

Minutes

DVD No. 381

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, 7:30 P.M. on Monday, November 21, 2016. Mayor Peggy Dunn presided.

Councilmembers Present: Jim Rawlings, Andrew Osman, Debra Filla, Chuck Sipple, Julie Cain, Lisa Harrison, James Azeltine and Dr. Steven Kaster

Councilmembers Absent: None

Staff Present: Scott Lambers, City Administrator
Mark Andrasik, Info. Services Director
Chris Claxton, Parks & Recreation Director
Richard Coleman, Comm. Dev. Director
Chief Dave Williams, Fire Department
Nic Sanders, Human Resources Director
Debra Harper, City Clerk
Patty Bennett, City Attorney
Chief Troy Rettig, Police Department
Joe Johnson, Public Works Director
Mark Klein, Planning Official
Dawn Long, Finance Director
Cindy Jacobus, Assistant City Clerk

Others Present: Kevin Jeffries, Chief Executive Officer, Board President and Director of Economic Development, Leawood Chamber of Commerce

1. **PLEDGE OF ALLEGIANCE** – Lead by four Life Scouts and one Star Scout from Boy Scouts Troop 10.
2. **APPROVAL OF AGENDA**

Mayor Dunn stated the agenda had been amended to add a Councilmembers Report from Councilmember Azeltine. She noted a revised roster had been provided in regard to Consent Agenda Item 7.K.

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of X-0.

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

- K. Approve Mayoral appointment of Task Force [sub-committee of Sustainability Advisory Board] for Community Gardens
- L. Approve renewal of Cereal Malt Beverage [CMB] License for Cosentino's Price Chopper, located at 3700 W.95th Street
- M. Approve renewal of Cereal Malt Beverage [CMB] License for Walgreen's, located at 4701 Town Center Drive
- N. Approve installation of National Historic Trail Signs for Santa Fe, Oregon and California Historic Trails
- O. Approve Change Order No. 2 in the amount of \$10,909.00, to Realm Construction, pertaining to the 2016 Mission Road Partial Depth Repair Project, on State Line Road from 103rd Street to 300 feet south [Project # 72073]
- P. **Resolution No. 4705**, adopting the 2017 Fee Schedule for fees not specifically provided for in the Code of the City of Leawood, 2000, and rescinding Resolution No. 4526, in accordance with § 1-701 of the Code of the City of Leawood, 2000
- Q. **Resolution No. 4706**, approving and authorizing the Mayor to execute an Amendment to that certain Artwork Contract between the City and RDG IA Inc., dba RDG Dahlquist Art Studio, dated February 1, 2016, for an amount not to exceed \$315,813.00 and revisions to the scope of the project, pertaining to an art piece to be known as Weight of Your Heart/Weight of a Feather to be located at the Leawood Justice Center, 4201 Town Center Drive
- R. **Resolution No. 4707**, accepting funding from the Kansas Department of Transportation [KDOT] for the 2017 Special Traffic Enforcement Program [STEP] Program
- S. **Resolution No. 4708**, approving a Revised Final Plat for Brittany Woods 4th Plat, located at 153rd Street and Rosewood [PC Case 73-16] [*from the October 25, 2016 Planning Commission meeting*]
- T. Declaration of Surplus Property: [1] Doolittle Trailer, Asset # 1015; last 4 VIN/4620
- U. Fire Department Monthly Report
- V. Municipal Court Monthly Report
- W. Police Department Monthly Report

Councilmember Harrison requested Consent Agenda Item 7.D. be pulled.

Mayor Dunn requested Consent Agenda Item 7.K. be pulled.

Councilmember Cain requested Consent Agenda Item 7.N. be pulled.

Councilmember Filla requested Consent Agenda Item 7.R. be pulled.

Councilmember Sipple requested Consent Agenda Items 7.A. and 7.S. be pulled.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Azeltine; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 8-0.

- A. Accept Appropriation Ordinance Nos. 2016-43, 2016-44 and 2016-45

Councilmember Sipple stated his recusal from voting as his wife's name is listed as a payee, providing contractor services to the Parks & Recreation Department.

A motion to approve Consent Agenda 7.A. was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with a vote of 7-0; Councilmember Sipple recusing for reason previously stated.

D. Accept minutes of the October 11, 2016 Park & Recreation Advisory Board meeting

Ms. Claxton confirmed to Councilmember Harrison that the City Park all-inclusive playground would be named “Variety KC Children’s Playground” in recognition of their generous donation of \$125,000 to the Foundation for the playground. A sponsorship agreement has been drafted with the assistance of the City Attorney, Ms. Bennett, and would be brought before the Governing Body at their meeting on December 5, 2016. She stated a portion of the Jack Wylie Trust donation of \$100,000 would be used for the all-inclusive playground and a portion used for the Leawood Dog Park.

Ms. Claxton clarified the meeting minutes also documented discussion on a formal gift and naming rights policy, which has been drafted and would be brought before the Governing Body at their meeting on December 5, 2016. Councilmember Cain added the Parks & Recreation Advisory Board had numerous meetings with hours of discussion to draft the policy, pulling examples from local Johnson County facilities as well as from around the nation.

A motion to approve Consent Agenda Item 7.D. was made by Councilmember Cain; seconded by Councilmember Kaster. The motion was approved with a unanimous vote of 8-0.

K. Approve Mayoral appointment of Task Force [sub-committee of Sustainability Advisory Board] for Community Gardens

Mayor Dunn stated approval would include acceptance of the Task Force roster that had been provided at the meeting. Mayor Dunn noted applications for garden plots from Leawood residents are given first consideration over those from non-residents. Ms. Crow and Ms. Kirk understand they may work for six months on the Task Force and may not receive a garden plot. Mayor Dunn thanked Councilmember Filla for chairing the Task Force.

A motion to approve Consent Agenda Item 7.K. was made by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 8-0.

N. Approve installation of National Historic Trail Signs for Santa Fe, Oregon and California Historic Trails

Councilmember Cain pulled the item to acknowledge the significance of the eight trail signs, three on 135th Street, one on Nall, two on Pembroke Lane, one on State Line Road and one on 123rd Street, to be erected in the City as part of an effort spearheaded by the National Parks Service in conjunction with the Kansas City Mid-America Regional Council. Signs across the nation will be installed simultaneously.

A motion to approve Consent Agenda Item 7.N. was made by Councilmember Cain; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.

- R. **Resolution No. 4707**, accepting funding from the Kansas Department of Transportation [KDOT] for the 2017 Special Traffic Enforcement Program [STEP] Program

Police Chief Rettig confirmed to Councilmember Filla that two of the three special enforcement periods of the program would be the Memorial and Labor Day holidays. The specific third period was unknown.

A motion to approve Consent Agenda Item 7.R. was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 8-0.

- S. **Resolution No. 4708**, approving a Revised Final Plat for Brittany Woods 4th Plat, located at 153rd Street and Rosewood [PC Case 73-16] [*from the October 25, 2016 Planning Commission meeting*]

As a strong supporter of the Ironhorse Golf Club and a Council Liaison on the Ironhorse Advisory Board, Councilmember Sipple asked City Staff to correct two typographical errors on Page 2, Surrounding Zoning Section, in the Staff Memo; Ironwoods Golf Course should be Ironhorse Golf Course.

A motion to approve Consent Agenda Item 7.S. was made by Councilmember Sipple; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.

8. MAYOR'S REPORT

- A. Thanks to Parks & Recreation Director Chris Claxton and Aquatics/Events Supervisor Tony Nichols for organizing a fun and festive Holiday Lighting Ceremony earlier this evening. Nearly all Councilmembers, Department Heads and the City Administrator were in attendance. Participants included Brookwood Elementary, Curé de Ars and Leawood Stage Company. Commerce Bank and Corner Bakery were the sponsors once again this year.
- B. Attended a Leawood Chamber of Commerce ribbon cutting for the rebranding of Foo's Fabulous Café at Ranch Mart. This new name better reflects the fact they have far more than custard for their patrons. They were also celebrating their 10th anniversary in Leawood.
- C. Thanks to Councilmember Debra Filla for standing in for me at the Leawood Chamber of Commerce's Healthcare Resort of Leawood's ribbon cutting.
- D. Attended the Johnson & Wyandotte Counties Council of Mayors meeting hosted by Olathe Mayor Michael Copeland at the Olathe Community Center. This was the first of two annual meetings held with members of the Johnson and Wyandotte Counties legislative bodies. There were four representatives and two senators representing Leawood in attendance. Discussion focused on priorities for the legislative session, the outcome of which will be discussed at the June 2017 meeting. There was a great deal of rhetoric in regard to supporting "local control."
- E. Reminder of the December 7, 2016 Johnson & Wyandotte Counties Council of Mayors Annual Holiday Social to be held at the Embassy Suites and Conference Center in Olathe. Please RSVP to City Clerk Deb Harper by Tuesday, November 29, 2016.
- F. Attended the 30th Anniversary Scholarship benefit for Johnson County Community College Foundation. Congratulations to Church of the Resurrection's Reverend Adam Hamilton who was honored as the 2016 Johnson County Mayor of the Year.

- G. The Leawood United Way Campaign ended last Friday, November 18, 2016. Thanks to the leadership of Human Resource Director Nic Sanders and all participants, a pledge of \$15,000 was made from City employees.
- H. Congratulations to the City of Leawood Employee Activity Committee for contributions to the Johnson County Christmas Bureau. There were 300 miscellaneous items and 100 food items, along with a \$1,500 check, presented to the Bureau's Executive Director this past week. Many thanks to all participants.
- I. Congratulations to Police Chief Troy Rettig and his fine team for being one of four organizations honored by the Blue Valley School District for their contributions to education in the district. The Leawood Police Department was recognized for partnering with the district to ensure the safety and security of students and staff. An article listing the department and other honorees appeared in the Kansas City Star newspaper, 913 News Section, on November 16, 2016.
- J. Happy Thanksgiving to one and all!

9. COUNCILMEMBERS' REPORT

Councilmember Azeltine – Referral to Public Works Committee – Feasibility of Potential Benefit District or Financial Assistance from City for Repair of Sidewalks located within Verona Gardens

Councilmember Azeltine stated a survey in progress by Verona Gardens Home Owners Association [HOA] of their 445 homes documents many sidewalk issues in the subdivision, mainly cracks and misalignments. The HOA plans to spend a total of \$50,000, with first phase cost of \$18,000. He and Public Works Director Mr. Johnson toured the area his past week. It may be optimal for the City to bid the repair work and then set up a Benefit District. The HOA President has stated the HOA could assess home owners and could reimburse once the work was complete.

Councilmember Azeltine requested to a referral to the Public Works Committee in regard to the feasibility of a potential Benefit District or financial assistance from the City for repairs. Mr. Johnson stated if the referral was approved, the issue could be discussed at the February 3, 2017 Public Works Committee meeting.

A motion to refer as stated was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

10. STAFF REPORT – None

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[from the October 25, 2016 Planning Commission meeting]

- A. **Resolution No. 4709**, approving a Final Plan and Final Plat for Bright Space Senior Living, located south of 137th Street and west of Mission Road. (PC Case 100-16)

Applicant Mr. Jeff O'Dell, BHC Rhodes, 7101 College Boulevard, Overland Park, presented highlights of the project from the presentation made to the Planning Commission on October 25, 2016, with focus on how the development is taking care of existing problems voiced by City Staff and residents of Leawood Meadows. He stated Mr. Greg Echols of Bright Space and Mr. Mike Belew of CBC Real Estate Group were also present. He thanked the Governing Body for the opportunity to speak.

Mr. O'Dell stated the first phase assisted living facility would be 90,000 sq. ft. with 90 beds, sidewalks, site amenities and detention pond in the southeast corner of the lot. There would be a landscaped berm to the south along the parking lot for screening and to alleviate drainage problems at Leawood Meadows. The southern border between the facility and Leawood Meadows would be a noteworthy storm water quality feature, acting like a rain garden for small storm events and plantings to attract butterflies. The detention pond would also be used for sediment. At the request of City's Engineering Staff, an analysis was performed to determine impact of the development and the downstream capacity of a storm water channel along with west of Mission Road, as well as consideration of the future expansion of Mission Road. As a result an actual storm water channel would be constructed along the corridor, along with additional grading; the proposed development would have no negative impact. As requested by the Planning Department, the ultimate outfall is to a detention pond to the south in Siena subdivision.

Mr. Echols confirmed to Councilmember Cain an emergency back-up generator had been removed from the plan. Other Bright Space facilities across the United States do not have back-up generators and there are no plans to purchase or install a permanent generator at this time. The plan includes space for a temporary generator, if needed to be brought in due to inclement weather. Mr. Coleman clarified for Councilmember Cain that a back-up generator could be requested in the future through a revised plan and would need to meet City code.

Mr. Coleman confirmed to Councilmember Cain that the developer is only required to build a sidewalk to the edge of their property. Councilmember Cain favored completing the missing sidewalk section along Mission Road between 135th Street south to Leawood Meadows, and stated she would bring up the topic at the next Public Works Committee meeting.

Councilmember Sipple echoed Councilmember Cain's comments about extended sidewalk connection along Mission Road, and suggested continuation from Leawood Meadows to 138th Street of a permanent or temporary asphalt sidewalk. He suggested this should might be accomplished by working with Leawood Meadows and added to the future Capital Improvement Plan [CIP] docket.

Councilmember Cain stated her support of the development within her Ward Four, but expressed concern about historic drainage issues experienced with development in the area. She requested a silt pond rather than silt fences should be used and explicit proactive timing should be included in the stipulations. Mr. Coleman and Mr. Johnson confirmed to Councilmember Cain that storm water and erosion control plans must be submitted prior to issuance of the building permit, and control method(s) all would be in place prior to mass grading. Erosion control methods will be temporary until the construction of the final basin and landscaping, and the method should not be specified to not limit and ensure the best method was utilized. Mr. Coleman stated City Staff was comfortable as proposed. Mr. O'Dell added this is an Environmental Protection Agency [EPA] requirement and he was agreeable to a revised stipulation. Mayor Dunn suggested Stipulation 21 be revised to read "An erosion control plan for both temporary and permanent measures to be taken during and after construction, and implemented prior to construction, will be required at the time of application for Building Permit."

Councilmember Sipple expressed concern about the drainage channel and standing water that accumulates near on east turn in 138th Street, and about safety of an open channel along the road during inclement weather. Mr. O'Dell stated the proposed grass-lined channel has been given preliminary approval from City Engineer David Ley. The channel would run from the south property line to the drainage culvert that runs under 138th Street. The channel would be 1.5 ft. deep with a 5:1 slope with a foot shoulder, which is within a recoverable slope. It would be deeper than the channel currently north of the property and no deeper than 1.5 ft. deep south near 138th Street. Councilmember Sipple stated for the record his concern for resident safety for the next several years until Mission Road is improved.

Ms. Jane Ross, 4004 West 137th Terrace, resident who borders to the south of the development stated she was a member of the Leawood Meadows HOA Board. The HOA Board has been pleased in working with the developer in regard to trees to north, drainage and landscaping. She noted in the past the HOA had vehemently opposed a cut-through sidewalk in Leawood Meadows proposed by the Villaggio development in 2004.

Mayor Dunn clarified the sidewalk connection suggested by Councilmembers Cain and Sipple would run along east side of Mission Road. Mayor Dunn stated the suggested sidewalk connection may not be approved at a future point, but at some point Mission Road would be widened and sidewalks installed at that time.

A motion to amend Stipulation 21 as suggested by Mayor Dunn and approve Agenda Item 11.A. was made by Councilmember Cain; seconded by Councilmember Harrison. The motion was approved with a unanimous vote of 8-0.

- B. **Ordinance No. 2813**, approving a Special Use Permit for Park Place – 801 Chophouse Off-site Sign, located south of Town Center Drive and east of Nall Avenue. (PC Case 102-16) [ROLL CALL VOTE]

Mr. Chris Harris, 4804 West 140th Street, Overland Park, stated the proposed sign facing Nall on the Aloft Hotel would help 801 Chophouse compete with the many nearby restaurants.

Councilmember Sipple inquired if there were any other businesses in the building that could request signage in the future. Mr. Harris stated his business extends to the back of the building and the space of other building tenants does not. He was not aware of any current or future signage needs. Mr. Klein stated it would be difficult to add additional signage since the proposed Special Use Permit brings total signage to 180 sq. ft.; maximum is 200 sq. ft.

A motion to pass the ordinance was made by Councilmember Osman; seconded by Councilmember Azeltine. The motion was approved with unanimous roll call vote of 8-0.

- C. **Ordinance No. 2814**, amending Section 16-4-1.3 of the Leawood Development Ordinance entitled, “Permitted Accessory Uses, Buildings and Structures” and repealing existing Section 16-4-1.3 and other sections in conflict herewith. (PC Case 92-16)
[ROLL CALL VOTE]

Mr. Klein stated the proposed amendment would provide screening requirements of mechanical pool equipment for single family residential; mechanical pool equipment is not addressed in the Leawood Development Ordinance. Currently, pools are restricted to side or rear yards, placed a minimum of 10 ft. from all property lines. The amendment requires screening of pool equipment with a complimentary wall or fence to a maximum of 6 ft. in height, or evergreens at least 6 inches taller than the equipment, installed within 5 ft. of the equipment. Mechanical equipment noise to be a maximum of 60 decibels as measured at the property line.

Mr. Coleman clarified for Councilmember Sipple the noise maximum must be met regardless of the visual screening method. He stated the City had received complaints regarding appearance, but none for noise. Some residents choose to hide the equipment under pool decking and others have installed the equipment at the back of their lots out of their site, but seen by neighbors.

A motion to pass the ordinance was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with unanimous roll call vote of 8-0.

12. **OLD BUSINESS** – None

13. **OTHER BUSINESS** – None

14. **NEW BUSINESS**

Ordinance No. 2815, appropriating the amounts set up in each fund in the budget for fiscal year 2017, providing for the payment of all claims and charges against the accounts provided for therein; and approving and ratifying the payment of all claims against the accounts [ROLL CALL VOTE]

Mr. Lambers stated the ordinance is passed annually to authorize payments to be made per expenditure ordinances, when a Governing Body meeting could not be held.

A motion to pass the ordinance was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with unanimous roll call vote of 8-0.

Mayor Dunn wished all Happy Thanksgiving.

ADJOURN

There being no further business, the meeting was adjourned at 8:43 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk