



**MINUTES OF THE
MAY 2, 2023
LENEXA CITY COUNCIL MEETING
COMMUNITY FORUM, 17101 W 87th STREET PARKWAY
LENEXA, KS 66219**

CALL TO ORDER

Mayor Boehm called the meeting to order at 7 PM.

ROLL CALL

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

Staff present included Beccy Yocham, 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 Roh made a motion to approve the April 18, 2023 City Council meeting draft minutes and Councilmember Eiterich seconded the motion. Motion passed unanimously.

MODIFICATION OF AGENDA

There were no modifications to the agenda.

PROCLAMATIONS

Building Safety Month
Professional Municipal Clerks Week April 30-May 6
Emergency Medical Services Week May 21-27

At 7:26 PM, Mayor Boehm called for a five minute recess and the meeting resumed at 7:31 PM.

PRESENTATIONS

Legislative Update - Federico//Duerst

John Federico, Steven Duerst, Mihailo Ilich, and Liz Sosa presented updates on the Kansas legislative session's activities and its impacts on Lenexa.

Mr. Federico talked about the work they do and said that during this session, 800 bills and 43 resolutions were introduced, with 288 bills of interest to Lenexa. He added that 88 of the 800 bills became law. He talked about vetoes, overturned vetoes, partisanship, the session's unique adjournment sine die, and only being able to override the governor's veto post sine die through a special session called by the governor herself or 2/3 of the legislature signing a petition forcing the governor to call a special session.

Mr. Duerst talked about key bills they tracked for Lenexa including a bill that would amend law regarding file and information sharing between law enforcement agencies for employment applications; a bill that would permit the optional use of infant surrender devices; a bill that amended provision of the Kansas Liquor Control Act, relating to common consumption areas; a bill expanding the drop or deferred retirement option program to any eligible KP&F member; a bill expanding what used to be the Kansas Rural Housing Incentive District Program to urban areas meeting certain conditions; and a bill dealing with environmental and social governance that may impact KPERS and the KPERS fund.

Mr. Ilich talked about legislative veto override attempts. He said there were three bills related to abortion and three related to transgender matters that were relevant to the City. He also said there were seven vetoes that failed to become law, most notably the tax package which includes a single rate income tax. He added that the bill regarding childcare regulations failed to overcome the veto.

Mr. Duerst provided an update on policies they have been watching this session. He talked about the 10 different provisions of Senate Bill 8, which included expanding the homestead property tax freeze, tax credits, and revenue neutral rate among other things, which would provide a property tax exemption for health clubs, childcare, and restaurants facing public competition from any city-owned facility operating mostly for that purpose. He also talked about an education appropriations bill.

Ms. Sosa talked about a bill that is a combination of juvenile justice bills dealing primarily with juvenile crisis intervention centers and another bill that deals with how juveniles are referred and admitted to crisis intervention centers.

Mr. Duerst talked about the local food sales tax and local control on determination of rates, as well as property value caps, prohibition of imposing fees on vacant property, and plastic bag preemption.

Members of the Governing Body requested clarification and asked questions about various legislative items, which were addressed by Federico//Duerst staff.

CONSENT AGENDA

1. Award a contract to K&W Underground for the 2023 Fiber Optics and Conduit Installation Project
New fiber will be installed in an existing conduit along Pflumm Road from Fire Station 1 to College Boulevard for the City's communication network, as well as in the main trunk line along Prairie Star Parkway to increase capacity at Fire Station 3. Staff recommends waiving the sealed bid process and contracting with K&W Underground because of their familiarity with the system. The total contract amount is \$156,694.90.
2. Award a bid to Total Electric for the Prairie Star Parkway & Lone Elm Road Intersection Improvements Project
Increased traffic in this area warrants the installation of a traffic signal at the

intersection of Prairie Star Parkway & Lone Elm Road. Total Electric bid \$516,143.02 to construct the improvements.

3. Award a bid to Superior Bowen Asphalt for the 2023 Pavement Management Program - County Assistance Road System Mill and Overlay Project
This project treats the segment of 87th Street Parkway from Maurer Road to Pflumm Road with a 2-inch mill and overlay. Work also includes replacing deteriorated curb and gutter and sidewalk panels as needed. Superior Bowen bid \$1,517,800.80 to perform the work.
4. Award a bid to Morgan Contractors, Inc. for the Pavement Markings Improvement Project - 87th Street Parkway & I-435 Intersection and Quivira Road (87th Street Parkway to 75th Street)
This project installs the permanent pavement markings for the 87th Street & I-435 Intersection Improvement Project and the Quivira Road from 87th Street to 75th Street Improvements Project. Morgan Contractors, Inc. bid \$117,325 to perform the work.
5. Award a bid to McAnany Construction for the 83rd Street & Monticello Road Intersection Improvement Project
This project constructs traffic signal and intersection improvements at 83rd Street & Monticello Road, as well as a mill and overlay along 83rd Street from K-7 Highway to Valley Road. McAnany Construction bid \$1,878,964.95 to perform the work.
6. Acceptance of the Enclave at Manchester Park, 1st Plat public improvements for maintenance
This project constructed public street, storm, and streetlight improvements west of 101st Street & Lone Elm Road in the Enclave at Manchester Park subdivision. The work was funded by private development.
7. Resolution authorizing the Mayor to forward the City's 2024-2028 application for the County Assisted Road System program to the Johnson County Board of County Commissioners
Annually, the City applies for funding assistance from the County Assisted Road System (CARS) program. Staff is requesting approval to submit the 2024-2028 application to Johnson County. The CARS program provides funding to local communities to assist with collector and arterial street improvements.
8. Resolution authorizing the sale of conduit on the 95th Street bridge over I-435 and on the Prairie Star Parkway bridge over the BNSF railroad tracks to Every Metro, Inc.
Every Metro, Inc. is interested in purchasing a conduit on the 95th Street bridge over I-435 and two conduits on the Prairie Star Parkway Bridge over the BNSF railroad from the City for \$47,774.
9. Resolution approving an amendment to the Disposition and Development Agreement with Alto Lenexa Apartments, LLC extending the time for performance
The developer has requested additional time to commence and complete construction of the multi-family component of the Project Plan 5 mixed-use plan at the southeast corner of Prairie Star Parkway & Ridgeview Road. The proposed amendment grants the developer an extension of time for performance until December 31, 2023 to commence construction, as well as until June 30, 2026 to substantially complete the

project.

10. Resolution authorizing the execution of documents in connection with the assignment and assumption of base lease, lease, and payment in lieu of tax agreement, and transfer of the bonds, related to the City's industrial revenue bonds Series 2022 (Lenexa Logistics Centre North Phase II - Building 5)
Chymiak Investments KS SPE, LLC, FCubed Lenexa N5 LLC, GDG2 LLN5, LLC, and McMann Property Management LLC, have requested the City consent to the assignment and assumption of the base lease, lease, and payment in lieu of tax (PILOT) agreement for Lenexa Logistics Centre North - Building 5, so it can convey the project to LLCN 5, LLC.
11. Ordinance authorizing and providing for the acquisition of lands or interests therein by condemnation for the construction of the 87th Street Parkway Median and Mixed-Use Trail Improvements Project
This ordinance authorizes City staff and its acquisition counsel to file a condemnation petition with the district court to acquire the necessary property interests for the construction of the 87th Street Parkway Median and Mixed-Use Trail Improvements Project.

END OF CONSENT AGENDA

Councilmember Roh made a motion to approve items 1 through 11 on the consent agenda and Councilmember Sayers seconded the motion. Motion passed unanimously.

NEW BUSINESS

There was no new business.

STUDENT INTRODUCTIONS

Zach Nelson and Hailey Scott, Shawnee Mission West students, and Michael Coleman, Brighton Academy student, attended the meeting for American Government class.

COUNCILMEMBER REPORTS

Councilmember Roh commended staff for the follow-through on the various projects addressing safety concerns that were approved on the Consent Agenda and said he looks forward to them being done this summer.

STAFF REPORTS

12. Electric Vehicle Charging Station Pilot Project Update

Lockie Woods, Management Intern, reported that installation of the four electric vehicle (EV) chargers in the parking garage was completed on April 6th and the designated EV parking stalls will be painted/striped soon. He said that signage is up that indicates the stalls are reserved for EV charging only and that cars must be plugged in while in those spots. He added that as of April 25th, there have been 46 unique charging sessions for 60.6 hours of charging.

Mr. Woods said that the units cost \$11,456 and additional supplies were \$4,114.43. He talked about cost recovery and the fee for being plugged in and not charging. He said that fee is intended to encourage people to leave the spots once charging is complete. As of this meeting, more than \$100 has been generated in revenue. Based on those numbers, he said he anticipates a cost recovery of \$3,102.50 over the next five years.

Mr. Woods said staff is in the process of applying for the \$10,000 Evergy rebate. With the rebate and revenue, he said it is estimated the City's net expense for ownership and operation will be \$2,467.93.

Mr. Woods said installation of the two EV chargers in the northeast corner of the Old Town parking lot would begin around June 1st and take about two weeks. He said the pedestal unit would provide two charging stalls and cost \$6,374. He added that there is a \$5,000 rebate for that installation.

Councilmember Nicks said the location in Old Town is right in front of Lenexa's first gas station sight.

Councilmember Roh asked Mr. Woods to share his marketing ideas for increasing use of the chargers with staff before he leaves. He thanked Mr. Woods for his work.

Councilmember Sayers said she has received some feedback from residents excited that the City is doing this.

Mayor Boehm thanked Mr. Woods for his efforts and said that although this is not necessarily a growth area, he would like to see them break even.

Mr. Woods said he is going to Fort Collins, CO to be a graduate management assistant.

ADDITIONAL STAFF REPORTS

Beccy Yocham, City Manager, said that the Committee of the Whole meeting next week will be canceled, and a joint work session with the City Council and the Planning Commission to review the comprehensive plan update would take its place.

END OF RECORDED SESSION

BUSINESS FROM FLOOR

There was no business from the floor.

EXECUTIVE SESSION

13. Conduct the City Manager annual performance review as permitted by the non-elected personnel matter exception (K.S.A. 75-4319(b)(1))

Mayor Boehm said, "I will entertain a motion for the City Council to recess into executive session in the Prairie Star Conference Room to conduct the annual City Manager performance review. The justification for the executive session is for a discussion covered by the non-elected personnel matter exception, K.S.A. 75-4319(b)(1). Present in the executive session will be the Governing Body and City Manager Beccy Yocham. The executive session will start at 8:20 PM and last 45 minutes and the open meeting will resume at 9:05 PM in the Prairie Star Conference Room."

Councilmember Eiterich made a motion to recess into executive session and Councilmember Roh seconded the motion. Motion passed unanimously.

Mayor Boehm opened the conference room door and stated, "It is 9:05 PM and the Governing Body reconvened into the public meeting and no votes were taken or decisions made during the executive session, but I will entertain a motion to recess back into executive session to continue the discussion as provided in the original motion for an additional 10 minutes with the open meeting to resume in the Prairie Star Conference room at 9:15 PM.

Councilmember Eiterich made a motion to recess back into executive session and Councilmember Roh seconded the motion. Motion passed unanimously.

Mayor Boehm opened the conference room door and stated, "It is 9:15 PM and the Governing Body reconvened into the public meeting and no votes were taken or decisions made during the executive session. I will entertain a motion to adjourn the public meeting."

ADJOURN

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

The meeting adjourned at 9:16 PM.

/s/ Jennifer Martin
City Clerk