

Minutes

DVD No. 324

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 19, 2014. Mayor Peggy Dunn presided.

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

Councilmembers Absent: Jim Rawlings

Staff Present:

Scott Lambers, City Administrator
Deputy Chief Troy Rettig Police Dept.
Chief Dave Williams, Fire Dept.
Joe Johnson, PW Director
Dawn Long, Finance Director
Karl Weinfurter, IT Specialist II

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

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

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 Robinett. The motion was approved with a unanimous vote of 7-0. [Councilmember Rawlings absent]

3. CITIZEN COMMENTS

4. PROCLAMATIONS

National Public Works Week, May 18-24, 2014

Mayor Dunn presented the proclamation to Joe Johnson, Public Works Director, and thanked him and his department for all they do.

5. PRESENTATIONS/RECOGNITIONS Introduction of Deb Vermillion, Pro-Tem Prosecutor

Ms. Vermillion was an Assistant District Attorney for Johnson County for eleven years and served several years as a partner in a couple of law firms. She opened her own law firm three years ago. She has both civil litigation and criminal defense experience. She appreciates the opportunity to serve the citizens of Leawood.

6. SPECIAL BUSINESS

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. 2014-16 and 2014-17
- B. Accept minutes of the May 5, 2014 Governing Body meeting
- C. Accept April 21, 2014 Governing Body Work Session minutes
- D. Accept April 10, 2014 Sustainability Advisory Board minutes
- E. Accept April 8, 2014 Park and Recreation Advisor Board minutes
- F. Accept March 11, 2014 Historic Commission minutes
- G. Accept March 27, 2014 Leawood Foundation meeting minutes
- H. Accept January 29, 2014 Stormwater Management Committee minutes
- I. Approve renewal of Cereal Malt Beverage [CMB] license to Price Chopper # 500, located at 13351 Mission Road
- J. Approve bid in the amount of \$20,489.00 from American Equipment Company for the purchase of 2014-4 Nine-foot Platform Body and bid in the amount of \$20,775.00, from American Equipment Company, for the purchase of 2014-5 Eleven-foot Platform body
- L. Approve payment in the amount of \$64,203.00, to Microsoft Corporation via Software House International, Inc., pertaining to the annual Microsoft license renewal
- N. **Resolution No. 4226**, accepting a Permanent Utility Easement from Tran Q. to Trustee and Jimmy Lo Trustee, for property located at 4902 W. 143rd Terrace, pertaining to the 143rd Street Improvement Project between Nall and Windsor [Project # 80162]
- O. **Resolution No. 4227** accepting a Permanent Utility Easement from Christopher J. and Julia Hayward Smith, for property located at 14301 Cedar, pertaining to the 143rd Street Improvement Project between Nall and Windsor [Project # 80162]
- P. **Resolution No. 4228** accepting a Temporary Construction Easement from Deborah Brenner, for property located at 3912 W. 143rd Street, pertaining to the 143rd Street Improvement Project between Nall and Windsor [Project # 80162]
- Q. **Resolution No. 4229** accepting a Temporary Construction Easement from Calvin Cochran and Patricia Logan, for property located at 3910 W. 143rd Street, pertaining to the 143rd Street Improvement Project between Nall and Windsor [Project # 80162]
- R. **Resolution No. 4230** accepting a Temporary Construction Easement from Gerald Euston and Connie Euston, for property located at 3906 W. 143rd Street, pertaining to the 143rd Street Improvement Project between Nall and Windsor [Project # 80162]
- S. **Resolution No. 4231** accepting a Temporary Construction Easement from Tim Tiegreen and Jessica Tiegreen, for property located at 3904 W. 143rd Street, pertaining to the 143rd Street Improvement Project between Nall and Windsor [Project # 80162]
- T. **Resolution No. 4232** accepting a Temporary Construction Easement from Unified School District No. 229, for property located at 3800 W. 143rd Street, pertaining to the 143rd Street Improvement Project between Nall and Windsor [Project # 80162]
- U. **Resolution No. 4233** accepting a Permanent Sidewalk Easement from Paul and Barbara Kellerman, for property located at 3204 W. 143rd Terrace, pertaining to the 143rd Street Improvement Project between Nall and Windsor [Project # 80162]
- V. **Resolution No. 4234** accepting a Permanent Utility Easement from Tamara A. Jackson, Trustee, for property located at 3909 W. 143rd Street, pertaining to the 143rd Street Improvement Project between Nall and Windsor [Project # 80162]

- W. **Resolution No. 4235** accepting a Temporary Construction Easement and Permanent Easement from Timothy E. O'Brien and Corrine O'Brien, as Trustee, for property located at 4814 W. 143rd Street, pertaining to the 143rd Street Improvement Project between Nall and Windsor [Project # 80162]
- X. **Resolution No. 4236** accepting a Temporary Construction Easement from Hilltopper Assisted Living, LL [a/k/a Grace Gardens], for property located at 5201 W. 143rd Street, pertaining to the 143 Street Improvement Project between Nall and Windsor [Project # 80162]
- Y. **Resolution No. 4237** accepting a Permanent Utility Easement from Sangkyoo Kang and Insuk Han, for property located at 5002 W. 143rd Terrace, pertaining to the 143rd Street Improvement Project between Nall and Windsor [Project # 80162]
- Z. **Resolution No. 4238** accepting a Permanent Utility Easement from Highlands Creek Homes Association, Inc., for property located for Highland Creek, 1st Plat, Tract A, [southeast corner of 143 & Nall] pertaining to the 143rd Street Improvement Project between Nall and Windsor [Project # 80162]
- AA. **Resolution No. 4239** accepting a Permanent Storm Sewer Easement from Tabernacle Homes, LLC, for property located at 5012 W. 141st Terrace [Lot 18 Glen Abbey]
- BB. **Resolution No. 4240** accepting a Deed of Dedication from Timothy & Corrine O'Brien, for property located at 4814 W. 143rd Street, [Tract 15 & 16] pertaining to the 143rd Street Improvement Project between Nall and Windsor [Project # 80162]
- CC. **Resolution No. 4241** accepting a Deed of Dedication from Tamara A. Jackson, Trustee, for property located at 3909 W. 143rd Street, [Tract No. 30] pertaining to the 143rd Street Improvement Project between Nall and Windsor [Project # 80162]
- FF. Fire Department Monthly Report
- GG. Police Department Monthly Report
- HH. Municipal Court Monthly Report

Councilmember Osman requested Consent Agenda Items 7K and 7M be pulled.

Councilmember Rezac requested Consent Agenda Items 7DD and 7EE be pulled.

A motion to approve the Consent Agenda with Item Nos. 7K, 7M, 7DD and 7EE pulled for discussion was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 7-0. [Councilmember Rawlings absent]

- K. Approve purchase in the amount of \$104,237.00, from Victor L. Philips Company, to purchase a backhoe loader

Mr. Johnson confirmed with Councilmember Osman that the City currently has two backhoes that have been kept for 12-15 years. This purchase is for a new backhoe.

A motion to approve item No. 7K was made by Councilmember Osman; seconded by Councilmember Filla. The motion was approved by a unanimous vote of 7-0. [Councilmember Rawlings absent]

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

Councilmember Osman stated he would like to see a resident from the northern part of the City be appointed to the Planning Commission, to ensure equal representation from all wards. Mr. Walden's credentials are impeccable, with planning experience from other cities. He is very active in the community. However, Mr. Walden has been in the city for less than a year. Mr. Osman wants to ensure everyone gets an equal opportunity irrespective of their planning and development experience.

A motion to approve Item No. 7M was made by Councilmember Osman; seconded by Councilmember Rasmussen. The motion was approved by a unanimous vote of 7-0. [Councilmember Rawlings absent]

DD. **Resolution No. 4242** approving and authorizing the Mayor to execute a Letter Agreement between the City and M & M Golf Cars, LLC, in the amount of \$305,495.60, to provide golf cars to Ironhorse Golf Club, located at 15400 Mission Road

Dawn Long Finance Director confirmed with Councilmember Rezac that the amounts of the leases fall within the CIP budget.

A motion to approve Resolution No. 4242 was made by Councilmember Rezac; seconded by Councilmember Azeltine. The motion was approved by a unanimous vote of 7-0. [Councilmember Rawlings absent]

EE. **Resolution No. 4243** approving and authorizing the execution and delivery of a State and Municipal Lease/Purchase Agreement between Clayton Holdings, LLC, and the City of Leawood, Kansas with respect to certain golf carts for the City's public golf course facility, Ironhorse Golf Course, located at 15400 Mission Road

A motion to approve Resolution No. 4243 was made by Councilmember Rezac; seconded by Councilmember Robinett. The motion was approved by a unanimous vote of 7-0. [Councilmember Rawlings 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.

Dana Wright, 12708 Sagamore, stated her children's schools receive money from this HyVee, and that is important to her and feels this issue can be resolved and appreciates both parties agreeing to have a meeting. She hopes that HyVee will remain in this location as a neighborhood store, instead of moving to 135th Street.

Mayor Dunn stated they conducted a work session earlier this evening with a HyVee representative and also with the shopping center owners and asked HyVee to work with the owners. The HyVee representative expressed concerns that the site was not large enough, particularly sufficient parking spaces on the site. City Administrator, Scott Lambers, has offered the City's Planning Department to assist in any way possible.

Dave Meek, 12429 Cambridge Circle, appreciated the scheduling of the Work Session and give all parties an opportunity to meet. He also wanted to extend his gratitude to all person(s) involved in the circulation of the 'Save HyVee' Petition that was signed by over 400 people. He encouraged the Councilmembers to attend the Homes Associations meetings, as the Foxborough residents are getting more involved. They are very interested in the future of this city, and in redeveloping this site.

Ann Fielder, 12271 Reinhardt Lane, stated her disappointment that the Oak Room holding the Work Session was already full upon her arrival, and several people were turned away and went home. Additionally, the agenda she had stated the meeting began at 6:00 PM, instead of 5:30 PM. She is concerned about the future of the neighborhood and her property value. She feels the process and communication going forward between the City and area residents is vital.

Mayor Dunn stated the City was attempting to accommodate more people by using the Oak Room instead of the Council Chambers. She apologized for her misinformation regarding the Work Session start time.

Carol Amiri, 12325 Sagamore Road, asked if the City was going to approve HyVee moving to 135th Street, and if HyVee doesn't remain at Leawood Plaza, what is the plan to redevelop that area. She was also concerned about a 'Big Lots' type of store going in there. She extended her appreciation to Councilmember Azeltine for all of his assistance on this issue.

Mr. Lambers stated because the Council considers a planning application in a quasi-judicial capacity, per state law, they are unable to give any indication as to how they may vote until the matter is before them, so her question could not be answered.

Mayor Dunn stated the HyVee representative who attended the Work Session, Mr. Pete Hosch, advised he did not know with any certainty. Sometimes, HyVee will develop the property into something else, and other times, they will sell it. The City encouraged him to work with the owner of the center to ascertain a method to acquire more acreage to redevelop. The City has a Leawood Development Ordinance [LDO] that governs the planning process. Mr. Lambers added, if the building remains unchanged, it would be a large retailer. The City does not regulate a type of retail; simply retail or commercial. The individual type of business is not subject to City consideration. If that were to occur, that would initiate a rezoning process. That process includes a formal notification to residents within 200 feet, homes associations within 500 feet. There would be a Public Hearing required by State Law in front of the Planning Commission. The Council allows public comment as well, so there will be notification. All area residents will have opportunity to present their viewpoints regarding a proposed rezoning application for that area.

Ann Wilkinson, 12711 Overbrook, stated she hoped that HyVee would stay in the same location and not move to 135th Street. It's important to keep a strong neighborhood grocery store in the area and hoped the City would offer any support possible to keep HyVee or help a new good grocery store for the neighborhood come to the area.

Bill Oades, 3408 W. 122nd Street, stated he offered his assistance in whatever way possible to keep HyVee at this location, as he doesn't want them to leave and have a blighted area in this neighborhood.

Paul Sullivan, 2106 Condolea Circle, stated he has been a resident over 25 years, and feels many shoppers are willing to pay the extra sales tax.

Dan Adler, 1213 Sagamore Road, feels the City needs to be more proactive and asked the City to revisit their initial decision in May, 2013, wherein they denied the CID application based upon the interior improvement costs. He is concerned of this area becoming blighted. He also asked that the City create a task force if HyVee should not reopen their store on State Line to assist surrounding property owners find a way to reduce property taxes because the area property values will decrease.

Jack Fielder, 12217 Reinhardt Lane, said he hopes HyVee realizes their core group of dedicated customers. He would not patronize HyVee if they moved on 135th Street, and would go to Price Chopper instead. He added something needs to be done to the current property.

John Brown, 12309 Fairway, is disappointed in his Councilmembers in not pushing forward on this issue after the plan was rejected over a year ago. This site is a very valuable site to the City of Leawood and to the area residents. This action should have occurred more than 6 months ago. If this property is not redeveloped in some manner, it will hurt the entire community.

Mayor Dunn stated the shopping center owner is very interested in redeveloping. She made public comments tonight that she was willing to sell to HyVee or have HyVee purchase additional acreage.

Jennifer Carlsen, 12328 Sagamore, was concerned as to how redevelopment of the shopping center would occur and if electrical and the new plumbing was considered part of interior improvements.

Mr. Lambers responded the main differences either the current or future owners who would redevelop would face would be the parking requirements which are greater now. As was evidenced to the Council as part of the Camelot Court CID application, the lighting that is in place is typically too high, so that requires more lighting. Also, the City requires additional landscaping than what was required when the IGA [currently HyVee] was built. Those factors work against the fact that they need more parking because they take up room. That is why a redevelopment in that area including razing would be the best way to go; therefore, they would then be able to come as close as they can to meeting those requirements. Parking is the main issue, as if patrons can't find a parking space in a shopping center, they will drive off and leave. Those are the three major issues. Currently, they are a legal, non-conforming use. The fact that the ordinances were changed, doesn't mean that they have to comply just by sitting there. The grandfathering means as long as they don't do anything out there, they can operate as if that new ordinance did not exist. Once they go through the process of Rezoning, Final Plan and Special Use Permits, the grandfathering protection is lost and they are required to comply with the new ordinances of the city. Regarding the interior improvement question, the portion of the building eligible for exterior is the exterior walls, including both the outside and inside of those. That is all the policy allows in terms of exterior improvements. It also includes facades and similar things such as that.

Carrie Mogenson, 2217 W. 121st Street, has lived here for two years and the selling factor was that there was a grocery store within walking distance.

Virginia Stanzel, 2044 W. 137th Terrace, stated she represents three generations. Her grandmother, who is 100 years old, would not have been able to stay in her home for as long as she has if HyVee hadn't been there. Currently her mother is blind. It is very difficult to maneuver yourself through the city of Leawood, without a vehicle. If the city had more walkability areas, more people would not drive their cars. She is aware of the parking issue; however, if you've ever walked to HyVee, one has to take back roads, and it is not very convenient. Perhaps there is some alternative ways to make it attractive. She's never encountered the problem of not finding a parking space at a grocery store. She appreciated Councilmember Robinett's comment regarding finding a solution on this issue.

Nancy Bollig, 2905 W. 124th Terrace, stated she is mother of five children and visits HyVee at least three times a week, and other area grocery stores. She is very impressed with HyVee's selection of healthy products and the staff is far superior to any other area grocery store.

Mayor Dunn stated her comments will be shared with HyVee. She stated the HyVee representative talked quite a bit about the parking.

Lori Kodanaz, 12201 Cherokee Lane, feels Mr. Hosch that appeared at tonight's Work Session is not the decision maker on this issue. She wanted the residents' comments to be heard by the decision maker at HyVee.

Joe D'Alesio, 1009 Tam Oshanter Drive, Kansas City, MO, stated all the HyVee stores in Kansas are quite large and quite impressive. He asked if their plan was to build on the existing location. Even though he lives in Missouri, he buys more items in Leawood than in Missouri.

Mayor Dunn stated a year ago, HyVee verbalized an idea of a second story addition. The City Council never viewed plans as they never returned for a second meeting. They definitely were talking a year ago about taking the roof off and adding a second story. They talked about their prototype having been changed. They did mention tonight about them all having gas stations.

Mr. Lambers stated they have identified a series of specialty offerings they want to see included in the store, and that has two effects: increase the square footage for the building and also adding parking for the staff. He referred to the constraints of the site, which are obviously limited by the physical square footage and that therefore, they would be consuming additional parking they needed for their customers. When they met with staff, they were short, but the City staff felt there would be a way to get closer than the deficit that was there.

Jeff Pitts, 12117 Aberdeen, feels their intention is to place the store on 135th Street and asked about the future of the store's pharmacy.

Mayor Dunn stated they plan to keep the pharmacy in the store until early September. By that time, they hope to have relocated it to the Blockbuster site. She is aware of the concern of losing the pharmacy. HyVee has stated they are going to try to make that seamless and not ever close the pharmacy.

Mr. Lambers said it was the City's understanding they would be looking for another space on the shopping center to maintain a presence.

Councilmember Osman stated it was unfortunate that the ICSC [International Council of Shopping Centers] convention is being held in Las Vegas this week, in which every major developer, retailer, attends. All the real estate professionals and even the broker assisting HyVee is out there. HyVee did make every effort to get here. He feels confident City staff will relay all of this information to HyVee.

Mayor Dunn thanked all the residents for attending the meeting. This is a very important issue to the City.

8. MAYOR'S REPORT

- A. Johnson County Commission Chairman Ed Eilert hosted the Johnson/Wyandotte counties Council of Mayors at the Tomahawk Hills Golf Course in Shawnee. The majority of the meeting discussions focused on the impact on local units of government of the bills that were recently passed by our legislators during this past session. The City Administrator and City Attorney have kept the Council abreast on these items.
- B. Mayor Dunn attended the dedication that was sponsored by the Leawood Historic Commission and the Parks and Rec Department for two bronze plaques on the site of 86th & Belinder. They were dedicated to the first owner of the land, which was about 1 square mile. Dr. Gray Eyes was a member of the Wyandot Tribe, and the United States President Buchanan had gifted the land to him. It was a very interesting historical presentation by Janine Joslin. Mayor Dunn extended her appreciation to the Historic Commission, Councilmember Debra Filla, liaison to the Historic Commission, and April Bishop, Parks & Rec Staff, for organizing the event.
- C. Mayor Dunn attended two DARE graduations with Chief Meier and Deputy Chief Rettig. The first was at Cure of Ars, and the second was Brookwood Elementary. Both programs were conducted by Leawood DARE Officer Randy Wiler.
- D. The City's Fire, Police and Parks & Rec Departments received very generous donations from the Leawood Woman's Club Philanthropic Fund at a recent fundraising event. Chief Williams, Chief Meier and Park & Rec Director Chris Claxton attended the event. Mayor Dunn extended her appreciation to the Leawood Woman's Club for their ongoing support.
- E. Mayor Dunn attended the Fifth Annual Community Guardians Awards, celebrating the AdHoc Group Against Crime, where Leawood Resident UMKC Chancellor Leo Morton received the Community Guardian Nonprofit Award.

9. COUNCILMEMBERS' REPORT - none

10. STAFF REPORT - none

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[From the April 29, 2014 Planning Commission meeting]

- A. Resolution No. 4244 approving a Revised Final Plan for Tomahawk Creek Condominiums, located north of Town Center Drive and west of Tomahawk Creek Parkway (PC Case 56-14)

Jim Tiehen, President of Tiehen Group, Property Manager for Tomahawk Creek Condominiums, stated they anticipate on spending over \$3 million on the property with new roofs, siding and painting.

A motion to approve Resolution No. 4244 was made by Councilmember Azeltine; seconded by Councilmember Osman.

Mr. Tiehen confirmed with Mayor Dunn that the carports did not need to be reroofed. The material is concrete tile.

The motion was approved with a unanimous vote of 7-0. [Councilmember Rawlings absent]

B. **Ordinance No. 2664** approving a Preliminary Plan, Preliminary Plat, Final Plan and Final Plat for Hayward Estates, located south of 143rd Street and west of Mission Road. (PC Case 59-14) [Roll Call Vote]

A motion to pass Ordinance No. 2664 was made by Councilmember Rasmussen; seconded by Councilmember Robinett. The motion was approved with a unanimous roll call vote of 7-0. [Councilmember Rawlings absent]

Mayor Dunn recognized Mr. Spears for his volunteer service to this city on the Gezer Sister City Committee.

C. **Ordinance No. 2665** approving a Rezoning from SD-O (Planned Office) to REC (Planned Recreation), Preliminary Plan, Preliminary Plat, Final Plan, and Final Plat for City of Leawood Dog Park, located west of State Line Road and north of College Boulevard. (PC Case 60-14) [Roll Call Vote]

Ms. Claxton confirmed with Mayor Dunn that the estimated completion date was still July 1, 2014. She confirmed with Councilmember Cain that the fence was not going to be painted; it is the natural color of the wood; as it would be difficult to maintain that. The remaining 4 acres will have a 6-ft.-wide crushed limestone path, which shall circumvent the lot, depending upon funding. Currently, this part is an unfunded future project.

Councilmember Osman wanted to ensure that the City will be advertising and getting the message out that there will be a dog park in Leawood. Several dog groomer and day care facilities are presently not aware of the dog park. Ms. Claxton stated they have been promoting it in the City's Program Guide. A soft opening is planned, followed by a grand opening. She believes word of mouth will also be a successful way to promote the dog park.

A motion to pass Ordinance 2665 was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion was approved with a unanimous roll call vote of 7-0. [Councilmember Rawlings absent]

D. **Ordinance No. 2666** amending Section 16-9-244 of the Leawood Development Ordinance [LDO], entitled, 'School, Technical or Vocational.' (PC Case 48-14) [Roll Call Vote]

Assistant Planning Director Mark Klein stated this is in regard to a definition for School, Technical or Vocational and is also related to the following two cases. The first deals with a current definition of Technical/Vocational Schools, which is only allowed in the BP [Business Park] District in the Table of Uses. The definition was broad, and since it was limited to the BP, it seemed that it was meant to limit types of education that dealt with hazardous material or large equipment.

The staff reviewed Colleges and Universities allowed in the Commercial Districts and needed to define those as well to avoid potential overlap with the Technical/Vocational Schools. Technical/Vocational Schools will be defined as an establishment that offers vocational and technical education or training in a variety of technical subjects and trades, involving the use of hazardous materials, manufacturing, processing or surfacing machines and equipment or similar activities or occupational pursuits and not otherwise defined herein.

Mark Klein confirmed with Councilmember Rezac that some kind of woodworking class or something related to that as part of their curriculum, would not be allowed. That particular example may be more appropriate for the Business Park. Art or a sculpture piece that may have equipment at a university would not be prohibited.

A motion to pass Ordinance 2666 was made by Councilmember Rasmussen; seconded by Councilmember Azeltine. The motion was approved with a unanimous roll call vote of 7-0. [Councilmember Rawlings absent]

E. **Ordinance No. 2667** amending the Leawood Development Ordinance [LDO], adding Section 16-9-242a, entitled, ‘Schools, Colleges and Universities.’ (PC Case 55-14) [Roll Call Vote]

A motion to pass Ordinance No. 2667 was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion was approved with a unanimous roll call vote of 7-0. [Councilmember Rawlings absent]

F. **Ordinance No. 2668** amending Section 16-2-7, of the Leawood Development Ordinance [LDO], entitled, ‘Table of Uses,’ pertaining to Schools, Colleges and Universities. (PC Case 51-14) [Roll Call Vote]

A motion to pass Ordinance No. 2668 was made by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with a unanimous roll call vote 7-0. [Councilmember Rawlings absent]

12. OLD BUSINESS

Ordinance No. 2661C 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]

A motion to pass Ordinance No. 2661C was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion was approved with a unanimous roll call vote 7-0. [Councilmember Rawlings absent]

13. OTHER BUSINESS

14. NEW BUSINESS

- A. **Ordinance 2662C** amending Article 2 of Chapter 3 of the Code of the City of Leawood, Kansas, 2000 by amending Section 3-201 entitled "Definitions," Section 3-202 entitled "Current State License," Section 3-207 entitled "Drinking on Streets or in Public Places," Section 3-211 entitled "Occupational License Fee for Retail Liquor Stores," Section 3-215 entitled "Caterers," Section 3-216 entitled "Temporary Permits," and repealing Sections 3-206 entitled "Unlawful Acts; Minors, Incapacitated Persons," Section 3-210 entitled "Consumption While Driving," Section 3-211 entitled "Occupational License Fee for Retail Liquor Stores" and repealing existing Sections 3-201, 3-202, 3-207, 3-211, 3-215, and 3-216 and other sections in conflict herewith [Roll Call Vote]

Patty Bennett, City Attorney, stated this is a clean-up of some of the alcohol and liquor sections in the Code Book. Councilmember Rasmussen asked these codes be reviewed as the current ordinances were not aligning with the serving of alcohol at the golf course. Thus, it prompted a thorough review of all related code sections.

A motion to pass Ordinance No. 2662C was made by Councilmember Rasmussen; seconded by Councilmember Robinett. The motion was approved with a unanimous roll call vote of 7-0. [Councilmember Rawlings absent]

- B. **Ordinance 2663C** amending Section 3-109, of the Code of the City of Leawood, Kansas, 2000 entitled "Revocation of License," and repealing existing Sections 3-109, 3-112 and 3-113 and other sections in conflict herewith. [Roll Call Vote]

A motion to pass Ordinance No. 2663C, was made by Councilmember Azeltine; seconded by Councilmember Rasmussen. The motion was approved with a unanimous roll call vote of 7-0. [Councilmember Rawlings absent]

- C. Schedule Governing Body Work Session to be held on Monday, July 7, 2014, at 6:00 P.M., regarding Presentation of Pedestrian/Bicycle Friendly Study

A motion to approve Item No. 14C was made by Councilmember Filla; seconded by Councilmember Robinett.

Councilmember Cain stated Councilmember Filla and she were able to hear a Preliminary Summary and was impressed by the group that has been hired.

The motion was approved with a unanimous vote of 7-0. [Councilmember Rawlings absent]

- D. Schedule Governing Body Work Session to be held on Monday, July 21, 2014, at 6:00 P.M., for continued discussion from March 3, 2014 Work Session on Placement of Paley Art Piece; and Discussion of Public Art for Justice Center

A motion to approve Item No. 14D was made by Councilmember Filla; seconded by Councilmember Robinett.

Mr. Lambers confirmed with Councilmember Cain that the Paley art piece is still at the same location in New York until the end of the summer. The City may have to pay for a storage fee if it goes beyond the summer.

The motion was approved with a unanimous vote of 7-0. [Councilmember Rawlings absent]

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

Debra Harper, CMC, City Clerk