

Minutes

DVD No. 173

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, at 7:30 P.M., on Monday, October 1, 2007. Mayor Peggy Dunn presided.

Councilmembers present: Gary Bussing, Jim Rawlings, Debra Filla, James Azeltine, and Scott Gullledge.

Mayor/Councilmembers absent: Lou Rasmussen, Gregory Peppes, and Mike Gill.

Staff present:

Patty Bennett, City Attorney
Chief John Meier, Police Department
Major Troy Rettig, Police Department
Chris Claxton, P&R Director
Jeff Joseph, Senior Planner
Christy Wise, Deputy City Clerk

Chief Ben Florance, Fire Department
Captain Dale Finger, Police Department
Joe Johnson, Public Works Director
Mark Klein, Asst. to the Planning Director
Deb Harper, City Clerk
Karl Weinfurter, IS Specialist

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn noted that Item No. 6B has been continued to the October 15, 2007, Governing Body meeting. The agenda will also include reports from Councilmembers Filla and Bussing as Item Nos. 9A and 9B, respectively. A motion to approve the agenda was made by Councilmember Bussing; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 5-0.

3. CITIZEN COMMENTS

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. It is not appropriate to comment on pending litigation, municipal court matters or personnel issues. Comments about items that appear on the action agenda will be taken as each item is considered. **CITIZENS ARE REQUESTED TO KEEP THEIR COMMENTS UNDER 5 MINUTES.**

Aaron Snodell, 13112 El Monte Street, stated that he is from Boy Scout Troop No. 10 and is attending the meeting in order to earn his Citizenship Merit Badge.

Andy Apathy, 8211 Wenonga Road, voiced concerns related to the bridge project on 83rd Street and Wenonga Road as it has resulted in a significant loss of trees and land to his property. The City has agreed to replace five of the removed trees with starter trees; however, professionals in the tree industry have advised him that reconfigurations of the land due to the project will make it difficult for new growth to occur. Following his agreement to an easement 2-3 years ago, the plans for the bridge were revised with more land and tree loss required than originally contemplated. An evaluation by Arborist Bob Hanes revealed the value of two of the removed trees to be \$12,000. Mr. Apathy requested that measures be taken to offset his depreciated property value. He suggested that the City agree to remove an existing tree if it happens to die within the next 5-10 years, which is likely to occur from the loss of surrounding land. According to the construction site manager, he also informed that matching the reconstructed portion of the project with his current driveway material will be of issue. The estimated cost for a new concrete driveway is \$8,500. Mr. Apathy stated he would welcome the opportunity to discuss his concerns in more detail at some other time.

Mayor Dunn stated that the agenda addition of a report from Councilmember Filla relates to a referral to the Stormwater Committee to review these issues, which can be made at the conclusion of the citizen comments. She informed Mr. Apathy that he will be allowed to submit further information during the committee meeting, of which he will be notified of the time and date.

Delia Tankard, 8409 Cherokee Lane, also stated concerns related to decreased property values as her residence abuts the west bank of Dykes Branch. She has lost approximately half of the land in her backyard and it is no longer the private wooded area it was described as when she purchased her home in 1973. She requested that the City grant her \$5,000 to install landscaped screening in order to begin restoring some of the lost beauty caused by the construction.

Bob Hack, 8308 Cherokee Lane, informed that he has lost 20,000 square feet of property and would also like relief for the decreased value of his property. He has spent \$86,000 to install a private bridge leading to lake property that he also owns and estimates that other needed improvements will total \$34,000. He noted that he and his wife, Nancy, will be out of town at the time of the next Stormwater Management Committee meeting.

A motion to refer the issues related to the citizen comments to the Stormwater Management Committee for review at the meeting scheduled for 7:30 A.M. on October 12, 2007, with recommendations forwarded to the Governing Body was made by Councilmember Filla; seconded by Councilmember Azeltine.

To Councilmember Azeltine's question, Councilmember Filla stated the possibility that the City exceeded easements on the residents' property will also be reviewed by the committee.

The motion carried following a unanimous vote of 5-0.

Mayor Dunn confirmed for Nancy Hack, 8308 Cherokee Lane, that she will receive notification of when the matter will return to the Governing Body.

4. PROCLAMATIONS Double Tenth Day, October 10, 2007

Mayor Dunn read the Double Tenth Day Proclamation into the record and stated that it has been mailed to Mayor Huang of I-Lan, Taiwan and to the Acting Director General of the Taipei Economic and Cultural Office in Kansas City.

Fire Prevention Week, October 7-13, 2007

Mayor Dunn read and presented the Fire Prevention Week Proclamation to Fire Chief Ben Florance.

Financial Planning Week, October 1-7, 2007

Mayor Dunn noted that the Financial Planning Week Proclamation will be mailed to the proper recipient.

5. PRESENTATIONS/RECOGNITIONS – None.

6. SPECIAL BUSINESS

- A. Mayoral Appointment of Mel and Alice Hawk as Co-chairs of the City's 60th Anniversary Celebration

Mayor Dunn stated that the Hawks also led Leawood's 50th Anniversary Celebration in 1998. She expressed her sincere gratitude to them for once again undertaking this endeavor.

A motion to approve the appointment was made by Councilmember Bussing; seconded by Councilmember Azeltine. The motion was approved following a unanimous vote of 5-0.

- B. Approval of a 9-month extension to March 6, 2008, for Preliminary Plan and Plat for the northwest corner of 135th Street and Mission Road – ***Continued from the September 4, 2007 Governing Body meeting- CONTINUED TO THE OCTOBER 15, 2007 GOVERNING BODY MEETING***

7. CONSENT AGENDA

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted on in a single motion. If a Councilmember requests a separate discussion on an item, it can be removed from the consent agenda for further consideration.

- A. Accept Appropriation Ordinance Nos. 1086B and 1087A
B. Accept minutes of the September 4, 2007 Governing Body meeting
C. Accept minutes of the September 4, 2007 Governing Body Work Session meeting
D. Accept minutes of the September 17, 2007 Governing Body meeting
E. Accept minutes of the August 14, 2007 Parks and Recreation Advisory Board meeting
F. Accept minutes of the May 17, 2007 Ironhorse Advisory Board meeting
G. Approve Mayoral Appointment of Leo Morton to Ironhorse Advisory Board

- H. Approve issuance of Temporary Alcohol Permit to sell/serve alcoholic liquor for the Fundraiser for DeLaSalle Education Center, to be held at 11701 Nall [AMC Movie Theatre] on November 8, 2007
- I. Resolution No. 2885 approving and authorizing the Mayor to execute a 5-year Lease Renewal Agreement to that certain Lease Agreement dated November 2, 2002, between the City and T-Mobile Central, LLC, successor in interest to VoiceStream of Kansas City, Inc., [f/k/a APT] to lease certain city property for the continued use of a wireless communication antennae on an existing City-owned cellular tower, located at Leawood Police Department, 9617 Lee Boulevard
- J. Resolution No. 2886 approving and authorizing the Mayor to execute a Letter of Understanding between the City and Johnson County for the 2008 Home Rehabilitation Program for an amount not to exceed \$2,000 for the period of January 1, 2008 through December 31, 2008
- K. Resolution No. 2887 approving and authorizing the Mayor to execute a Service Agreement in the amount of \$36,500.00, between the City and P1 Group, Inc., pertaining to conducting HVAC Upgrades at the Computer Room located at City Hall
- L. Resolution No. 2888 approving and authorizing the Mayor to execute a Service Agreement in the amount of \$57,000.00, between the City and AM Mechanical Service Company, pertaining to conducting HVAC Upgrades at the IRONHORSE Golf Course Clubhouse, located at 15400 Mission Road
- M. Fire Department August Monthly Report
- N. Municipal Court August Monthly Report
- O. Police Department August Monthly Report

Councilmember Filla requested to pull Item No. 7E for discussion and Councilmember Azeltine asked the same for Item No. 7F. On motion of Councilmember Filla, seconded by Councilmember Bussing, the remainder of the Consent Agenda was approved following a unanimous vote of 5-0.

- 7E. Accept minutes of the August 14, 2007 Parks and Recreation Advisory Board meeting

Noting that the minutes discuss a community survey for a potential future community center, Councilmember Filla suggested that an open forum on the topic be made available on the City website.

A motion to accept the minutes was then made by Councilmember Filla; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 5-0.

- F. Accept minutes of the May 17, 2007 Ironhorse Advisory Board meeting

Councilmember Azeltine called attention to the date of the minutes and implored Staff to submit them in a more timely fashion.

A motion to accept the minutes was made by Councilmember Azeltine; seconded by Councilmember Gullledge.

Parks & Recreation Director Chris Claxton explained that the IRONHORSE Advisory Board has not been meeting on a regular basis due to the construction occurring at the golf course, thus the committee just recently approved the minutes for Governing Body review. In situations such as this, Councilmember Azeltine requested that the information be made available as a draft copy. Ms. Claxton stated this could be arranged. Mayor Dunn noted that committee minutes are not placed on the Governing Body agenda for approval prior to them being approved by the respective committee.

The minutes were accepted following a unanimous vote of 5-0.

8. MAYOR'S REPORT

- A. Acceptance of unrestricted monetary donation from Commerce Bancshares Foundation to Leawood Parks and Recreation Department. Mayor Dunn stated that Connie Aversman of Commerce Bank presented her with the \$2,000 donation at a recent Leawood Chamber of Commerce Board of Directors meeting. She expressed appreciation for their generosity and ongoing support as this is not the first contribution Leawood has received from the foundation. Mayor Dunn also thanked Parks & Recreation Director Chris Claxton for instilling confidence that the money will be well-used.
- B. Attended the Johnson & Wyandotte Counties Council of Mayors meeting, hosted by Leawood at the Lodge in Ironwoods Park. A Challenge Course team-building exercise was conducted by the Parks & Recreation Staff, during which seven mayors reached the top of the wall. Dr. Terry Calaway, new President of Johnson County Community College, served as guest speaker and also participated in the activities.
- C. Announced that Ballet in the Park at Ironwoods Amphitheater entertained approximately 2,000 attendees during their fourth yearly performance in Leawood. Mayor Dunn noted that Leawood is the only venue in Kansas utilized by the Kansas City Ballet Company. She thanked the Leawood Arts Council and the Parks & Recreation Department for organizing the event and also congratulated the ballet company on celebrating their 50th Anniversary this year. She shared a newspaper clipping highlighting the performance from the *Johnson County Sun*.
- D. Attended the Kansas City Power & Light Energy Efficiency Forum at Bartle Hall along with Councilmember Filla. Both a national and a local panel discussed energy efficient issues including the importance of sustainable developments and the fact that energy efficiencies need to be analyzed with focus on cost effectiveness.

- E. Participated as one of the 120 delegates in the Greater Kansas City Chamber of Commerce Leadership Exchange to Seattle through a partial scholarship for mayors from the Greater Kansas City Community Foundation. There were a total of nine mayors involved in the trip. Mayor Dunn congratulated Pete Levi, Executive Director of the Greater Kansas City Chamber of Commerce, and Cathy Bennett, sister of City Attorney Patty Bennett, who did a wonderful job managing the expedition. Some of the major topics addressed at the conference were transportation, healthcare, the arts and the importance of regional planning and cooperation.
- F. Attended the Crescent Peace Society's Iftar Dinner. The organization was started by Leawood residents with the mission to enhance the understanding of the Muslim cultures through educational and cultural activities involving the exchange of ideas and experiences among people of diverse cultures. The dinner is a tradition of the Muslim community to break the fast during the holy month of Ramadan. The very enjoyable and well attended event was held in the Community Center of Leawood City Hall.
- G. Attended the dedication of the Regnier Center at Johnson County Community College. The new center for business and technology was made possible through private philanthropy, which was spearheaded by Leawood resident Bob Regnier and his family foundation. The center is an absolutely fabulous addition to Johnson County Community College, and it has been said many times that any university would be proud to have such a feature as part of their campus.
- H. Attended the debut of the Leawood video, hosted by the Leawood Chamber of Commerce at AMC Theaters. Mayor Dunn congratulated the Chamber of Commerce, President Kevin Jeffries, all of the corporate sponsors, and the City for the superb production. The video will be available to the public in the near future.
- I. Attended the United Way Kick-Off Luncheon for employees of the City of Leawood. Mayor Dunn thanked Human Resources Director Colleen Browne and HR Assistant Debbi Naster for organizing the event as well as Bob Drummond, CEO of TLC for Children and Families, for serving as guest speaker. Councilmember Filla also attended the luncheon along with all of the department heads and a majority of the City Staff. She stated appreciation to all of those involved for their generosity and support of the program.
- J. Participated in a program for Swope Health Services honoring former-Mayor Carol Marinovich with the 13th Annual Great Leader Award. She congratulated Ms. Marinovich as this year marks the 10th Anniversary of the merging between Kansas City, Kansas and the Unified Government of Wyandotte County.
- K. With Councilmember Azeltine, attended the 2nd Johnson County Leadership Summit. Many opportunities were shared for increased partnerships and collaboration. A recap of the dialogue will be distributed to all Councilmembers when available.

- L. Congratulated the Leawood Rotary Club for holding a successful auction benefiting Community Living Opportunities and the St. Joseph Institute for the Deaf. The event was chaired by Michael Clark with Councilmembers Rawlings and Bussing serving as committee members.
- M. Mayor Dunn extended appreciation to Public Works Director Joe Johnson for once again hosting a barbeque luncheon for the Public Works Department, Public Works Committee, Stormwater Management Committee, and all department heads.
- N. Congratulated Leawood State Representative Pat Colloton on being selected to a four-member Executive Committee for the Council of State Governments Justice Center. The center focuses on such issues as criminal justice and immigration and also provides analysis of policy options and successful state programs.
- O. Announced the results of the Firefighter Combat World Challenge XVI in Evansville, Indiana, which took place this past weekend. Deputy Fire Chief Randy Hill placed first in the over-50 category. In the male category, A.J. Venable placed fifth; Russ Walker placed twelfth; Randy Hill placed twenty-first; and Tommy Basore placed thirty-ninth. The relay team consisting of these members placed second overall. Mayor Dunn congratulated all of the firefighters who participated in the challenge.

9. COUNCILMEMBERS' REPORT

- A. Councilmember Filla – see discussion under Item No. 3.
- B. Councilmember Bussing - In Mayor Dunn's absence, Councilmember Bussing reported that he had the opportunity to travel to Greensburg, Kansas on September 10th with Reverend Adam Hamilton of the Church of the Resurrection to present them with a fire truck. He reviewed that the town was completely destroyed by an F-5 tornado in May of this year, leaving them in dire need of fire equipment. Chief Florance immediately dispatched a surplus fire truck to Greensburg, which was used virtually on a daily basis for dust suppression during the process of cleaning debris. Following extensive work performed by Chief Florance, the Greensburg Fire Department, Mayor Dunn, and Rev. Hamilton, \$50,000 was raised by the Church of the Resurrection in order to purchase the fire truck from Leawood and donate to Greensburg. The City significantly reduced the original sale price of the vehicle to allow the transference.

Councilmember Bussing displayed photographs of the presentation. He stated the devastation wrought by the storm was remarkable as whole city blocks were totally destroyed. More unbelievable, however, was the inspiring attitude of the Greensburg residents, who are without exception positive, upbeat, and absolutely committed to rebuilding their town. In this instance, he stated the aid that was marshaled by the State of Kansas and the federal government was done in quite a responsive fashion.

He noted that a plaque is attached to the fire truck, which reads: *Presented to the City of Greensburg by the United Methodist Church of the Resurrection and the people of Leawood, Kansas, August 2007.* The citizens of this town were truly thrilled by the fire truck and overwhelmed by the support offered to them by Leawood as well as other people from all over the country. They were particularly grateful to Chief Florance, Deputy Chief Randy Hill, and members of the Leawood Fire Department who helped to resurrect their fire department and provide public safety.

Councilmember Bussing relayed appreciation to Mayor Dunn for allowing him to take place in this heartwarming event. Mayor Dunn, in turn, thanked him as well as the members of the Leawood Fire Department for representing the City during the presentation.

10. STAFF REPORT – None.

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[from the August 28, 2007 Planning Commission meeting]

- A. Ordinance No. 2268 approving a Preliminary Site Plan for M&I Bank of Villaggio, located on the southwest corner of 135th Street and Fontana, within the Villaggio Development [Roll Call Vote]

Joe Shortreed with the Corporate Real Estate Department of M&I Bank, 770 N. Water Street, Milwaukee, WI, introduced Bob Meyer of 360 Architecture, 300 W. 22nd Street, Kansas City, Missouri, 64108, who provided a presentation of the preliminary site plan.

Mr. Meyer informed Mayor Dunn that the outdoor seating area on the northwest corner of the building, which will face 135th Street and Fontana, is in the preliminary design stages and will be presented in further detail with the final plan.

A motion to pass the ordinance was made by Councilmember Gullede; seconded by Councilmember Bussing.

Mr. Meyer verified for Councilmember Bussing that they are in agreement with Stipulation No. 8 regarding working with Staff and the Planning Commission on the requested setback deviations.

The ordinance passed with the following unanimous roll call vote of 5-0: Yea: Councilmembers Bussing, Gullede, Rawlings, Azeltine, and Filla. Nay: None. (Councilmembers Rasmussen, Gill, and Peppes absent).

- B. Ordinance No. 2269 approving a Special Use Permit [SUP] for a sales trailer within the Glen Abbey of Leawood Subdivision, located at 143rd Street and Cedar [Roll Call Vote]

Applicant Jason Meier, Vice-President of Development for Glen Abbey with Matt Adam Development Company, 10327 Lee Boulevard, requested approval for the temporary sales trailer to be placed on Lot 23 of the development. He stated concurrence with all of the imposed stipulations set forth by Staff. He informed Mayor Dunn that the requested one-year timeframe for the SUP will be sufficient as sale operations will most likely be moved to the garage of one of the completed houses upon expiration of the permit.

A motion to approve the SUP was made by Councilmember Gullede; seconded by Councilmember Rawlings.

The ordinance passed with the following unanimous roll call vote of 5-0: Yea: Councilmembers Gullede, Rawlings, Azeltine, Filla, and Bussing. Nay: None. (Councilmembers Rasmussen, Gill, and Peppes absent).

- C. Ordinance No. 2270 approving a Special Use Permit [SUP] for an SAI cabinet for AT&T Lightspeed, located at 11404 Canterbury Circle [Roll Call Vote]

On behalf of AT&T, Chris Carroll, 8900 Indian Creek Parkway, Overland Park, explained that an approval request for the Surface Area Interface [SAI] cabinet was inadvertently omitted from a previously approved application for a VRAD cabinet in the same location. He noted that, as always, they have worked very closely with the surrounding residents and the homes association on the landscaping plan, which has been significantly enhanced when compared to the original plan for the VRAD cabinet. There are a total of 61 new plantings including ten pine trees at 6-8 feet in height.

Mr. Carroll confirmed for Councilmember Bussing that the two cabinets at this site, which is in the Hallbrook Farms subdivision, will have the capacity to address future development in the area. The installation of additional cabinets is not anticipated for this area of the community.

A motion to pass the ordinance was made by Councilmember Bussing; seconded by Councilmember Gullede.

Councilmember Bussing verified agreement with Mr. Carroll for the 25-year limit in Stipulation No. 4. Mr. Carroll submitted a letter of acknowledgement for all of the stipulations to the Planning Staff.

The ordinance passed with the following unanimous roll call vote of 5-0: Yea: Councilmembers Bussing, Gullede, Azeltine, Filla, and Rawlings. Nay: None. (Councilmembers Rasmussen, Gill, and Peppes absent).

[from the September 11, 2007 Planning Commission meeting]

- D. Resolution No. 2889 to approve a Final Site Plan for Monarch Real Properties - Plaza Pointe Lot 11, located at 135th Street and Roe Avenue, within the Plaza Pointe Development

Applicant John Gaar with 360 Architecture, 300 W. 22nd Street, Kansas City, MO, 64108, presented site plan drawings, elevations, and renderings of the requested final site plan. After working with Staff, he noted that trellis features have been added to the north and south ends of the west elevation in order to block visibility into the windows of the medical office. Modifications to the windows and materials of this elevation have also been made per Staff recommendations. He stated agreement with all of the stipulations.

Mr. Gaar informed Councilmember Azeltine that the windows on the west elevation are approximately 2-ft. square. Senior Planner Jeff Joseph affirmed that Staff is satisfied with the plan as previous concerns with this elevation have been alleviated.

A motion to approve the resolution was made by Councilmember Gulledge; seconded by Councilmember Filla.

Mayor Dunn confirmed with Mr. Gaar that interior window treatments will be utilized.

The motion was approved following a unanimous vote of 5-0.

- E. Ordinance No. 2271 approving a Preliminary Site Plan and Preliminary Plat for Building 133 Office Development, located north of 133rd Street and west of Mission Road [Roll Call Vote]

Applicant Chuck Peters, 9990 College Boulevard, Overland Park, requested approval of the 28,000 square foot building to be located east of the public art piece "Pastoral Dreamer." He noted that the overall development approved in June 2005 reflected two 14,000 sq.-ft. buildings on this site, which has since been changed to the single building. Positive feedback was obtained by surrounding residents at the Interact meeting and further discussions have taken place regarding citizen concerns expressed at the Planning Commission meeting. Mr. Peters relayed that he has agreed to work with the residents on landscaping and possibly increasing the height of the berm on the west end of the property.

Mr. Peters then provided a presentation via site plan drawings, elevations, renderings, a three-dimensional model, and comparisons of the berms in relationship to the surrounding residential properties.

There are three requested deviations:

1. A 20-ft. rather than a 40-ft. setback on the west side of the property.
2. A deviation to the 60/40 rule.
3. Consideration for the 10-acre requirement as the project is only 3.3 acres.

Mr. Peters reported that a letter has been received from the owners of the overall development stating that they will not request construction upon the property to the west of this lot. In light of this letter, Staff is in agreement with the deviation requests.

Based upon the August 23rd letter to Mr. Joseph, Mayor Dunn asked Mr. Peters if he and the entity from whom he is purchasing the property from have discussed the possibility of a stipulation requiring the adjacent tract to remain a perpetual green space and drainage area. Mr. Peters informed that Terra-Bentley has recently divided into two companies, Terra and Bentley. He stated that he cannot commit to a stipulation for property of which he has no control over, however he has discussed the topic with both companies as he is also very concerned with the tract. Mayor Dunn noted that the letter will remain a part of the record. Mr. Joseph confirmed that the tract is very restricted with no possibility of development due to setback requirements.

A motion to pass the ordinance was made by Councilmember Bussing; seconded by Councilmember Rawlings.

Alec Weinberg, 13252 Delmar Court, stated that his residence abuts the proposed development. He requested the addition of a stipulation requiring Mr. Peters to consider input from the adjacent neighbors when planning the final details of the landscaping and berming. Additionally, as it is also very important to the residents that the wooded area surrounding "Pastoral Dreamer" remain untouched, he asked that any storm sewer work or utility easements be prohibited from this area. He also suggested a stipulation to ensure maintenance of the previously discussed triangular piece of property to the west of the project. It is planned that this area will eventually become a detention basin for property south of 133rd Street; however, until that time, it will need to be well kept. As his home is 90-ft. from the property line, he stated the landscaping and height of the berm is crucial in terms of preserving property values and in being properly screened from the project.

Mayor Dunn noted that Stipulation No. 6 requires the submittal of a detailed landscape plan that meets the requirements of the Leawood Development Ordinance at the time of final site plan application. Additional landscaping along the north property line will also be required. Referring to Mr. Peters' previous comments, she reconfirmed with him that he is committed to working with the surrounding landowners. He clarified that that closest property to the project is 135-ft. and it is not that of the Weinberg's, however he will certainly work all of the residents and the engineers to find an agreeable solution. It is planned to add landscaping on top of the berm.

According to Johnson County Wastewater, Mr. Peters advised Councilmember Gullede that it will not be necessary to place utilities through the wooded areas.

As Mr. Peters is not the owner of the triangular piece of property to the west, Mayor Dunn noted that the Codes Enforcement Department will ensure proper maintenance. Mr. Joseph stated it is his understanding that the property is currently being very well maintained with some natural landscaping and small plantings. The City currently mows the curbing along the right-of-ways on 133rd Street from Mission Road to Roe Avenue. Mr. Weinberg stated that he mows the berm.

Tracey Thomas, 13212 Delmar, stated his property adjoins the southern portion of the project. He commented that he is unaware of any other commercial buildings in such close proximity to single-family dwellings on 133rd Street from State Line Road all the way to Metcalf Avenue. He stated that the residents have welcomed Mr. Peters' demonstrated desire to interact with them on the various issues. Mr. Thomas asked the Governing Body to consider other oversights such as noise, height, and bright lights in the evening so that the residents may maintain peace and quiet.

Mr. Joseph verified for Mayor Dunn that photometric studies will be presented upon final plan approval. Knowing that the issue would be of concern, Mr. Peters stated that a study was included in the agenda packet information and reveal zero foot candles on the property. The study has also been shown to the neighbors.

Mr. Peters informed Councilmember Azeltine that downlighting will be utilized and will be identical to the hemlock green shade that is used along Tomahawk Creek Parkway. They also discussed proper berming methods. Referring to the three-dimensional model, Mr. Peters pointed out the two existing manholes where utilities may be connected. Johnson County Wastewater's preference is that the project connect to the manhole located on the right-of-way of Wilshire. It is not anticipated that any trees will be disturbed.

The ordinance passed with the following unanimous roll call vote of 5-0: Yea: Councilmembers Bussing, Rawlings, Gullede, Azeltine, and Filla. Nay: None. (Councilmembers Rasmussen, Gill, and Peppes absent).

12. OLD BUSINESS – None.

13. OTHER BUSINESS – None.

14. NEW BUSINESS

- A. Schedule a Governing Body Executive Session at 6:30 P.M. on Monday, October 15, 2007, to discuss a personnel matter; the City Administrator's 6-month review

A motion to approve the scheduling of the Executive Session was made by Councilmember Gulledge; seconded by Councilmember Filla. The motion carried following a unanimous vote of 5-0.

ADJOURN

Mayor Dunn adjourned the meeting at 9:10 P.M.

Debra Harper, CMC, City Clerk

Christy Wise
Recording Deputy City Clerk