and RP-4, Planned Residential High-Density Districts
 - b. Approval of a companion preliminary plan for Ross Canyon

The applicant requests approval of a preliminary plan for a multifamily residential development containing 374 apartments and 90 townhomes.

Ms. Sullivan said Ross Canyon is a multi-family residential development near 93rd Street at Canyon creek Road and Renner Boulevard. This application is for a rezoning and preliminary plan/plat approval. She presented a location aerial map and pointed out that 91st Street and 93rd Street will provide access to this site from Renner Boulevard. The site is south of City Center and to the west of the Reflections development where apartments are currently under construction and a commercial office will be built to the north in the future.

Ms. Sullivan said the site is currently zoned R-1 and AG with the Comprehensive Plan designating it as high-density residential. She noted the site was originally designated medium-density residential, but that changed with the Comprehensive Plan updates earlier this year. She added the area is in conformance with the Comprehensive Plan housing and neighborhoods framework map.

Ms. Sullivan presented 13 criteria staff reviews for rezoning requests and said the details of each are contained in the Planning Commission staff report.

Ms. Sullivan reviewed the project saying the proposed zoning is RP-3 and RP-4 with townhomes and apartments, broken up with contextual density. The lower density would be to the west near Cottonwood Canyon and higher would be to the east near the Reflections development. She noted that the applicant chose RP-4 because it is within the density limitation, although there are some height deviations being requested.

Ms. Sullivan talked about the stream buffer that bisects the site and the grade changes that dictate the location of 91st Street.

According to Ms. Sullivan, this project was initially considered at the September 30th Planning Commission meeting where the applicant was directed to resolve some issues and improve the project's quality. It was reconsidered at the November 4th Planning Commission meeting.

Ms. Sullivan said the applicant was very responsive and open to resolving the issues, working with staff to resubmit an improved project. Items addressed included building architecture and height, buffering, phasing and retaining walls.

Ms. Sullivan reviewed the building design and renderings reflecting the changes made from the original submittal to the revised submittal. She said the building heights have increased due to improved rooflines. She showed site sections reflecting the building heights across the development compared to those in the Reflections, Fairway Villas, and Cottonwood Canyon developments. She added that the stream corridor will remain undeveloped green space.

Mayor Sayers asked what the distance is to Cottonwood Canyon and the applicant answered that it is 588-feet away.

Ms. Sullivan reviewed the deviation request and presented the building height deviation table. She said staff is supportive of the deviation request due to the improved project and in the context the height is appropriate. She added that increased height of buildings does not increase occupancy.

There will be an additional buffer along the west property line, per Ms. Sullivan, because the applicant relocated some buildings and sidewalk. There will be increased landscaping on the west side and significant tree preservation with the greenspace.

Ms. Sullivan said part of the parking lot on the west side was revised to address residents' concerns with the glare of headlights. Another concern was traffic calming and Ms. Sullivan pointed out a potential divided street with median and a relocated cart crossing. She noted that this is only the preliminary plan phase so these specifics are not set in stone, but are proposed improvements.

Councilmember Charlton shared his concerns with the road alignment and asked if looping 91st Street back to Renner Boulevard had ever been considered. He is concerned that the high density of this development and Reflections would increase traffic on narrow roads that are already difficult to maneuver through the neighborhoods to the west.

Ms. Sullivan said staff worked with the traffic and engineering teams and determined this was the ideal route.

Tim Green, City Engineer, said this is the proposed layout of connections that have been planned for about 20 years, since City Center was initially being constructed.

Councilmember Charlton countered that high density was not the initial plan here and there will be a lot of people going through to Renner Boulevard or up to City Center and drive through those neighborhoods. He said he would rather people go out to Renner Boulevard and north to City Center than to go through those neighborhoods to the west.

Discussion followed about fire requirements for two access points and the limitations for street location due to the creek.

Ms. Sullivan presented the site plan and said the development consists of 95 townhomes, 74 units in three-story buildings, and 300 units in four- and five-story buildings, for a total of 469 dwelling units.

The plan is to start phase one March 2025 and phase two June 2026. The section of 91st Street connecting to Renner Boulevard would be required to be constructed prior to the Certificate of Occupancy for the third building in phase one, according to Ms. Sullivan.

Both staff and the Planning Commission recommend approval with two

conditions.

Councilmember Charlton asked if developments are discussed with the school districts and Ms. Sullivan said that school districts sometimes contact staff and the school districts were invited were invited to participate in the Comprehensive Plan process. Also, the future land use plan is available for their use.

The applicant was present.

Tyler Burks, Petra, discussed the stream corridor taking up about 25% of the area and the underground mine support work needed. He also said there would be clubhouse and pool amenities. He talked about how they worked with neighbors and collaborated on buffering, while also considering best practices. He presented aerial views, elevations, and landscaping plans.

Councilmember Herron asked about the apartment rental rates and Mr. Burks said they would be similar to The Peak at Sonoma, between \$1,400 and \$2,250 per month.

Councilmember Charlton asked about the phasing of construction for 91st Street, who would construct it and who would pay for it. Mr. Burks said they would and it would be in per the City's requirement.

Scott McCullough, Community Development Director, added that the road would be constructed to the City's requirements and the developer's are responsible for working out how it is done.

Councilmember Arroyo thanked them for working with the community and the City to make adjustments to the plan. She asked for the prices of the townhomes and Mr. Burks said they would be around \$2,600 to \$3,100 per month. Councilmember Arroyo asked if the corner balconies would be shared space and he said yes, the top-floor corner balconies are intended to give residents another place to commune.

Councilmember Eiterich asked how many rooms the townhomes would have and Mr. Burks said there would be three-, four-, and five-bedroom townhomes, each with two-car attached garages.

Councilmember Williamson agreed and thanked the applicant for going above and beyond to improve the submittal and working with staff and the neighbors. She was impressed with the design on an odd piece of land and how they are working with what is there.

Mayor Sayers said this will fit remarkably into the land between the other developments. It's quality and the end product will be desirable.

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

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

13. Consideration of a preliminary plan/plat and acceptance of drainage, utility, landscape, and sidewalk easements and right-of-way as shown on the final plat of Wheatley Point West on property located at the northwest corner of 99th Street & Clare Road
 - a. Approval of a preliminary plan for a duplex residential development known as Wheatley Point West
 - b. Acceptance of drainage, utility, landscape and sidewalk easements and right-of-way as shown on Wheatley Point West final plat
The applicant proposes to construct a duplex development at the northwest corner of 99th Street and Clare Road. The proposal includes a preliminary plan for 22 dwelling units and a final plat for 11 lots, three tracts, and dedications of right-of-way on 9.5 acres.

Ms. Sullivan explained that this item includes a preliminary plan/plat and a final plat packaged together for a development at the northwest corner of 99th Street & Clare Road. She said this is because the originally approved preliminary plan expired and needed to be renewed, essentially making the preliminary plan and the final plat the same at this point. She noted that staff wanted to make the process easier, it has been packaged and brought forward all at once.

Ms. Sullivan presented a location map reflecting the site and said that both roads are currently under construction and will be opening soon. She also showed an aerial image of 99th Street & Clare Road. She said the site is zoned RP-2 and the future land use map designates it as medium-density residential.

Ms. Sullivan presented a side-by-side comparison of the original and proposed preliminary plats and said the main difference is the sidewalk will be within a tract now.

Ms. Sullivan showed the plat dedications being made to the City. She said this is a relatively small subdivision with 11 lots and 3 tracts on 9.5 acres.

Both staff and the Planning Commission recommend approval.

Councilmember Eiterich made a motion to approve Item 13a and Councilmember Arroyo seconded the motion. Motion passed unanimously.

Councilmember Denny made a motion to approve Item 13b and Councilmember Charlton seconded the motion. Motion passed unanimously.

NEW BUSINESS

14. Approval of an agreement with Finkle-Williams, Inc. for architectural and engineering services for the Lenexa Fire Station #6 and LiveWell Health Center Project

Following an extensive Request for Qualifications process, City staff recommends Finkle-Williams, Inc. be awarded the design and architectural services contract for the Lenexa Fire Station #6 and LiveWell Health Center Project for a fixed fee of \$485,580.

Todd Pelham, Deputy City Manager, said that this project was discussed as part of the Capital Improvement Program (CIP) recommendations at the last Committee of the Whole meeting. Staff is recommending design services for two components of the project. He said this will be a two-phase project with the Livewell Health Center relocation from Old City Hall to City Hall on the second floor in phase one and the study of Fire Station #6 on the Old City Hall site in phase two. He said staff negotiated a fixed fee with Finkle-Williams and introduced Ellen Foster with Finkle-Williams.

Mr. Pelham said 10 proposals were received and staff shortlisted them to four firms. After review, staff is pleased to recommend contracting with Finkle-Williams, a Lenexa-based company, who has partnered with a national firm, TCA, that has done over 325 public safety facilities, specializing in fire stations and EMS facilities. He said this team brings national expertise to work with local partners who have done work for local jurisdictions. He added that the City has had a great working relationship with Finkle-Williams on past projects.

Mr. Pelham talked about the fee for architectural and engineering services and reimbursables for the two phases of the contract. He said staff will bring forward a formal recommendation of options for Fire Station #6 with cost estimates and site plans at a future meeting. At that time they would bring in the General Contractor to work with Finkle-Williams to develop the scope of the project and costs. He talked about this project being budgeted in the CIP.

Mr. Pelham said that Fire Station #6 would be a headquarters station for fire and include the Information Technology department as well. He said the program is currently considering at 31,000 square foot building with three to four apparatus bays and residential quarters.

Mr. Pelham talked about fast-tracking the Livewell Health Center relocation and hoping to see some construction in their new space in the second or third quarter. He added that the deliverable for this contract is construction documents for Livewell and a study on the fire station.

Ms. Foster said she is thrilled to continue working with Lenexa on these essential facilities and with the team members.

Councilmember Eiterich made a motion to approve Item 14 and Councilmember Arroyo seconded the motion. Motion passed unanimously.

COUNCILMEMBER REPORTS

Mayor Sayers reminded the Council of upcoming events like the Senior Holiday Banquet December 2nd and Employee Winter Lunch December 12th, adding they are all on the calendar email.

STAFF REPORTS

Mr. Pelham said there would be no Committee of the Whole meeting next week and wished everyone a Happy Thanksgiving.

END OF RECORDED SESSION

BUSINESS FROM FLOOR

Pat Thomas, 8470 Maurer Road, invited everyone to attend an event at Resurrection Cemetery on December 14th at 11 AM. He said there would be a ceremony and 950 wreaths would be laid on service members' graves.

Gaylene Van Horn, 8131 Rosehill Road, said she received her tax bill and asked that the City Council be mindful about the budget and to cut costs where possible.

ADJOURN

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

The meeting adjourned at 8:35 PM.

/s/ Jennifer Martin
City Clerk