

Minutes

DVD No. 323

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 5, 2014. Mayor Peggy Dunn presided.

Councilmembers Present: Jim Rawlings, Julie Cain, Debra Filla, Lou Rasmussen, Carrie Rezac, Andrew Osman, Tom Robinett and James Azeltine.

Staff Present:

Scott Lambers, City Administrator
Chief John Meier, Police Dept.
Chief Dave Williams, Fire Dept.
Joe Johnson, PW Director
Dawn Long, Finance Director
Mark Andrasik, IT Director

Patty Bennett, City Attorney
Richard Coleman, Comm. Dev. Director
Mark Klein, Planning Official
Chris Claxton, P & R Director
Brian Anderson, Park Supt.
Deb Harper, City Clerk

1. PLEDGE OF ALLEGIANCE**2. APPROVAL OF AGENDA****3. CITIZEN COMMENTS**

Mayor Dunn stated due to the volume of people signed in under Citizen Comments, the agenda will be amended to hear Citizen Comments just prior to the Mayor's Report.

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

4. PROCLAMATIONS - None**5. PRESENTATION**

**Introduction of visiting French Firefighter,
Alexis Tigernes**

Training Chief Fitzgerald introduced Alexis Tigernes, from the University of Bordeaux, located in Southwest France. He will live in Fire Station No. 2 at 127th and Mission Road and will stay for six months. He will work with the firefighters and work on a project about how US fire companies attack fires. This is the 4th year of hosting an intern.

6. SPECIAL BUSINESS**A. Presentation of 2013 Annual Audit**

Mr. Lily, Mr. Fox, and Mr. Ryan, with Rubin Brown, LLP, gave a presentation of the audited financial statements for 2013, stating they are required to audit those in accordance with generally accepted auditing standards and obtain reasonable assurance those financial statements are free of material misstatement. They stated they issued an unmodified or clean audit opinion.

Mr. Lily advised the one new standard that will be applicable for the December 15th Financial Statement is that KPERS [Kansas Public Employee Retirement System] is going to implement GASB [Government Accounting Standards Board] 67 which relates to proper reporting of the unfunded position of KPERS as part of their June 30, 2014 financial statements, which will then provide them the opportunity to provide the City with information they will need to book their section of that liability as part of GASB 68, which requires the City to book a liability related to that standard. For example, if you were asked to put \$1 million into the cost-sharing plan for KPERS and you paid \$500,000, you had no liability on your books because of the cost-sharing plan. Some states either have a standalone pension plan or are in an agent multi-employer plan. In that same scenario, the \$500,000 discrepancy would be a liability. The new standards will require all types of plans to book a proportionate share of liability for any unfunded position of the pension plans. It starts out as a balance-sheet item and then as the liability adjusts, it flows through the income statement.

Councilmember Rasmussen asked if an audit was going to be conducted regarding the OPEB benefits. Mr. Lily stated, currently the standards related to that is actuarial information, however, since the OPEB plan is specific to the City, the city provides that actuary with the data. Councilmember Rasmussen asked if he felt the City was liquidating that obligation. Mr. Lily replied his understanding is that the City is presently not funding that liability, so it will continue to grow. Mr. Lambers stated this is a paper statement, as it speaks about a benefit that is not provided, however it does have a cost. The City is required to report it as if they did provide it. Some cities provide subsidies for their retirees for health insurance, etc. Those are the obligations they are trying to more fairly state and account for.

Mr. Lambers further expanded upon the issue of the unfunded liability of KPERS. It's important that the Governing Body and citizens realize that as members of KPERS, city, school district, county and state, the money is automatically deducted from employees' paychecks. One hundred percent [100%] of the obligations of the employees has gone into the fund. The reason for the unfunded liability is twofold: first, optimistic revenue projections were not met during the recession; and second, and most importantly, the legislature has failed to provide their required contributions and have also taken money out of the fund and not returned it. This is simply an effort on the part of the legislature to distribute the liability on paper back to the political subdivisions. The City has done nothing to cause this, but are the recipients of the recovery remedy of it.

Mayor Dunn recognized Dawn Long, Finance Director and Theresa Lodde, Senior Accountant, for their work on the audit.

- B. Resolution accepting the 2013 Comprehensive Annual Financial Report [Audit] for the City of Leawood, Kansas

A motion to approve Resolution No. 4217 was made by Councilmember Rasmussen; seconded by Councilmember Azeltine. The motion was approved following a unanimous vote of 8-0.

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.

Councilmember Azeltine requested to pull Item No. 7B.

- A. Accept Appropriation Ordinance Nos. 2014-14 and 2014-15
- C. Accept minutes of the April 7, 2014 Governing Body Work Session
- D. Approve purchase in the amount of \$18,466.50 from Ed Roehr Safety Products, for the purchase of Tasers and equipment
- E. Resolution No. 4218, approving and authorizing the Mayor to terminate the Lease of City Hall property to the Public Building Commission and to execute any and all documents appropriate to effectuate such termination
- F. Approve Mayoral Appointment of Sam Turner, Acting Secretary for the Public Building Commission
- G. Resolution No. 4219, accepting the Finance Director's 2013 Annual Statement regarding the Leawood South Transportation Impact Fee, pursuant to §13-609, entitled, 'Annual Review,' of the Code of the City of Leawood, Kansas, 2000
- H. Resolution N. 4220, accepting the Finance Director's 2013 Annual Statement regarding the 135th Street Corridor Transportation Impact Fee, pursuant to §13-506, entitled, 'Amount of Impact Fee,' and §13-509, entitled 'Annual Review,' of the Code of the City of Leawood, Kansas, 2000
- I. Resolution No. 4221, accepting the Finance Director's 2013 Annual Statement regarding the Public Art Impact Fee, pursuant to §12-609, entitled, 'Annual Review,' of the Code of the City of Leawood, Kansas, 2000
- J. Resolution No. 4222, accepting the Finance Director's 2013 Annual Statement regarding the Leawood Park Impact Fee, pursuant to §12-409, entitled, 'Annual Review,' of the Code of the City of Leawood, Kansas, 2000
- K. Resolution No. 4223, approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Western Enterprises, Inc., for a three [3] term, providing for fireworks displays for the City's Fourth of July Celebrations
- L. Resolution No. 4224, approving a Revised Final Plan for Country Club of Leawood, located south of Overbrook Road and east of High Drive. (PC Case 61-14) [from the April 29, 2014 Planning Commission meeting]
- M. Resolution No. 4225, for a Revised Final Plan for Waterford Pool House Roof Replacement, located north of 132nd Street and east of Mission Road. (PC Case 68-14) [from the April 29, 2014 Planning Commission meeting]

A motion to approve the Consent Agenda items A thru M, excluding B was made by Councilmember Filla; seconded by Councilmember Rasmussen. The motion was approved following a unanimous vote of 8-0.

- B. Accept April 21, 2014 Governing Body meeting minutes.

Councilmember Azeltine stated on Page 7 under Councilmember Report, the address should be 130th Terrace and Nall instead of 135th Terrace and Nall.

A motion to approve Item 7B was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved following a unanimous vote of 8-0.

7. 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.**

Mr. Dave Meek, 12429 Cambridge Circle, stated he is on the Board for Foxborough Homes Association and expressed their disappointment with the closing of the HyVee supermarket. He attended this evening's earlier Work Session on the CID application for the Camelot Court Shopping Center, located at 119th and Roe Avenue. He stated this is their neighborhood store, and the disappointment for the people that are remaining. As they observe the other storefronts that are open and the deterioration, it feels like one of the holes that the car sinks into as it is parked. As each one of these goes away, the Foxborough Board feels like they missed the opportunity in not having conversations with the City before this occurred. As a business owner, and a frequent traveler to West Des Moines, Iowa, where Hy-Vee is headquartered, he has read conflicting stories in the paper as to why this happened. If there's an opportunity to discuss this issue with the Council, the Foxborough Homes Association would certainly like to participate in those discussions, along with surrounding subdivisions and potentially bring in a new anchor client.

Mayor Dunn clarified with Mr. Meek that the HyVee itself is owned by HyVee, however, the remaining center is owned by the Botwin Family Partners. HyVee is making the decision to not reinvest in this store, and encouraged Mr. Meek and all other customers to contact Mr. Jeffrey Markey in Des Moines. He has given Mayor Dunn permission to distribute his phone number. Mayor Dunn stated the City is equally disappointed.

Mr. Meek replied he has already talked with Mr. Markey and understands they have already made the decision to close the store. HyVee is already reallocating the staff to other locations. He is attempting to understand both sides; however, the area residents are left holding the bag as local people see the center deteriorate. One of the messages in the paper was that Leawood hadn't heard anything from them since last spring. He finds it unbelievable that the City would not communicate with that anchor tenant to try to get them to stay. If HyVee did not call the City back in 30 or 60 days, why did the City not reengage with them to actually maximize the opportunity to keep the store here.

Ms. Shirley Gottstein, 12230 Sagamore Road, stated she lives behind the store and has lived here for twenty years. The store is very convenient for her and is not in favor of the store closing. A lot of neighborhood residents are 55 years old and older. It is very important for them to have a store that is close; especially the pharmacy. The next closest grocery store is located at 103rd and State Line. It will difficult for these residents to drive to a store in bad weather.

Ms. Gottstein confirmed with Mayor Dunn she would welcome Mr. Markey's phone number so she can contact him. Mr. Jeffrey Markey is the Vice President of Store Development, located in West Des Moines. He can be contacted at 515-267-2818.

Mr. John Brown, 12309 Fairway, stated he resides in Hunter's Ridge, approximately 3 blocks from HyVee. HyVee has supported the Boy Scouts, church organizations and bell ringers. It's very convenient to the neighborhood. It would be a loss to see them go. He can appreciate the City's response as it relates to CID [Community Improvement District] money, but feels there's a middle point that can be reached. He also understood there was a CID application for the Camelot Court and was interested in what the difference points were. He stated people get taxed for a lot of things; however, he is willing to pay more sales tax to allow them to stay.

Mayor Dunn clarified with Mr. Brown that the City met with the Camelot Court Shopping Center this evening and there is another work session scheduled for June 2nd to continue that discussion. The difference in the request from the Leawood Plaza Center is they wanted about \$4.5 million in CID consideration for the HyVee, and then the rest of the center was looking at something else, such as \$1.3 million or less. The HyVee store wanted \$1 million for interior improvements, which did not meet the City's CID policy. What Camelot Court has requested has no interior improvement dollars included; it is all exterior. About \$3.5 million could have been considered, and the City anticipated talking about it at another work session, but it never occurred. As recently as two days ago, she mentioned to Mr. Markey that if they would be interested in bringing forth a proposal consistent with our CID policy, the City would be happy to have another work session.

Mr. Stan Schmidt, 12106 State Line Road, stated he owns a business in Leawood Plaza for approximately 15 years and is disappointed with the City's decision and the lack of transparency with working with HyVee. He would be interested to see what the vision is for the State Line Corridor.

Mr. Bobby Arenson, 1112 W. 122nd Street, stated he lives across the street from HyVee in Verona Hills on the Missouri side. He stated every resident in Verona Hills is devastated the same as everyone in Leawood.

Ms. Mary Beth Eyen, 12413 Aberdeen, stated she resides in a neighborhood that abuts the HyVee area. She is disappointed, especially in the Ward Three Councilmembers, as she feels they should have advocated more. From the sound of things, the chances of HyVee reconsidering are minimal. She would ask all the Councilmembers, especially the Ward Three Councilmembers to look at all the empty businesses that are in their ward: the strip center between 133rd and 135th, which is beautiful but has been empty for years. Leawood Elementary PTO alone will lose \$4,000 from yellow trash bag sales receipts that HyVee contributed. They have been an amazing neighbor; and no matter what business goes in there, it won't hit the demographics that it does now. She encourages all Councilmembers to review their decisions, consider long-term choices that are made and become more pro-business. She also is interested in the City's vision, as she sees this as a growing problem. She has heard businesses state 'the City is hard to work with,' 'the City is a nightmare to work with,' and 'is very inconsistent to being divisive.' She would prefer a business partnership rather than people dreading to come here.

Mayor Dunn stated the Leawood Chamber of Commerce, attempts to work with business owners. Leawood Chamber President, Kevin Jeffries, has been in conversations with HyVee throughout this past year. The City also belongs to the Johnson County Partnership, which is an economic development group that works in Johnson County primarily. The City also belongs to the Kansas City Area Development Council [KCADC]. They are a group that works in a broad region and tries to attract businesses from all over the country to come to different cities.

Ms. Adrienne Frazier, 913 W. 121st Street, stated she resides in Verona Hills. Since the announcement of the store closing, she has reviewed Council meeting minutes from the last year, and can understand both sides of the story. She understands the City cannot force a business to stay, however, within 24 hours of that announcement; almost 400 members on Facebook joined the “Save the State Line HyVee” Facebook page, which is quite a lot in 24 hours. Of those, 88% are Leawood residents, and encouraged the Council to go on that Facebook page and review the comments from all of their constituents. There is a lot of concern specific to Leawood Plaza and the future potential for that to be empty. She is a director for a large insurance company. If she did not hear back from a client that was willing to invest \$16.5 million into Leawood Plaza, \$4.5 of which is CID, within 30-60 days, she would have conducted some follow-up, and wanted to know what happened from the City’s standpoint. She has spoken to Mr. Markey as well.

Ms. Janette Blood, 12114 Sagamore, advised she is a Pembroke Court resident. She specifically selected Leawood because of its amenities and because of the school district. She understands the limitations of the CID request as it pertains to interior not being in the Policy’s scope, however, she would much rather pay 50 cents on a \$100 purchase at HyVee because they had renovated the interior than pay 50 cents of a \$100 purchase because there were more trees outside. She has written HyVee, and has spoken to the City. Each are telling her to talk to the other side and would appreciate someone restarting the discussion. She also asked if the city would find value in selecting a task force to determine the economic impact and what the future growth plan is for the 123rd and State Line Corridor.

Mayor Dunn stated Mr. Markey advised her they would probably place the property on the market.

Councilmember Filla advised the citizens that the \$3.5 of the \$4.5 million that was in contention for CID discussion, \$1 million was interior. HyVee was asking for a half cent sales tax increase. The City had advised them they were eligible to ask for one cent, and they said it was their corporate policy not to request more than half cent for CID. Part of their restrictions more than make up for the \$1 million that wasn’t inclusive for the interior. There was plenty of room to have a conversation had they wanted to come back with any modifications.

Ms. Debbie McHenry, 12501 Norwood, a Royse resident, stated she had received an e-mail from Mr. Markey regarding the original plan that was not approved. One of the e-mails Mr. Markey had received from Scott Lambers, City Administrator, who stated “he wasn’t going to take the proposal to the Council because it didn’t pass his ‘smell test’.” Additionally, she is concerned that if the store remains vacant, it will affect the property values of the homes surrounding the center. She is also concerned what kind of control the city has over what may go in there in place of a HyVee if negotiations can’t resume and an agreement can’t be reached.

Mr. Lambers stated it would come down to zoning. Currently, the HyVee building is grandfathered under SD-NCR [Planned Neighborhood Retail] category. If it is to be vacant for six months and anyone wants to use the building, it would have to go through a rezoning of SD-CR [Planned General Retail]. That would not be a problem; it would just need to come into compliance with that zoning. The procedure would require notification to all the property owners within 200 feet. A public hearing would be conducted with the Planning Commission, so there would be an opportunity to comment on whatever proposed plan was brought forward.

Mayor Dunn assured the residents concerned about it falling into disrepair, the City can control that issue by issuing citations for code violations through the Code Enforcement Division.

Mr. Lambers explained the events that have led up to the current situation. First, the Governing Body deliberately and carefully constructed a CID policy. One of the major components of that policy was that the public subsidy would only be for the external improvements and would not be eligible for financing internal improvements. That policy was adopted, and then HyVee came before the City Council and requested that the Council amend or “tweak” that provision to allow for internal improvements. The City Council, by unanimous consensus, rejected their request. Shortly thereafter, HyVee approached him about another proposal to use a public subsidy to finance the internal improvements. The City Council had just rejected a similar proposal. They were advised that a work session could not be scheduled for their proposal; however, HyVee representatives were sent written communication advising them that they could take their proposal and request a Governing Body work session. It is documented that they received that communication and that they said they would consider going to the Council. That is where it ended.

Ms. McHenry added Mr. Markey’s e-mail to Mr. Lambers informed him there was a good chance that HyVee would close. Ms. McHenry asked why the Council and Mr. Lambers were surprised when the store announced it was closing.

Ms. Susan Kastner, 12309 Aberdeen, questioned how the CID worked and if the ½ sales tax increase would be paid only by HyVee shoppers.

Mayor Dunn answered that the CID request was for the center and, of course, for that store. It would be for anything purchased in any of the stores in the district. It is the Council’s goal to have 100% participation when there’s a CID district created.

Ms. Kastner wanted to reiterate the concern that the State Line Corridor is Leawood’s front door, and Leawood Plaza is about half empty and feels it is important for the City to work with people who want to invest in, by Leawood’s modern standards, an aging center.

Ms. Debbi Adams, 12340 High Drive, moved to Leawood 20 years ago from Brookside for the school district and because they could walk to the grocery store, as they did in Brookside. She was hopeful the City Council would look toward the future of urban planning in Leawood. Currently, Leawood is tied with Gardner, Kansas at 24 out of 24 of the most populated cities, and is not making walkable areas.

Mayor Dunn stated the City is currently undergoing a Bicycle/Pedestrian Master Plan because of the desire for more walkable areas.

Christine Heggstad, 12150 State Line, stated she purchased the Title Boxing Club in the strip center in November. She has invested in this community and is disappointed to see HyVee go. Even though she's owned the Title Boxing Club for less than six months, HyVee has been very supportive of the club. They've donated lots of products and helped promote the business. The strip center is falling apart. Two of her members have fallen over the last 60 days because the curbs are deteriorating. There are lights out; the handrails are broken. The roofs leak and she is embarrassed at times, to say she owns a business in this center. She has gotten very little response from the landlord. She finds it difficult to believe that a strip center is allowed to look this way, since Leawood has such high standards. Her concern is if the store is placed up for sale, since there's a Price Chopper at 135th and Mission and Hen House at 119th and Roe, there's probably not going to be a lot of interest in placing a grocery store there and is concerned this will remain vacant for a long time and could perhaps force her to move her business from the area.

Mr. Lambers stated an annual evaluation of all commercial areas is conducted. The landscaping requirements for that center are considerably less than the newer developments going in, however, whatever those standards were at the time it was approved are being enforced.

Mayor Dunn suggested she and other business owners discuss these issues with the Botwin owners.

Richard Coleman stated his department has received complaints on the property and have issued notices to the Botwin Family Partners about correcting the concrete work. Once a citation is issued, they are given ten [10] days within which to respond. If they agree to fix the issue, a date is set for the work to be completed. It's usually within a 30-day time period.

Charlotte McGahan, 12321 High Drive, reiterated the need to look at potential code violations at the strip center.

Kevin Jeffries, Chamber of Commerce President, 2919 W. 124th Terrace, clarified his only communication with HyVee was with the store manager after the meeting last year when their proposal was not approved by the City. The only other communication was after the City placed their 90-day moratorium on 135th Street. At that time, a representative from HyVee Corporate did contact the Chamber office.

Carol Amiri, 12325 Sagamore Drive, stated after listening to all comments, she feels Mr. Lambers failed to follow through in contacting HyVee and suggested someone reestablish communication. She is also concerned with the loss of revenue for the City.

Mr. Lambers stated the Council had rejected the proposal that HyVee presented. The second proposal was consistent with the first proposal, and it required a public subsidy for the internal improvements. Because the Council said “No,” and when they say “No,” they mean “No,” he told HyVee they needed to go to the Council directly and make the request to have a work session for something they previously rejected. He didn’t advise them they couldn’t have a work session; he advised them to go to the City Council and make the request.

Ms. Jennifer Carlsen, 12328 Sagamore Road, asked about the zoning of the property if it remains vacant after six months. Mr. Lambers stated it would require rezoning to accommodate the size of the building. However, that would not be a problem; it would just be a procedure through the planning process. The staff would have no objection to it being brought into the SD-CR zoning. After six months, it loses its grandfathering protection, so if another grocery store would come in, they would have to adhere to the current zoning in place. As to whether or not a grocery store is likely to go in there is for HyVee to decide. Basically, people were concerned about what would happen out there. After six months, it would trigger a notification requirement to all the residents within 200 feet and the homes associations within 500 feet so you would know what is proposed to go in there and be able to comment on it both at the Planning Commission and City Council level.

Councilmember Azeltine stated he is hearing that the citizens want the Council to be more proactive, and in favor of resuming negotiations. Just to review, the Council did conduct a work session about a year ago with HyVee. Of the \$4.5 million, \$1 million was interior, and that was outside the CID policy, so the discussion was to sharpen the pencil and come back. Until this past Saturday, it was everyone’s impression that it had not happened and that they had not come back.

A motion was then made by Councilmember Azeltine, seconded by Councilmember Tom Robinett to schedule a work session on May 19th in which representatives from HyVee and the Botwin family are invited to speak.

Councilmember Osman stated HyVee may not be able to attend, as a convention has been scheduled on that date for commercial real estate businesses to attend in Las Vegas.

Councilmember Rezac stated the meeting would not be very productive if both HyVee and Botwin were unable to attend. One issue during the initial work session was the fact that they came in together requesting a CID policy review. She recalls the City preferred they come back and work as one district, which is one of the items the City thought they were working on during this time.

Councilmember Azeltine stated he brought up the concerns about one versus two districts, and is willing to look past that concern, if they will come back to the table.

Mayor Dunn recalls her conversation with Diane Botwin reflected her interest in a CID; however she didn’t contact the City after that. The rest of the center doesn’t generate enough retail without HyVee to make the district profitable.

Councilmember Azeltine stated he made that suggestion of one district thinking that the entire center was under a single owner, and that was his mistake. Now that he is aware that there are two owners, he is open to two districts.

Councilmember Filla wanted to clarify the comments and misalignments on Mr. Lambers' part. The alternate proposal that was put forward that Scott did not bring to the Council was using another mechanism for taxation that would circumvent the CID policy of investing money for interior improvements. They also wanted to put a bar and grill in. There wasn't anything she heard in that work session that suggested they wanted to leave the store as a neighborhood store; they wanted to be a big store. A plan was never brought before the Council; it was just a discussion.

A motion to call the question of a Work Session on May 19th with HyVee and Botwin Development was made by Councilmember Azeltine; seconded by Councilmember Robinett. The motion was approved following a unanimous vote of 8-0.

A motion to schedule a work session on May 19th with HyVee and Botwin Development was approved following a unanimous vote of 8-0.

8. MAYOR'S REPORT

- A. Mayor Dunn attended a breakfast sponsored by the Johnson County Education Research Triangle Authority, Kansas Board of Regents, K-State University and the University of Kansas, where a five-year report to the community was presented. Councilmember Robinett also attended. Chairman Eilert announced that since 2007's enactment of this one-eighth [1/8] cent sales tax, nearly \$15 million is received annually, and it's tracking to meet the commitment of \$1.4 billion in economic county impact in this generation.
- B. Mayor Dunn had the honor of presenting a recap of her 2013 State of the City report at the Leawood Lions 60th Anniversary Celebration. She extended her appreciation to Chris Claxton, who prepared a wonderful slide show of photos over the past 60 years that delineated and detailed the amazing partnership the Lions have had with the City of Leawood.
- C. Mayor Dunn joined Police Chief John Meier at the Nativity DARE Graduation, and Officer Kelly Ratliff was in charge for the first time during this past year. She did a wonderful job with the students.
- D. Mayor Dunn extended her gratitude to all involved with the "Bring Your Child to Work Day" here in Leawood about a week and a half ago. It took a great deal of effort to organize and educate all attendees on the occupations of their parents and/or grandparents.

- E. Mayor Dunn attended three Leawood Chamber ribbon cuttings. The first was for Juan Luengo Insurance Agency located in Lenexa, who chose to be members of the Leawood Chamber. The second was Emler Swim School, located at Market Square at 135th and Mission. They start teaching children to swim as young as two months of age. They are out of the Dallas/Ft. Worth area, and this is their first school located out of Texas. The third was for Burger Fi in Park Place. Councilmember Debra Filla and Congressman Kevin Yoder also attended. They have a huge emphasis on sustainability both with their food product and everything in it, including the napkins, which are made of recycled products. She wished them all much success.
- F. Mayor Dunn attended the United Community Services of Johnson County's Council of Advisors Meeting, where there was a presentation that focused on poverty trends and issues facing Johnson County.
- G. Mayor Dunn directed attention to the recent article in the *Kansas City Star* on Leawood Officer Randy Wiler and the outstanding work he is doing as the Director of the Kansas Bullying Prevention Program. He's doing a wonderful job; congratulations to Randy.

Councilmember Rasmussen stated that Mayor Dunn recently won the Alumni Achievement Award at the University of Missouri, Kansas City.

9. COUNCILMEMBERS' REPORT

Councilmember Osman advised that his wife along with several other mothers and 28 Brownies went to Ironwoods Park and stayed in the cabins overnight. The staff for Leawood couldn't have been nicer, better, more prepared. The mothers all said how impressed they were with April and the presentation for the Schoolhouse and for the Nature Center. One of the issues that was brought to his attention was the parking issue in the afternoon on weekends. As approximately 25-26 cars are pulling up, 100-200 cars were pulling up behind them for a wedding reception at the Lodge. He was inquiring if the parking situation could be evaluated and see what could be done from a budgetary standpoint.

Both Mayor Dunn and Mr. Lambers stated it will be included in the review.

10. STAFF REPORT - None

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION - None

12. OLD BUSINESS - None

13. OTHER BUSINESS – None

14. NEW BUSINESS

- A. Ordinance No. 2660, calling for an election to be held on November 4, 2014, for the purpose of voting on a proposition to re-authorize the City of Leawood, Kansas, to levy a one-eighth of one percent [.125%] City Retailers' Sales Tax, in addition to the one percent [1.0%] currently levied, with the City of Leawood, Kansas, and to use the revenue from the additional tax to fund an accelerated Residential and Thoroughfare Street Improvement Program and to make Stormwater Improvements when such improvements are not otherwise eligible for funds from other governmental sources, such additional tax to take effect on July 1, 2015 and to end on June 30, 2021 [Roll Call Vote]

Mayor Dunn advised that this is a reauthorization, for the third time, of a sales tax that is occurring when purchases are made. It is being levied currently, and this specific reauthorization will take effect July, 2015 and be effective for 6 years. Other cities are making them longer, such as 10-20 years. She feels Leawood voters have responded positively to a shorter duration because the City can educate the citizens on what the dollars were spent on.

A motion to pass Ordinance No. 2660 was made by Councilmember Filla; seconded by Councilmember Robinett. The motion was approved with a unanimous vote of 8-0.

- B. Ordinance amending § 14-302 of the Code of the City of Leawood, 2000, entitled "Parking of Trucks, Buses, and Trailers; Exemptions" and repealing existing § 14-302 and other sections in conflict herewith [Roll Call Vote- Continued to the May 19, 2014 Governing Body meeting

Mayor Dunn stated she had added a copy of a photograph that came to her attention this week, and asked Ms. Bennett if the proposed ordinance amendment would cover that vehicle that is parked in the street evidently every night. She indicated it would not, but there is another section that could be amended to cover it. This section can be amended to cover tractor-trailers vehicle types and add additional language and bring this ordinance back in two weeks for passage.

Mr. Coleman confirmed with Councilmember Rezac that this addresses the citizen's complaint that was brought before the Council a few meetings ago regarding parking vehicles on the street. There was a bit of circular reference between the LDO and the City Code. This just clarifies the language so you only reference the City Code instead of the LDO. The LDO only allows these trailers to be parked in the driveway under certain circumstances. When vehicles are parked on the street, it is a police matter and falls under the City Code. When vehicles are parked on private property, it is a Code Enforcement issue and falls under the LDO requirements. The proposed ordinance is an amendment to the City Code, not the LDO.

Ms. Bennett clarified parking a loose trailer in the street is really not allowed. This shortens it up and also clarifies the loading and unloading of items as opposed to loading, unloading and pickup of a trailer.

Police Chief Meier added it is illegal for it to be parked on the street, and this ordinance eliminates that circular process of trying to ascertain if it is allowed by the LDO or a parking violation. This will make it a violation under the City Code and a police officer will write a summons for any violation(s).

A motion to continue Item 14B pending revisions by Ms. Bennett to the May 19th Governing Body meeting was made by Councilmember Robinett; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.

A motion to change the topic of the June 2nd work session from the Pedestrian/Bicycle Friendly Study to the continued discussion of the Camelot Court CID was made by Councilmember Osman; seconded by Councilmember Robinett. The motion was approved with a unanimous vote of 8-0.

A motion to potentially change the topic of the June 16th work session from the placement of the Paley Art Piece and discussion of public art for the Justice Center to continued discussion of CID for Leawood Plaza was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

ADJOURN

There being no further business, the meeting was adjourned at 9:45 P.M.

Debra Harper, CMC, City Clerk