

Regular Meeting

THE LEAWOOD CITY COUNCIL

December 17, 2012

Minutes

DVD No. 294

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, December 17, 2012. Mayor Peggy Dunn presided.

Councilmembers present: Jim Rawlings, Julie Cain, Gary Bussing, Debra Filla, Carrie Rezac, James Azeltine, Lou Rasmussen and Andrew Osman

Councilmembers absent: None

Staff present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
Chief Dave Williams, Fire Dept.	Joe Johnson, Public Works Director
Chief John Meier, Police Dept.	Dawn Long, Finance Director
Mark Andrasik, Info Systems Director	Mark Klein, Planning Official
Jack Reece, Info Systems	Deb Harper, City Clerk
Richard Coleman, Comm. Dev. Director	Pam Gregory, Assistant City Clerk
Lovina Freeman, HR Director	

Mayor Dunn requested a moment of silence for all of the families and friends who were touched by last week's horrific tragedies in Newtown, Connecticut.

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

A motion to approve the agenda was made by Councilmember Rasmussen; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 8-0.

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.

4. PROCLAMATIONS - None

5. PRESENTATIONS/RECOGNITIONS - None

6. SPECIAL BUSINESS - None

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 minutes of the December 3, 2012 Governing Body meeting
- B. Accept minutes of the December 3, 2012 Governing Body Work Session
- C. Accept minutes of the November 13, 2012 Parks & Recreation Advisory Board
- D. Approve Mayoral Appointment of Michael Gillaspie to the Sustainability Advisory Board for the unexpired term ending in 2014 [Recommendation by Councilmember Rezac]
- E. Approve Mayoral Appointment of Catherine Lawless to the Johnson County Drug & Alcohol Council [DAC] for a 4-year term ending in 2016
- F. Approve renewal of Cereal Malt Beverage [CMB] License to Walgreen's # 09985, located at 5230 W. 151 Street
- G. Approve quote in the amount of \$282,243.00 from Traveler's Insurance Company, for 2013 property/casualty insurance with brokerage services from Monte Giddings of CBIZ
- H. Approve Change Order No. 1 in the amount of \$44,774.27 to J.M. Fahey Construction Co., Inc., pertaining to the 2012 Arterial Mill & Overlay Project [Project # 72019]
- I. Approve 4th and final pay request in the amount of \$87,362.77 to Miles Excavating for the 2012 Residential Reconstruction Program [Project #80212 and #73003]
- J. **Resolution No. 3950** adopting the 2013 Fee Schedule for fees not specifically provided for in the Code of the City of Leawood, 2000, and rescinding Resolution Nos. 3717, in accordance with § 1-701 of the Code of the City of Leawood, 2000
- K. **Resolution No. 3951** accepting the Pricing Policy for the City of Leawood Parks and Recreation Department
- L. **Resolution No. 3952** accepting New Public Infrastructure [storm sewer] for property located at 3003 W. 90th Terrace [GASB-34]
- M. **Resolution No. 3953** accepting New Public Infrastructure for property located on the SE Quadrant of Park Place, SW corner of 117th & Town Center Drive
- N. Declaration of Surplus Property; PW 2002 24" Scrubber last 4 VIN/6818; and 2007 Auto Scrubber, last 4 MOD/0946
- O. **Resolution No. 3954** approving a Final Sign Plan for Parkway Plaza – Romanelli Optix Sign Plan, located north of 135th Street and west of Roe Avenue [PC Case 159-12]
- P. Fire Department Monthly Report
- Q. Police Department Monthly Report
- R. Municipal Court Monthly Report

Councilmember Bussing requested to pull Item No. 7K for discussion.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Rawlings; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 8-0.

- K. **Resolution No. 3951** accepting the Pricing Policy for the City of Leawood Parks and Recreation Department

Councilmember Bussing expressed his appreciation to Parks and Recreation Director Chris Claxton and Recreation Superintendent Kim Curran for their discussion with the Parks and Recreation Advisory Board regarding his previous questions on shelter pricing.

A motion to approve the resolution was made by Councilmember Bussing; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 8-0.

8. **MAYOR'S REPORT**

- A. Attended three Leawood Chamber of Commerce ribbon cutting ceremonies; the first was for Mio Restaurant, located at 135th and Roe in Parkway Plaza; second was for VaKo Jewels, located in Town Center Crossing (formerly One Nineteen); and the third was for Metcalf Bank (formerly Heartland Bank), located in Town Center Plaza. This is the 25th branch of Metcalf Bank, located in both Kansas and Missouri. Mayor Dunn wished all of these businesses great success.
- B. Mayor Dunn was joined by Councilmembers Debra Filla, Lou Rasmussen, Jim Rawlings, Carrie Rezac and Julie Cain, along with City Administrator Scott Lambers and all department heads for the 2012 Annual Leawood Chamber of Commerce Meeting and Awards Ceremony. Hall of Fame recipients were Senator John Vratil and Hy-Vee in Leawood. President and CEO Danny O'Neill of The Roasterie was the keynote speaker.
- C. There was a great turnout for the Johnson & Wyandotte Counties Council of Mayors 2012 Holiday Social. Mayor Dunn thanked the City Council for their participation and attendance.
- D. Appreciation to Human Resources Director Lovina Freeman for organizing a terrific Employee Appreciation Luncheon and Awards Ceremony and to Public Works Director Joe Johnson for cooking, along with assistance from the department heads. Councilmembers Lou Rasmussen, Jim Rawlings and James Azeltine were in attendance. There were 46 employees who received time and service awards. Special congratulations to the 2012 "Employee of the Year" Cultural Arts Coordinator April Bishop, a well deserved honor. Also, thanks to those who organized and participated in our "Have-A-Heart" campaign that benefitted the Gillis Center and Rose Brooks Center.
- E. Mayor Dunn wished everyone a happy holiday season and all the best in the coming New Year.

9. **COUNCILMEMBERS' REPORT**

- A. Councilmember Cain Discussion of Facebook and Twitter possibilities for City of Leawood

A motion to request that a work session be scheduled for April 1, 2013, to discuss the possibility of a Facebook and Twitter page for the City of Leawood was made by Councilmember Cain; seconded by Councilmember Filla.

Councilmember Osman preferred they have a presentation on this during a Governing Body meeting, rather than schedule a work session.

Mr. Lambers felt a work session would be necessary so the Council could make a decision with regard to the interactive nature and implications of this, including legal implications.

The motion carried following a unanimous vote of 8-0.

- B. Councilmember Rasmussen Discussion of Staff review of alignment of Ranchmart CID application with the Leawood Development Ordinance [LDO]

A motion to direct City staff to review the Ranchmart CID application with regards to Resolution No. 3816; Section 4 Criteria; Item Nos. 4 and 6, to determine whether these requirements are in alignment with this application prior to the upcoming work session on January 7, 2013; seconded by Councilmember Bussing. The motion carried following a unanimous vote of 8-0.

10. STAFF REPORT - None

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[From the November 27, 2012 Planning Commission meeting]

- A. **Ordinance No. 2605** approving a Preliminary Plan for Mission Farms – Phase 3 and 4, located south of 105th Street and east of Mission Road (PC Case 121-12) [Roll Call Vote]

Doug Weltner, Managing Partner of Saddle Properties, gave a presentation requesting approval of a Preliminary Plan to permit construction of Mission Farms, Phases 3 and 4. The last Revised Preliminary Plan was approved in 2008.

Buildings A and B are completed with 60,000 square feet of retail and restaurant space along with 60 residential condominiums. Building F is completed with 30,000 square feet of office space. The revised plan in 2008 proposed Building E (Phase 3) as another 42,000 square feet of MXD [Mixed-Use Development] of office and commercial space on the first floor, which will remain the same. Building C (Phase 4) is proposed for a 196,000 square foot, four-story residential/office building with 160 residential units and attached parking garage; and Building D consists of seven, two-story townhomes totaling 15,765 square feet. There will be approximately 8,000 square foot of office space under the residential units of Building C. The residential components have been a big success by leasing 20 units per month with 95% occupancy anticipated by February, 2013. A traffic study was done of the entire site, which indicated that the proposed development will reduce the volume of traffic relative to the originally approved study for the overall development. Building materials will consist of brick, stone and stucco,

with plans to repeat the architecture designs. A noise barrier wall runs the western edge of the property along I-435 with a dense wooded area. A very dense forest of landscaping will be installed to benefit the residential property lines. This mixture will include large shade trees, evergreen trees, ornamental trees and shrubs. Mr. Weltner requested some flexibility regarding the 30% commercial and 20% residential square footage requirement in the Leawood Development Ordinance [LDO].

Mr. Coleman replied the applicant could return at Final Plan requesting an amendment as long as it is no more than 5% of the overall project. Staff would need to confirm the adjustment is in accordance with the LDO.

Judd Claussen, Phelps Engineering, stated the driveways located on the south side of the seven townhomes are intended as an approach for garage access only, not for parking. They have worked with staff to reduce the length of the driveways from 12 to 10 feet to deter people from parking there.

Mr. Weltner stated out of respect for the neighbors not wanting foot traffic in their backyards, they decided not to include the trail and bridge at this time. The neighbors chose to keep the chain link fence that connects behind 105th Street at the time they developed the property. The parking garage adjoins the apartments. The townhomes are 2,200 square feet with two-car garages. It is undetermined at this time whether the townhomes will be for sale or rent. Mission Farms will continue to maintain the lake.

Councilmember Rasmussen referred to Planning Commission Stipulation No. 7 regarding landscaping and requested this language include that the landscaping complies with the presentation of this Preliminary Plan.

Mr. Coleman confirmed the applicant is required to comply with the City's lighting ordinance of ½ foot candle limit at the property line.

Mr. Weltner confirmed they were willing to fund ½ of the traffic signal when warranted.

A motion to pass the ordinance stipulating that at Final Plan the landscaping comply with the presentation of this Preliminary Plan was made by Councilmember Rawlings; seconded by Councilmember Azeltine.

Mayor Dunn noted there were no citizens signed in to speak on this item.

The motion carried following a unanimous roll call vote of 8-0. Nay: None.

- B. **Resolution No. 3955** approving a Revised Final Plat for 3105 Ironhorse Court – Vacation of Golf Course Easement, located south of W. 151st Street and east of Mission Road (PC Case 123-12)

Ed Butler, 3105 Ironhorse Court, requested approval of a Revised Final Plat to remove the 25-foot golf course setback on their property in order to install a pool within this setback.

Councilmember Rawlings stated there was consensus from the Ironhorse Golf Course Advisory Board that construction of a pool on this lot would not have any effect on golf play and were in favor of this request.

Councilmember Rasmussen stated this particular applicant's request was unusual in terms of lot location and wanted to ensure this request would not be precedent setting for other applicants.

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 8-0.

- C. **Ordinance No. 2606** approving a Special Use Permit for 10314 State Line Road, located south of 103rd Street and west of State Line Road (PC Case 126-12) [Roll Call Vote]

Due to the appearance of a conflict, Councilmember Osman requested to be recused from Item Nos. 11C and 11D.

Mike MacAdam, AMAI Architecture, gave a presentation requesting approval of a Special Use Permit [SUP] for a restaurant and a Preliminary Plan for associated building renovations and site modifications. He addressed concerns regarding traffic and parking. In order to resolve any traffic flow issues, they have agreed to provide a cross-access easement to allow patrons of the north building to utilize the same traffic flow.

The required amount of parking will comply with the City's ordinance. The tenant has no parking concerns. A parking study determined that the parking ratios are adequate or higher than needed.

A motion to pass the ordinance was made by Councilmember Rawlings; seconded by Councilmember Bussing. The motion carried following a unanimous roll call vote of 7-0. Nay: None. (Councilmember Osman recused).

- D. **Ordinance No. 2607** approving a Preliminary Plan for 10314 State Line Road, located south of 103rd Street and west of State Line Road (PC Case 126-12) [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion carried following a unanimous roll call vote of 7-0. Nay: None. (Councilmember Osman recused).

Councilmember Osman rejoined the meeting.

- E. **Resolution No. 3956** approving a Revised Final Plan for Park Place – The Residences Pool and Cabana, located at the northeast corner of 117th Street and Nall Avenue. (PC Case 150-12)

Jeffrey Alpert, Park Place Village, stated originally these residential buildings were designed to include roof decks on each building; however, as the designs became more detailed there were some cost prohibitive issues with meeting the City's Building Codes.

Bill Prelogar, NSPJ Architects, gave a presentation requesting approval of a Revised Final Plan for 'The Residences' to install a pool and cabana with restrooms in the green space between both residential buildings. Additional landscaping around the pool is included to maintain the formal look of the park. The pool will include a hot tub. The rain gardens will remain in place. The architecture of the buildings will not change with the removal of the roof decks. According to the City's Codes Officials, a steel frame building would be needed in order to accommodate the roof decks, which would add extraordinary cost to the project. The density of people should be relatively low around the pool area compared to the total occupancy. The pool dimensions are 40 feet long; 20 feet wide; and 4.5 feet deep, and will be surrounded with several tables and lounge chairs.

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 8-0.

12. OLD BUSINESS

[from the November 5, 2012 Governing Body meeting]

Discussion of City's current special animal permit [Code § 2-109]:

1. Number of animals permitted
2. Re-inspection of premises

City Attorney Patty Bennett stated these changes would provide for annual re-inspection for all special animal permits and would limit the total number of animals which may be approved under a special animal permit. The ordinance would go into effect January 1, 2014.

A motion to approve that special animal permits be issued for a maximum of eight (8) animals was made by Councilmember Rasmussen; seconded by Councilmember Azeltine.

Mr. Lambers confirmed the current situation regarding the 19 cats would be allowed to remain and be grandfathered in; however, if some of these cats are removed, they would not be allowed to be replaced.

City Clerk Deb Harper stated the City's ordinance currently allows for 2 cats and/or 2 dogs. The third animal of the same species triggers the special animal permit.

Councilmembers Rawlings and Cain were not in favor of this. They felt eight (8) pets per household would be too many.

Ms. Harper stated some residents currently have six (6) pets, which is the maximum number ever requested. Mayor Dunn confirmed these pets would be allowed to be grandfathered in as well; however, if any are removed they would not be allowed to be replaced. Ms. Harper noted City staff takes good pet ownership into consideration when residents request a special animal permit by having animal control officers review their yards, pets, etc., to ensure proper care.

The motion to approve that special animal permits be issued for a maximum of eight (8) animals carried following a vote of 6-2. Nay: Councilmembers Cain and Rawlings for reasons stated.

An ordinance for approval will be placed on the next Governing Body meeting agenda.

13. OTHER BUSINESS - None

14. NEW BUSINESS

Schedule a Governing Body Work Session on Monday, March 4, 2013, at 6:00 P.M., for Discussion on Review of Community Improvement Development [CID] Application for Camelot Court Shopping Center, located at 119th & Roe Avenue

A motion to approve the work session was made by Councilmember Azeltine; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 8-0.

There being no further business, the meeting was adjourned at 9:15 P.M.

ADJOURN

Debra Harper, CMC, City Clerk

Pam Gregory, Assistant City Clerk