

Regular Meeting

THE LEAWOOD CITY COUNCIL

May 20, 2013

Minutes

DVD No. 303

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, May 20, 2013. Mayor Peggy Dunn presided.

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

Councilmembers absent: None

Staff present: Scott Lambers, City Administrator
Chief Dave Williams, Fire Dept.
Chief John Meier, Police Dept.
Mark Klein, Planning Official
Karl Weinfurter, Info Systems Specialist
Richard Coleman, Comm. Dev. Director

Patty Bennett, City Attorney
Joe Johnson, Public Works Director
Dawn Long, Finance Director
Lovina Freeman, HR Director
Deb Harper, City Clerk
Pam Gregory, Assistant City Clerk

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn noted the following modification to the agenda:

- Item No. 7J – This item has been pulled

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 7-0. (Councilmember Osman absent).

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

**National Public Works Week, May 19-25,
2013**

Mayor Dunn read the proclamation into the record.

**National Missing Children's Day, May 25,
2013**

Mayor Dunn proclaimed May 25, 2013, as National Missing Children's Day in the City of Leawood and urged all citizens to participate in the protection of children and educating children about child abduction and sexual exploitation, and how to respond and seek help from law enforcement, social services, and the National Center for Missing and Exploited Children [NCMEC].

5. PRESENTATIONS/RECOGNITIONS GFOA Budget Award

Mayor Dunn presented the Government Finance Officers Association [GFOA] Award to Finance Director Dawn Long and Budget Manager Kathy Byard for the 2013 Budget. For the City of Leawood to receive this award they had to satisfy nationally recognized guidelines for effective budget presentation. The guidelines are designed to assess how well the City's budget serves as a policy document, a financial plan, an operations guide, and a communications device.

6. SPECIAL BUSINESS

- A. **Resolution No. 4044**, determining it necessary and advisable and ordering the reconstruction and repair of certain residential streets or portion thereof within the City of Leawood, Kansas pursuant to K.S.A. § 12-614 et seq., for the 2014 Residential Street Reconstruction Program

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Rezac. The motion carried following a unanimous vote of 7-0. (Councilmember Osman absent).

- B. **Resolution No. 4045** approving and authorizing the Mayor to execute an Amendment to that certain Land Donation and Development Agreement dated February 4, 2013, between the City and Hallbrook Office Center, LLC, pertaining to real property located adjacent to City Park, 10601 Lee Boulevard

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Rezac.

Mayor Dunn extended her sincere appreciation for this very generous property donation to the City of Leawood. This will become an Off-Leash Dog Park for the citizenry and surrounding communities.

The motion carried following a unanimous vote of 7-0. (Councilmember Osman absent).

- C. **Resolution No. 4046** accepting a Kansas Quit Claim Deed from Grantor, Hallbrook Office Center, LLC, for real property located adjacent to City Park, located at 10601 Lee Boulevard

A motion to approve the resolution was made by Councilmember Azeltine; seconded by Councilmember Cain.

Councilmember Rasmussen recognized Parks and Recreation Director Chris Claxton, Parks Superintendent Brian Andersen, Public Works Director Joe Johnson and his department, Community Development Director Richard Coleman, and any other City staff members involved in the efforts on this Dog Park and for realizing the best interests of the citizens of Leawood. He acknowledged City Administrator Scott Lambers for his patience on this project and for his long-term efforts in working with City staff and educating current and former Councilmembers about the City of Leawood.

The motion carried following a unanimous vote of 7-0. (Councilmember Osman absent).

- D. Authorize staff to initiate the planning process for proposed Dog Park, to be located at 10601 Lee Boulevard

A motion to authorize staff to initiate the planning process for the proposed Dog Park was made by Councilmember Rawlings; seconded by Councilmember Cain.

Mayor Dunn stated since this Dog Park was made public in the Kansas City Star, they have had a lot of communication from dog owners and dog lovers. She has had repeated requests for at least one shelter for shade due to the need for some people to stay out of the sun. She suggested City staff look into the cost of a shelter so the Governing Body can determine whether they want to include this as a part of the planning process.

Councilmember Rasmussen suggested City staff initiate the planning process in conjunction with the Parks and Recreation Advisory Board and then present an entire plan to the Governing Body. They still need to determine the layout, fence boundaries, ADA and American Kennel Association criteria; etc., for the Dog Park. He suggested they amend the motion to include input from the Parks Board.

Councilmember Rawlings noted the staff and Parks Board had already given their input on the general concept of the Dog Park and the City Council has discussed several of these things over two work sessions. Mayor Dunn replied they had agreed during the work sessions that some of the items may need to be further defined and possibly modified when this goes through the planning process.

Ms. Claxton clarified staff would not move forward with the planning process until they have a visual plan to present to the Parks Board. The Governing Body would then have the value of their input. The work sessions have given a clearer understanding of a starting point.

The motion carried following a unanimous vote of 7-0. (Councilmember Osman absent).

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. 2013-16 and 2013-17
- B. Accept minutes of the May 6, 2013 Governing Body meeting
- C. Accept minutes of the May 6, 2013 Governing Body Work Session
- D. Accept minute of the April 9, 2013 Parks & Recreation Advisory Board meeting
- E. Mayoral Appointments of Council Liaisons and Volunteers for Committees, Commissions and Boards
- F. Approve purchase in the amount of \$49.97/ton [\$99,940.00] from Central Salt, LLC, for the purchase of road salt for the 2013-2014 winter season
- G. Approve 3rd and Final Pay Request in the amount of \$75783.77 to JM Fahey Construction Company, pertaining to the 2012 Arterial Mill & Overlay Project [Projects # 72019, 72020, 72043, and 72049]
- H. **Resolution No. 4047** expressing the City of Leawood's support for bringing the Republican National Convention to the Kansas City Region in 2016
- I. Approve Massage Establishment License for the Kings Spa, located at 13014 State Line Road, in accordance with Code §5-510 of the Code of the City of Leawood 2000
- *J. **Resolution approving and authorizing the Mayor to execute a Purchase and Installation Agreement in the amount of \$17,784.78, between the City and Cunningham Recreation, pertaining to the Brook Beatty Park, located at 8646 Lee Boulevard – THIS ITEM HAS BEEN PULLED****
- K. **Resolution No. 4048** approving and authorizing the Mayor to execute a Service Agreement in the amount of \$59,650.00, between the City and RDG Planning & Design, pertaining to the Bicycle/Pedestrian Master Plan
- L. **Resolution No. 4049** approving and authorizing the Mayor to execute an Inter-local Agreement between the City of Leawood and the City of Overland Park pertaining to the 119th Street Improvement Project between State Line Road and Roe Avenue [Project # 72017]
- M. **Resolution No. 4050** approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$1,749,885.50, between the City of Leawood and Freeman Concrete, pertaining to the 2013 Residential Street Mill & Overlay Program [Project Nos. 70014, 80250, & 70513]
- N. **Resolution No. 4051** approving and authorizing the Mayor to execute a Service Agreement in the amount of \$24,932.00, between the City of Leawood and C.V. Anderson Commercial Services, pertaining to the painting and siding repairs to The Lodge, Nature Center an Maintenance Building located within Ironwoods Park, at 14701 Mission Road
- O. **Resolution No. 4052** accepting a Permanent Roadway and Sidewalk Easement from Grantor, State Line 79, LLC, for property located at 79th & State Line Road, Lots 24 & 25, Meadow Lake Lawn Subdivision

- P. **Resolution No. 4053** accepting new Public Infrastructure for streets and storm sewers, in connection with the 2012 Arterial Mill & Overlay, in accordance with GASB-34 Guidelines of reporting Inventory of Assets [Project # 72043-Streets Town Center Drive between Roe and Tomahawk Creek Parkway; and Project # 72020-Stormsewers along 127th Street between Mission Road and Nall Avenue]
- Q. **Resolution No. 4054** approving and authorizing the Mayor to execute an Inter-local Agreement by and among the City and Board of County Commissioners of Johnson County, [BOCC], cities of Merriam, Olathe, Overland Park, Lake Quivira, Shawnee, Consolidated Fire District No. 2, Northeast Johnson County, Johnson County Fire District No. 1, Johnson County Fire District No. 2, and Northwest Consolidated Fire District, for the coordinated delivery of emergency medical services [EMS] Medical Direction
- R. Fire Department Monthly Report
- S. Police Department Monthly Report
- T. Municipal Court Monthly Report

The following Consent Agenda items were pulled for discussion:

- Mayor Dunn – Item No. 7E
- Councilmember Bussing – Item No. 7K
- Councilmember Filla – Item No. 7O
- Councilmembers Azeltine and Rezac – 7Q

A motion to approve the remainder of the Consent Agenda was made by Councilmember Rawlings; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 7-0. (Councilmember Osman absent).

- 7E. Mayoral Appointments of Council Liaisons and Volunteers for Committees, Commissions and Boards

Mayor Dunn recognized those in the audience being appointed or reappointed to one of the City's volunteer groups and extended her appreciation for their service.

A motion to approve Item No. 7E was made by Councilmember Filla; seconded by Councilmember Rezac. The motion carried following a unanimous vote of 7-0. (Councilmember Osman absent).

- 7K. **Resolution No. 4048** approving and authorizing the Mayor to execute a Service Agreement in the amount of \$59,650.00, between the City and RDG Planning & Design, pertaining to the Bicycle/Pedestrian Master Plan

Councilmember Osman joined the meeting via teleconference.

Councilmember Bussing stated he highly regarded the Parks and Recreation Department in all of their efforts; however, he couldn't see how the City could execute this particular proposal and struggled with some of the language. He felt the Parks Department could handle everything presented in this Master Plan on their own and would not need to pay a consultant.

Councilmember Filla noted the full 200-page proposal was not included in the packet; however, it does include very distinct deliverables. They are confident that RDG Planning & Design can deliver the Master Plan.

Mr. Andersen confirmed the cost for the design was included in the 2013 budget for \$60,000.

Mayor Dunn noted if the Council preferred, this item could be continued until they all have the opportunity to review the entire proposal.

Councilmember Cain stated she received the full proposal and was excited about the plan and the design group that was selected. She emphasized the importance of the pedestrian portion of the plan. Mr. Anderson confirmed the consultant would also take into consideration how bicycle and pedestrian transportation could work in conjunction with transit systems.

A motion to deny Item No. 7K was made by Councilmember Bussing; seconded by Councilmember Rasmussen. The motion to deny failed with a vote of 2-6. Yay: Councilmembers Bussing and Rasmussen. Nay: Councilmembers Cain, Rawlings, Azeltine, Filla, Rezac, and Osman.

A motion to approve Item No. 7K was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion carried following a vote of 6-1. Nay: Councilmember Rasmussen. (Councilmember Bussing abstained).

70. **Resolution No. 4052** accepting a Permanent Roadway and Sidewalk Easement from Grantor, State Line 79, LLC, for property located at 79th & State Line Road, Lots 24 & 25, Meadow Lake Lawn Subdivision

Councilmember Filla thanked City staff for the beautiful landscaping on both sides of State Line and asked if this landscaping would be impacted when the final proposal comes forward. Mr. Lambers replied this property is located in the City of Leawood. Kansas City may only provide shrubbery; however, Leawood will provide trees if there is reasonable expectation they will survive.

A motion to approve Item No. 70 was made by Councilmember Filla; seconded by Councilmember Cain. The motion carried following a unanimous vote of 8-0.

- 7Q. **Resolution No. 4054** approving and authorizing the Mayor to execute an Inter-local Agreement by and among the City and Board of County Commissioners of Johnson County, [BOCC], cities of Merriam, Olathe, Overland Park, Lake Quivira, Shawnee, Consolidated Fire District No. 2, Northeast Johnson County, Johnson County Fire District No. 1, Johnson County Fire District No. 2, and Northwest Consolidated Fire District, for the coordinated delivery of emergency medical services [EMS] Medical Direction

Councilmember Azeltine noted the contribution amounts reference a formula in the agreement and asked if this was the final amount or if it could change after the County does their calculations. Fire Chief Dave Williams replied an Advisory Board consisting of Fire Chiefs and County officials set that pricing scale and is based upon the number of EMT's and runs they make each year. This varies by the number of calls.

A motion to approve Item No. 7Q was made by Councilmember Azeltine; seconded by Councilmember Rezac.

Councilmember Rezac referenced a form that the State Attorney General is required to sign and asked if the State was included on this Advisory Board. City Clerk Deb Harper replied the State Attorney General signs-off on this agreement as a formality.

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

8. MAYOR'S REPORT

- A. On behalf of the City of Leawood, Mayor Dunn expressed sincere sympathies for the residents and victims in Moore, Oklahoma, for the tornado devastation they incurred today.
- B. At the invitation of Leadership Lenexa, Mayor Dunn joined the Mayors of Lenexa, Kansas City, Kansas/Unified Government, Independence and Blue Springs on a panel for all of the Johnson County leadership groups. The main topic was regionalism and the facilitator was Leawood resident John Holt.
- C. Mayor Dunn joined Police Chief John Meier and Fire Chief Dave Williams at the Leawood Woman's Club 'Spring FunThropic' fundraiser, which is the event where they give their philanthropic donations. Once again, the City of Leawood's Police and Fire Departments were two of the recipients of their generosity. This is a balloted vote that leads to that decision. Mayor Dunn acknowledged the Leawood Woman's Club for their generosity.
- D. Mayor Dunn had the privilege of addressing the Vanguard Club with the City of Leawood as her topic. This is a men's breakfast group that was formed in 1955 and has approximately 100 members with a waiting list.
- E. Attended two D.A.R.E. Graduations with Police Chief John Meier; the first was for Brookwood Elementary; the second was for Curé of Ars. Attorney General Derek Schmidt was the guest speaker at Brookwood. D.A.R.E. Officer Randy Wiler conducts both programs and does an outstanding job.

9. COUNCILMEMBERS' REPORT

A. Councilmember Rawlings Update on Justice Center Construction Project

The Justice Center building is 70% complete. Irrigation drawings are complete. Titan Construction is collecting bids for installation of the sprinkler system. MC Realty is seeking RFP's for moving services for City employees, which should take place mid-July, weather permitting. Tomahawk Creek Parkway improvements are underway. The excavation work is 92% completed. Drywall is underway and painting will begin soon. All of the utilities have been turned on. The project is currently on schedule.

10. STAFF REPORT - None

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[From the April 23, 2013 Planning Commission meeting]

- A. **Resolution No. 4055** approving a Revised Final Plan for Ironwoods Park – Rest Station, located approximately at 146th Street and Mission Road. (PC Case 42-13)

Brett Haugland, Continental Engineers, gave an overview of the park site stating the proposed restrooms would be located 470 feet from the north property line; 760 feet from the east property line; and 600 feet from the nearest resident. The location of the restrooms will have good access to all utilities, existing parking, and will be out of the floodplain. The restrooms will serve the existing amphitheatre, Leawood Stage Company, and has been connected to some trails as well. Vehicle access will be available for dropping off stage equipment.

Greg Hasselwander, Kevin Cowan Architects, gave a presentation of the floor plan and elevations. The women's restroom will have seven lavatories and will be located on the south side of the facility; the men's restrooms will have two lavatories and two urinals on the north side. A baby changing table will be located in each. Mechanical space will be located in the middle of the facility. An overhang wraps the entire facility. Concrete columns will support the outside structure. Most of the exterior will consist of natural wood materials and natural stone. Cedar siding will be placed on the front A-frame portion and under the soffit. Most of these materials are currently used throughout the park, including the same roofing materials. The majority of the metal will be a dark bronze finish.

Brian Anderson, Parks Superintendent, gave a presentation of the landscaping. Some large native trees will be planted to help with screening and the heat of the sun. There will be spruce and shrubbery on both sides of the front of the building to accent the stone.

Chris Claxton, Parks and Recreation Director, summarized they have been working on this for some time, which began as a 1,500 square foot building and has decreased to 806 square feet. They wanted to place the building in a location that is accessible to everything as it currently stands. They also wanted to place it away from the residents as much as possible and have included additional landscaping for screening. The pitched roofline will align with all of the other buildings in the park. There is approximately \$323,000 remaining from the bond issue. In working with the design consultants, they hoped to meet these costs; however, this still needs to be bid out. It would be difficult to scale the building back even further.

If they are over budget, they could look into a contingency plan and consider Special Parks and Recreation funds. The same lighting design has been submitted. Some of the lights could be turned off when not in use. The cove lighting would be accent lighting that would only be on during events.

Dr. Jed Ervin, 3201 W. 147th Street, stated their family chose their Leawood home because it faced the park. They knew about the amphitheatre and thought it would be nice listening to the music from their deck; however, their feelings changed when the noise from rehearsals went until late in the night. He has been pleased with some of the compromises that have occurred, such as the decrease in sound level and leaving the park much sooner on weeknights. He had no objections as the amphitheatre currently exists; however, he was opposed to the proposed amphitheatre. He asked if the City has a written Code of Ethics Policy when there are questions of conflict of interest.

Mayor Dunn replied the City has a Conflict of Interest Policy, which is overseen by the City Attorney and is filed on an annual basis. She clarified that the topic of discussion this evening is only in regards the Rest Station, not the amphitheatre.

Cheryl Schoenberg, 14824 Fairway Court, stated her property abuts the land that was purchased for additional park space for Ironwoods Park. She is Vice Chair of the Leawood Stage Company, which is a non-profit 501 C-3 organization and a volunteer group for the Parks and Recreation Department. Their mission is to offer the residents and surrounding communities the experience of community theatre. She pointed this out because people have inaccurately believed that the Stage Company is an independent non-City group. They are all volunteers and everything the Stage Company does is done for the City and its residents under direction and approval of the Parks and Recreation Department. Since the bond issue was voted on in 1998, the Rest Station has been in limbo. She felt part of the delay was because only those against Ironwoods Park projects are the ones being heard. She requested that City leaders recognize that all of the people attending events are in need of being heard. They want the park to be utilized as it was voted on. Some people here this evening are in support of the project and are homeowners, taxpayers, and voters in the City of Leawood; however, they are not bombarding the City with emails, letters, or coming to all of the meetings to make statements. They simply expect City leaders to move forward. Each year a few thousand people attend several different events at Ironwoods Park. All of the people that attend these events face inadequate restroom facilities. The current design of the Rest Station fits their minimum needs. It also fits the budget from the remaining bond issue. If this is further delayed, there will be additional costs. The Parks Department, Planning Commission, and City Council have done significant research on events in the park to ensure they comply with City ordinances. She proposed they move forward with the Rest Station Project at this time.

Brian St. Denis, 14620 Mohawk, stated he is a strong supporter of Parks and Recreation; however, he wanted to ensure the City has considered all of the ongoing costs of the improvements, such as maintenance, heating and cooling, insurance, landscaping, trash removal, etc. He felt supporting special interests with public monies was not the right thing to do. In 2011, Leawood spent \$8.8 Million on Parks and Recreation. Since that time, this has increased to \$12.6 Million. This is a 43% increase during a time of recession.

People benefit and enjoy the green space parks provide. This park is not just about one building; it's about a massive expansion of an amphitheatre. The plan from 2008 shows a three-phase plan for expansion into a performing arts center. This plan shows the restrooms included in Phase I of the project. The plan also shows green space taken up by a large parking area, which he felt was too close to the residents. He suggested that the City disclose the entire amphitheatre plans to the public and that the City follow its own development ordinances and compare the Revised Final 2001 plan to the 2008 plan. He asked how the Governing Body and Planning Commission could be in support of this when they had never seen the 2001 plan. City staff expected the residents to know of their plans; however, they had rejected their requests to obtain the 2001 plan before purchasing their homes. The plans from 2001 are expired due to the 5-year limit on final plans. In conclusion, the restroom project is a sequence of expansions at Ironwoods Park. This will result in a loss of significant park functionality, declining home values, and discontentment of many residents. He proposed they reject this plan.

Kerry Phillips, 14616 Chadwick, stated in 1997 the cost of the stage was proposed for \$100,000. Other associated costs included an additional \$15,000 for excavation, \$11,000 for a service drive and \$149,000 for parking spaces. Once it became apparent that the design did not meet the desires or needs of the Leawood Stage Company, they met with consultants and designed an up-scaled plan. A 2001 memo from Parks and Recreation Director Chris Claxton to the Governing Body gave a brief summary of the history of the amphitheatre. The Parks and Recreation Advisory Board had met at that time and expressed concerns from residents regarding traffic and the number of people attending the events. The Park Board was prepared to build the original design that had been approved and phase the plan for the future; however, they were concerned residents would oppose and they would fall behind. Ms. Phillips suggested they construct a small scale amphitheatre to accommodate 300 people and down-size the restroom facility by 50%. The Leawood Stage Company only uses this facility for seven performances. She proposed they consider the four-plus acre site adjacent to the Leawood Justice Center for an enclosed performing arts center that could be utilized year-around and would be centrally located.

David Stewart, 14753 Fairway Street, left the meeting.

Sharon Ervin, 3201 W. 147th Street, stated their home is located 470 feet from the proposed restroom facility. Her main concern of the amphitheatre was its design to serve large scale programs, which are inappropriate for this site. This project has grown beyond the original intent of the 1998 bond issue. The neighborhoods have grown as well. She reiterated Ms. Phillips suggestion to reduce the scale of the amphitheatre or relocate it adjacent to the Justice Center.

Steve Ruyle, 14609 Falmouth, stated he would support this plan if it were the City's true plan. He expressed concerned that a larger scaled project would ruin the City's premier park. He was in favor of an enclosed performing arts center since the majority of the summer is too hot to be outside for these types of events and felt it would be a waste of money. He felt the City had not followed its own procedures and the potential for lawsuits could follow because of the forward movement on this project with rejection from the neighborhood around it.

Dave McDonald, 14617 Chadwick, stated people are concerned and frustrated about this project and are seeking a win/win situation. He didn't see the need for a large restroom facility and asked that the City Council hear the concerns of the residents before moving forward.

Community Development Director Richard Coleman confirmed the City has followed its own procedures. The Preliminary Plan and Final Plan were approved in 2001, which included all of the current buildings and the amphitheatre complex. A Revised Final Plan was submitted because of the amended amphitheatre design and location of the restrooms. City staff was given a number of approximately 550 attendees. The number of restrooms were calculated from the City's Building Codes, which require seven women's and four men's facilities. He clarified the amphitheatre plan most of the citizens were alluding to was a much more elaborate plan that was never approved. The original approved restroom facility of 806 square feet is the exact same size as this facility. The difference is the original one had a second story for stage lighting; this one does not and is further away from residents.

Councilmember Cain assured citizens that they are all fully aware of the amphitheatre plan they presented and stated they have sat through hours of meeting discussions and have listened to concerned citizens and have held interact meetings. They have followed every procedure the City has in place. The question before them this evening is whether to approve the restroom facility only, which has nothing to do with the plan they were alluding to.

A motion to approve the resolution was made by Councilmember Cain; seconded by Councilmember Rasmussen.

Councilmember Rezac thanked City staff and the consultant for bringing forward a great improvement over the previous plan with the aesthetics more in line with the other buildings in the park and the restrooms moved further away from residents. She felt staff had done their due-diligence in considering attendance and event numbers and thought it would be short-sided for the City to build restrooms that end up being inadequate. One of the directives from the Council last year was to collaborate with the residents and the Leawood Stage Company at the same time; however, this was not done. It is important if anything is ever done in this area in the future that the residents and any other party involved work in collaboration with one another. Her vote this evening is based upon the restroom amenity alone for the current amphitheatre and is in no way based on acceptance of the proposed plan from 2008. This is a complete separate issue. She requested that the City Council review the over-arching issue of the proposed amphitheatre and suggested they discuss that plan at a future work session.

Mayor Dunn clarified when they had asked that the proposed restrooms be taken off the table and started over; it totally separated it from the 'concept' amphitheatre plan (what is being referred to this evening as the amphitheatre plan). That 'concept' plan was accepted; however, she reiterated it was never approved. The restroom facility is in no way linked to that 'concept' plan. It will aid and suffice in the functions that are currently taking place at the park.

Councilmember Filla clarified the restrooms are intended for what is currently at the park today and its expansion of 40 acres. There is nothing in the City's budget at this time for any phase of a new amphitheatre.

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

- B. **Ordinance No. 2627** approving a Special Use Permit for wireless communication antennae and associated equipment for T-Mobile Wireless Antennae – City Park, located south of I-435 and east of Mission Road. (PC Case 46-13) [Roll Call Vote]

Planning Official Mark Klein stated the applicant is requesting to renew a Special Use Permit [SUP] for existing antennae and associated ground equipment. There are no changes proposed to the site. The landscaping is the responsibility of the tower owner, which has been contacted by Neighborhood Services to replace the dead trees. Mr. Coleman confirmed they are given 10 days from the time of notice to address the issue and should be replaced within the next 30 days.

A motion to pass the ordinance was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion carried following a unanimous roll call vote of 8-0. Nay: None.

- C. **Ordinance No. 2628** amending Article 9, of the Leawood Development Ordinance [LDO] entitled “Definitions” to add a new section defining building identification symbols. (PC Case # 31-13) [Roll Call Vote]

Mr. Klein stated with this amendment, building identification symbols would be a sign using a single character, letter, or icon to identify a building within a development containing multiple buildings. The maximum sign allowed would be 10 square feet to identify a particular building. The maximum height would be 3 feet.

A motion to pass the ordinance was made by Councilmember Filla; seconded by Councilmember Rawlings. The motion carried following a unanimous roll call vote of 8-0. Nay: None.

- D. **Ordinance No. 2629** amending Section 16-4-6.13, of the Leawood Development Ordinance [LDO], Permanent Sign Regulations, pertaining to signage for public/semi-public campuses. (PC Case # 143-12) [Roll Call Vote]

Mr. Klein stated this amendment is in regards to other signage for semi-public campuses with a minimum of 10 acres. This proposes a number of different signs. City staff is recommending a concept to limit the amount of signage on the exterior of the site next to the public right-of-way [ROW], but allow more flexibility on the interior of the site. The building setbacks would be within 40 feet of the public ROW. This proposal would allow one directory sign per frontage on each adjacent street, one monument sign per frontage, two traffic directional signs, two wall signs per building, four directory signs per building, an entry door sign with a maximum of 2 square feet, and a maximum of two banners per light post with a maximum of 9 square feet; maximum height of 6 feet; maximum width of 18 inches.

Ms. Harper confirmed for Councilmember Rasmussen that the City Clerk’s office keeps written copies of minutes indefinitely; however, the audios/DVDs are kept for a limited amount of time.

Councilmember Rasmussen was not in favor of placing banners on light posts and stated he would be voting against this ordinance. Mr. Coleman replied the banners are to identify parking areas.

Councilmember Bussing recommended City staff establish procedures for potential future exceptions because they can't predict what future signage needs will be.

A motion to pass the ordinance was made by Councilmember Bussing; seconded by Councilmember Azeltine. The motion carried following a roll call vote of 7-1. (Nay: Councilmember Rasmussen).

12. OLD BUSINESS - None

13. OTHER BUSINESS - None

14. NEW BUSINESS

Discussion was held regarding the Master Park Plan and reconsideration of the amphitheatre.

A motion to place reconsideration of acceptance of the Amphitheatre Master Plan Concept and authorize the Leawood Stage Company to proceed with fundraising for an Amphitheatre Plan on the June 17th Governing Body agenda was made by Councilmember Filla; seconded by Councilmember Cain. The motion carried following a unanimous vote of 7-0. (Councilmember Osman left the meeting via teleconference).

There being no further business, the meeting was adjourned at 10:20 P.M.

ADJOURN

Debra Harper, CMC, City Clerk

Pam Gregory, Assistant City Clerk