

Minutes

DVD No. 390

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, April 17, 2017. 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
Patty Bennett, City Attorney
Chris Claxton, Parks & Recreation Director
Mark Tepesch, Info. Services Specialist III
Chief Dave Williams, Fire Department
Richard Coleman, Comm. Dev. Director
Debra Harper, City Clerk
Mark Klein, Planning Official
Chief Troy Rettig, Police Department
Nic Sanders, Human Resources Director
Joe Johnson, Public Works Director
Dawn Long, Finance Director
Cindy Jacobus, Assistant City Clerk

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

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn stated the Governing Body would recess into an Executive Session to discuss the possible acquisition of real property at the conclusion of the public portion of the meeting.

A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 8-0.

3. CITIZEN COMMENTS

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. It is not appropriate to use profanity or 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 Volunteer Week, April 23-29, 2017

Mayor Dunn read the proclamation into the record. She thanked the Council and the more than 300 dedicated citizen volunteers, which was followed by applause.

Arbor Day, April 28, 2017

Mayor Dunn read the proclamation into the record, which Ms. Claxton accepted. Ms. Claxton stated the City's Arbor Day celebration includes activities in the Ironwoods Park Nature Center and a giveaway of several varieties of seedling trees. A large tree planting would be conducted on City property. Everyone is invited to attend the event.

Councilmember Harrison stated Rotary Clubs worldwide have undertaken an initiative to plant a tree for each one of their members. The Leawood club plans to plant 50 trees in the City. She will speak with Ms. Claxton in this regard.

5. PRESENTATIONS/RECOGNITIONS - None

6. SPECIAL BUSINESS

Public Hearing Pre-Budget Public Hearing for 2018 Fiscal Budget

Mayor Dunn opened the public hearing; no one was seen or heard to speak.

A motion to close the public hearing was made by Councilmember Filla; seconded by Councilmember Harrison. The motion was approved with 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 upon 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 No. 2017-13
- B. Accept minutes of the August 26, 2015 Stormwater Management Committee meeting
- C. Accept minutes of the March 28, 2017 Joint Governing Body and Planning Commission Work Session
- D. Accept minutes of the April 3, 2017 Governing Body meeting
- E. Approve Renewal of Cereal Malt Beverage [CMB] license for Hallbrook Country Club, located at 11200 Overbrook Road
- F. Approve purchase in the amount of \$25,862.00, from Voice Products for the purchase of NICE recorder for Police Communications Center
- G. Approve purchase in the amount of \$50,492.56, from Modern Business Interiors, pertaining to the Ironhorse Clubhouse Expansion Project [Project # 49133]
- H. Approve purchase in the amount of \$60,095.97, from Professional Turf Products, Inc., for the purchase of Parks & Recreation maintenance equipment [Toro Workman HDX mower]
- I. Approve Co-op Bid in the amount of \$46,892.00, from Shawnee Mission Ford for the purchase of a truck for Ironhorse Golf Course [Unit 951 Replacement]
- J. Approve purchase in the amount of \$49,690.00, from Sherwin Williams for [1] paint striper for Public Works

- K. **Resolution No. 4768**, approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$3,250,329.38, between the City and VF Anderson Builders, LLC, pertaining to the 2017 Residential Street Reconstruction Project [Project # 80217]
- L. **Resolution No. 4769**, approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$60,000.00, between the City and PASCO Irrigation Company, pertaining to the 2017 Residential Street Reconstruction Project [Project # 80217]
- M. **Resolution No. 4770**, approving and authorizing the Mayor to execute a Professional Service Agreement in the amount of \$22,245.00, between the City and Affinis Corporation, to perform a sidewalk study on the east side of Mission Road between 92nd and 95th Street
- N. **Resolution No. 4771**, approving and authorizing the Mayor to execute Amendment No. 2, to that certain Artwork Contract between the City and RDG IA Inc., dba RDG Dahlquist Art Studio, dated February 1, 2016, increasing the amount by \$7,079.00, to a total amount not to exceed \$322,892.00, pertaining to art piece to be known as Weight of Your Heart/Weight of a Feather, located at the Leawood Justice Center, 4201 Town Center Drive [Project # 79004]
- O. **Resolution No. 4772**, approving and authorizing the City's consent for the enlargement of Consolidated Main Sewer District, located approximately on 114th Terrace between State Line Road and Overbrook [Hallbrook East Village]
- P. **Resolution No. 4773**, approving and authorizing the Mayor to execute a Letter of Agreement between the City and M & M Golf Cars, LLC, in the amount of \$234,926.35, to provide golf cars to Ironhorse Golf Club, located at 15400 Mission Road
- Q. **Resolution No. 4774**, approving and authorizing the Mayor to execute a State and Municipal Lease/Purchase Agreement between the City and Clayton Holdings, LLC, pertaining to the leasing of Golf Cars for the City's Public Golf Course Facility, Ironhorse Golf Course, located at 15400 Mission Road, in the original principal amount of \$234,926.35
- R. **Resolution No. 4775**, approving and authorizing the Mayor to execute an Escrow Agreement by and between Commerce Bank, Clayton Holdings, LLC, and the City of Leawood, Kansas with respect to certain golf cars for the City's public golf course facility, Ironhorse Golf Course, located at 15400 Mission Road
- S. **Resolution No. 4776**, approving the purchase of Tyler Technologies software and related services in the amount of \$29,430.00, pertaining to the implementation of the Tyler Cashiering Program
- T. **Resolution No. 4777**, approving and authorizing the Mayor to execute a Service Agreement between the City and OpenEdge [a Division of Global Payments], pertaining to the processing of credit card data in conjunction with the Tyler Cashiering Program
- U. **Resolution No. 4778**, approving and authorizing the Mayor to execute an Apparatus Purchase Agreement in the amount of \$150,000.00, between the City and Brindlee Mountain Fire Apparatus, LLC, for the purchase of Leawood's 2008 Pierce Saber Rescue truck [last 4 VIN/8412]
- V. **Resolution No. 4779**, approving a Revised Final Plan for Park Place – The Residences Pool and Cabana, located north of 117th Street and east of Nall Avenue (PC Case 25-17) [from the March 28, 2017 Planning Commission meeting]

- W. **Resolution No. 4780**, approving a Final Sign Plan for NBKC Bank – Monument Sign, located south of 83rd Terrace and east of State Line Road (PC Case 29-17) *[from the March 28, 2017 Planning Commission meeting]*
- X. **Resolution No. 4781**, approving a Revised Final Plat for the Enclave at Highland Villas – First Plat, located south of 143rd Street and east of Nall Avenue (PC Case 30-17) *[from the March 28, 2017 Planning Commission meeting]*
- Y. **Resolution No. 4782**, approving a Final Plan for Park Place – Ainsworth Restaurant, located north of 117th Street and east of Nall Avenue (PC Case 34-17) *[from the March 28, 2017 Planning Commission meeting]*
- Z. Declaration of Fire Department Surplus Property - 2012 Hallmark Enclosed Utility Trailer, last 4 VIN/8424; Fire Dept. Stanley Structural Collapse Rescue Equipment; Structural Collapse Search Camera and Listening Systems
- AA. Declaration of Parks & Recreation Surplus Property – 2012 Exmark mower Asset # 1677; 2013 Exmark mower Asset # 1140; 2006 Permagreen spreader Asset # 1241; 2006 Toro GM Asset # 1277; 2008 Club Car carryall Asset # 1366;; 2006 Bobcat skidloader Asset # 1262; 1996 CRDN skidloader trailer; and 2006 Ford Ranger [Unit # 635] last 4 VIN/1752
- BB. Police Department Monthly
- CC. Fire Department Monthly
- DD. Municipal Court Monthly

Councilmember Filla requested Consent Agenda Items 7.D., 7.M. and 7.Q. be pulled.

Councilmember Sipple requested Consent Agenda Item 7.P. be pulled.

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

- D. Accept minutes of the April 3, 2017 Governing Body meeting

Councilmember Filla requested revision of the minutes to change the start time of the August 21, 2017 solar eclipse from 7:00 P.M. to the correct start time of 1:08 P.M.

A motion to approve Consent Agenda 7.D. with stated revision was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.

- M. **Resolution No. 4770**, approving and authorizing the Mayor to execute a Professional Service Agreement in the amount of \$22,245.00, between the City and Affinis Corporation, to perform a sidewalk study on the east side of Mission Road between 92nd and 95th Street

In response to Councilmember Filla’s inquiry, Mr. Johnson clarified the sidewalk study was separate and not related to Consent Agenda Item 7.K., 2017 Residential Street Reconstruction Project. Consent Agenda Item 7.M. is only for study of options and costs. Sidewalk work would need to be placed into the Capital Improvement Program [CIP] for future years, as deemed appropriate.

Councilmember Filla stated she would like any action taken to be incorporated into the Main Routes to Schools [MR2S] Program to ensure a comprehensive total school transportation program and funding prioritization analysis.

Mayor Dunn stated study results would be reviewed by the Public Works Committee and then brought to the Governing Body. The time needed for meetings would allow Councilmember Filla to analyze in regard to MR2S for Curé de Ars School.

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

- P. **Resolution No. 4773**, approving and authorizing the Mayor to execute a Letter of Agreement between the City and M & M Golf Cars, LLC, in the amount of \$234,926.35, to provide golf cars to Ironhorse Golf Club, located at 15400 Mission Road

Councilmember Sipple asked for information about how the City prices golf cart rentals. He questioned if rental fees generate revenue, were enough to cover one-third of the lease, or if rentals are a break-even pass-through cost. Ms. Claxton stated she would research and provide the requested information to the Governing Body.

A motion to approve Consent Agenda 7.P. with stated revision was made by Councilmember Sipple; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

- Q. **Resolution No. 4774**, approving and authorizing the Mayor to execute a State and Municipal Lease/Purchase Agreement between the City and Clayton Holdings, LLC, pertaining to the leasing of Golf Cars for the City's Public Golf Course Facility, Ironhorse Golf Course, located at 15400 Mission Road, in the original principal amount of \$234,926.35

Councilmember Filla stated her question for Consent Agenda Item 7.Q. was the same as Councilmember Sipple's for Consent Agenda Item 7.P. She would look forward to receiving the requested information to be provided by Ms. Claxton.

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

In regard to the geographical location of Consent Agenda Item 7.W. east of State Line Road, and for the benefit of new councilmembers, Councilmember Filla pointed out State Line Road does not exactly follow the border between Kansas and Missouri. Businesses on State Line Road such as Target and QuikTrip that are actually in Leawood have been required to have trees and evergreens per the Leawood Development Ordinance, as administered by Mr. Coleman and his staff. Someone unfamiliar with the state boundaries may mistake these businesses to be located in Missouri.

8. MAYOR'S REPORT

- A. Councilmembers Debra Filla, Jim Rawlings and Chuck Sipple joined me at the 12th Dialogue and Friendship Dinner hosted by Dialogue Institute Southwest at University of Missouri-Kansas City. Johnson County Community College President Dr. Joseph Sopcich received the "Higher Education Award." Leawood Police Captain Brad Robbins was also in attendance.
- B. Police Chief Troy Rettig and I attended the Brookwood Elementary School Drug Abuse Resistance Education [D.A.R.E.] graduation with others from Chief Rettig's leadership team. Officer Emily Craighead is doing a fabulous job with the students.
- C. Police Chief Troy Rettig organized a nice retirement reception to honor Officer Brett Leathers who is retiring after 20 years of dedicated service. For 17 of his 20 years, he worked as a D.A.R.E. Office and School Resource Officer. St. Michael the Archangel School Principal Michael Cullinan came to the reception to pay tribute to Officer Leathers.
- D. Reminder of the Public Art Dedication for "Weight of Your Heart, Weight of a Feather" on Tuesday, April 18, 6:00 P.M. at the Justice Center. The artist is scheduled to attend. A reception will follow in the Oak Room. Councilmembers Jim Rawlings, Julie Cain, Debra Filla and Chuck Sipple were part of a Task Force that worked for 1.5 years on the project.
- E. Reminder of the Leawood Arts Council Show and Reception, on Friday, April 28, 5:30 P.M. to 7:30 P.M, at the Leawood Fine Art Gallery in Camelot Court. The event will include the work of local and national artists, entertainment and refreshments.

9. COUNCILMEMBERS' REPORT

Councilmember Kaster- Referral to Stormwater Committee regarding erosion of creek located in Bradford Place

Councilmember Kaster stated 10 homes in Bradford Place subdivision back to the creek, which starts out as an underground storm sewer. Over the years and due to erosion, tall mature trees have been lost and there is concern for safety. The request for referral to investigate what the City might be able to do was the result of his meeting with Public Works Director Mr. Johnson and residents.

A motion to approve the referral to the April 26, 2017 Stormwater Committee Meeting was made by Councilmember Kaster; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

10. STAFF REPORT

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[from the February 28, 2017 Planning Commission meeting]

- A. Ordinance approving the renewal of a Special Use Permit [SUP] for a wireless communication facility including cellular tower, associated equipment and screening for Saddle and Sirloin Cellular Tower, located south of I-435 and east of Mission Road (PC Case 01-17) [ROLL CALL VOTE] *[Continued From the March 20, 2017 Governing Body meeting]* - **[CONTINUED TO THE MAY 1, 2017 GOVERNING BODY MEETING]**

[from the March 28, 2017 Planning Commission meeting]

- B. **Ordinance No. 2834**, approving a Special Use Permit for Packaged Liquor Sales for Nall Valley Shops – Nall Valley Wine and Spirits (Retail: Liquor Store), located north of 151st Street and east of Nall Avenue. (PC Case 23-17) [ROLL CALL VOTE]

Mr. Anuj Arora, Managing Officer, 21014 W. 60th Terrace, Shawnee stated he would answer any questions.

Councilmember Cain stated her agreement with Planning Commissioner Coleman's comment in the Planning Commission minutes regarding excitement when a vacant storefront is being put to good use. She welcomed Mr. Arora and the business to the City.

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

- C. **Resolution No. 4784**, approving a Final Plan and Final Plat for Hallbrook East Village, located south of 112th Street and west of State Line Road. (PC Case 32-17)

Mr. Fred Logan, Logan Logan & Watson, 8610 Mohawk Road, introduced other project team members Mr. Cory Biggs, owner representative; Mr. Rick Jones, architect, Nearing, Staats, Prelogar and Jones [NSPJ]; Ms. Katie Martinovic, landscape architect, NSPJ, 3515 W. 75th Street, Prairie Village; and Brett Haugland, Continental Consulting Engineers, 9000 State Line Road.

Mr. Logan stated the project team had worked closely with City staff for about 1.5 years, following 1.5 years of preparation. Staff was very helpful and did their typically outstanding job. When the preliminary plan was before the Governing Body, the Hall family's commitment to quality and spectacular results had been stated. A few brief comments and responses to questions would be provided at this meeting. The applicant is in agreement with all 21 stipulations.

Mr. Logan displayed a graphic color renderings of an aerial view of the village layout and a front elevation of an individual villa. Hallbrook East Village would consist of 33 high-quality villas of unsurpassed quality, constructed using brick, stone, concrete tile roofs, and highest quality windows and end finishes. It is expected the finished development would be the best of its type in the region. The village would be consistent with 37 years of excellence, for which the team is proud and glad to be at the finish line.

Mr. Logan confirmed to Councilmember Rawlings that sound/noise of nearby traffic on State Line Road was not anticipated to be a problem. The windows would almost be airport-quality, not quite sound-proof. Berming and landscaping would be used to buffer and reduce noise as well.

Councilmember Sipple asked the depth grade of the natural gas line that dissects the property, the likelihood of maintenance needed on the gas line, and the line's relationship to the gas line that parallels State Line Road. Mr. Haugland stated the high-pressure gas line is 4 to 5 ft. deep and runs the entire length of Hallbrook. The line has been there quite some time with easements of varying width. There are shut-off valves for maintenance located along the gas line. The gas company will be present any time project work is planned around the line. The gas line as it comes to State Line Road heads south for 100 ft. and then turns east into Missouri. A Kansas Gas One residential supply line runs parallel on south side of easement would be relocated because it is in the way of the development.

Ms. Martinovic confirmed to Councilmember Filla that landscaping would be in the same character of Hallbrook and meet all City requirements. The same species of trees used in Hallbrook would be planted along on Overbrook and Cambridge, but internal street trees would be a variety. Councilmember Filla encouraged Ms. Martinovic to consider diversity in street trees, perhaps planting a different species of tree every second or third tree.

Councilmember Cain expressed concern in regard to construction traffic that had been raised by residents of villas to the north. The residents have interacted with the developer, City and Police Department in an effort to reduce vehicle speed on Overbrook. A flashing signal has been installed. Efforts seems to have been successful at the present time. At this time the residents are not requesting additional traffic-calming measures, but that may change as the villas to the east are full and Hallbrook III is in place. The residents appreciate the change in zoning for the development from RP-4 to RP-2. They are concerned about traffic that would travel from College Boulevard or 119th Street all the way through the subdivision. She requested that 2.b) in the City Engineer's memorandum to Mr. Coleman dated March 23, 2017 be revised to clarify construction traffic access. Mr. Coleman stated access would be from 112th Street, though not specifically stated in the memorandum. Mr. Johnson stated access would be from State Line Road to 112th Street to Overbrook, entering development on 114th Street. Construction traffic would be on State Line Road as long as possible, a road built to handle heavy trucks. This should minimize impact to the Hallbrook area. Mayor Dunn suggested 2.b) be revised to state "Construction access shall be off the north intersection from 112th Street and State Line Road to Overbrook and 114th Street." She pointed out that State Line Road is considered an arterial and Overbrook is a collector street. Mr. Logan stated agreement.

A motion to approve Agenda Item 11.B. with amended Public Works memorandum was made by Councilmember Rawlings; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 8-0.

Mayor Dunn stated she looked forward to the project and expressed appreciation for years of work.

- D. **Ordinance No. 2835**, approving a renewal of a Special Use Permit for Off-Site Parking for Molle Off-Site Parking, located south of 104th Street and west of State Line Road. (PC Case 36-17) [ROLL CALL VOTE]

Mr. Curtis Holland, Polsinelli PC, 6201 College Boulevard, Suite 500, Overland Park, stated the proposed Special Use Permit [SUP] renewal was for a small, tucked away car storage lot off State Line Road north of Gates Barbeque, next to Indian Creek on the west side of State Line Road. The lot has been there since 1999. Early SUPs were issued for a term of one-year, but changed to term of two-years about six or seven years ago. The staff's report is thorough and describes the project. Applicant supports all stipulations recommended by staff. The Planning Commission had discussed a light pole on the lot and he had been surprised to learn about the light pole issue a few weeks ago. He had not been present at the Planning Commission meeting. The pole is wooden with several lights attached and has operated there since 2003. Ms. Mary Molle does not recall the history of the pole, but since the pole is not a necessary light source or needed for safety, she would prefer to remove the unneeded pole, reducing maintenance and utility costs. Planning Commission Stipulation No. 3 requires removal before Governing Body consideration; the pole remains. Staff recommends removal or replacement with parking lot standard metal pole that conforms to the LDO.

Mayor Dunn pointed out Mr. Coleman's cover memo regarding use and term of the proposed SUP. Mr. Coleman clarified this is an off-site storage lot and the City does not have a land use designation in the LDO for storage lots, so SUP term can only be a maximum of two-years. If a longer-term SUP would be considered in the future, the City may want to see the lot upgraded. Staff has no objections to light pole removal.

Mayor Dunn inquired about the status of a Code Enforcement Courtesy Notice that had been issued for wrought iron fence paint along the north side of lot. Mr. Holland stated this was the first he had heard of the notice and maintenance issues would be addressed. Mayor Dunn pointed out this was noted on Page 5 of the Staff Report.

Councilmember Sipple inquired if street lights would provide sufficient lighting. Mr. Coleman and Mr. Johnson confirmed street lighting was present. Mr. Holland stated there had been no incidences of crime or vandalism. The lot contains empty new cars. Mayor Dunn added the lot is well-protected by the Leawood Police.

Councilmember Azeltine questioned if Planning Commission Stipulation No. 3 inferred the Planning Commission had authority to require pole removal and installation of an LDO-compliant pole. Mayor Dunn, Ms. Bennett and Mr. Klein suggested the language of the stipulation may have been erroneously revised.

Councilmember Osman stated he would support either removal or replacement. He cautioned that since the area is in the floodplain designed by the latest Federal Emergency Management Agency [FEMA] map and Molle employees had quickly moved cars to the Missouri side of Indian Creek during a flood six or seven years ago, Molle may need light from the pole to ensure employee safety during a flood.

Councilmember Filla suggested to modify Stipulation 3 to use "or" rather than "and", and to delete "Prior to Governing Body consideration," starting the stipulation with "The applicant..."

Councilmember Rawlings expressed concern for lengthy discussion and micro-management of a wooden light pole, not on a parking lot, in existence for many years. Mayor Dunn stated the suggested revision of Stipulation No. 3 would provide for a choice, but any light pole would need to comply with City ordinance. She stated a vote to override the Planning Commission would require six votes in the affirmative.

A motion to pass the ordinance with revised Stipulation No. 3 was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous roll call vote of 8-0.

12. OLD BUSINESS - None

13. OTHER BUSINESS

Ordinance No. 2836, amending Ordinance No. 2777, extending the Temporary Moratorium on the enforcement of the Leawood Development Ordinance [LDO] pertaining to containers designed to hold books or other media to be shared by members of the community [Little Libraries] [ROLL CALL VOTE]

Mr. Lambers stated research on this topic had gone on longer than anticipated, and it was time for the City to proceed with the information available. Home Owner Association [HOA] responses were quite varied and some HOAs were non-responsive. There has not been a significant proliferation of the containers in the City. A basic approach would be to amend the LDO for basic regulation as literature exchange structures, requiring placement outside of right-of-way, one per property, and not to exceed 6 ft. in height. HOA deed restrictions could also address. If additional City regulation is required, the issue could be brought back to the Governing Body. The proposed extension would allow the moratorium to be in effect until the LDO could be amended. Once the LDO amendment was approved, the moratorium would be rescinded. No Governing Body Work Session on the topic should be needed. Ms. Bennett stated the proposed extension date was one-year from the previous extension date, and the moratorium could be repealed early.

Councilmember Harrison suggested adding a cubic box square footage maximum, providing an example of a container on Sagamore that had grown by two additions. Mr. Lambers stated he was not aware of that container; he would research and consider.

Councilmember Rawlings noted there are several containers within the right-of-way, accompanied by benches to sit and read. He requested that regulations address these ancillary structures and Code Enforcement Courtesy Notices provide for sufficient time to comply. Mr. Lambers stated his recommendation would only address containers, so ancillary structures would need to be removed. Ample notification would be provided to the owners.

Councilmember Filla pointed out that in New Jersey, container “lending libraries” are placed in front of libraries as part of the main public library system. She stated the 10 year-old young man who brought City attention to the containers no longer had the container in his front yard.

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

14. NEW BUSINESS

Resolution No. 4767, authorizing the improvement of a certain section of College Boulevard between Indian Creek Bridge and Brookwood, within the City of Leawood, Kansas, at an estimated cost of \$950,000; providing for issuance of General Obligation Improvement Bonds of the City to pay the costs thereof pursuant to K.S.A. § 12-689 and for the issuance of Temporary Notes of the City pending the issuance of said Bonds; and expressing the intent to reimburse costs of the project so incurred from proceeds of General Obligation Bonds; and authorizing and improving certain related matters and actions [Project # 80602]

Ms. Long pointed out the agenda, cover memo and resolution would be revised to correctly state the location of Indian Creek Bridge and Brookwood, rather than Indian Creek Parkway and Brookwood.

Mayor Dunn thanked Ms. Long, who confirmed the resolution was being corrected. Mayor Dunn pointed out temporary notes last year had an advantageous low interest rate as a result of the City’s excellent Aaa bond rating. Ms. Long stated that Mr. David Arteberry, Bond Counsel, had indicated interest rates had increased slightly, but he did not expect this to impact the City.

Mayor Dunn confirmed with Mr. Johnson that the Roe Avenue improvement project would be complete before this project would begin.

A motion to approve Agenda Item 11.D. was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 8-0.

Mayor Dunn asked for a motion to recess into a 30-minute Executive Session in the Main Conference Room for discussion of possible acquisition of real property.

A motion to recess for the stated purpose was made by Councilmember Filla; seconded by Councilmember Kaster. The motion was approved with a unanimous vote of 8-0.

The Governing Body recessed into Executive Session at 8:45 P.M.

A motion to extend the Executive Session for an additional 30 minutes was made by Councilmember Filla; seconded by Councilmember Kaster. The motion was approved with a unanimous vote of 8-0.

A motion to extend the Executive Session for an additional 15 minutes was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

A motion to adjourn the Executive Session and reconvene the public Governing Body Meeting was made by Councilmember Azeltine; seconded by Councilmember Harrison. The motion was approved with a unanimous vote of 8-0.

The Governing Body reconvened into regular meeting at 10:00 P.M.

ADJOURN

There being no further business, the meeting was adjourned at 10:00 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk