

Minutes

DVD No. 392

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, June 5, 2017. Mayor Peggy Dunn presided.

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

Councilmembers Absent: None

Staff Present: Scott Lambers, City Administrator	Brian Anderson, Parks Superintendent
Patty Bennett, City Attorney	Chief Troy Rettig, Police Department
Chris Claxton, Parks & Recreation Director	Nic Sanders, Human Resources Director
Mark Andrasik, Info. Services Director	Joe Johnson, Public Works Director
Chief Dave Williams, Fire Department	Dawn Long, Finance Director
Richard Coleman, Comm. Dev. Director	Mark Klein, Planning Official
Officer Josh Hayes, Police Department	K-9 Officer Kimo, Police Department
Mark Tepesch, Info. Services Specialist III	David Ley, City Engineer
Debra Harper, City Clerk	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** – Led by an “Order of the Arrow” Star Rank Boy Scout from Troop 10.
- 2. APPROVAL OF AGENDA**

Mayor Dunn described amendments to the agenda. Councilmember Report from Debra Filla would be renumbered as Agenda Item 9.A. and Councilmember Report from Andrew Osman for a referral to the Public Works Committee would be added as Agenda Item 9.B. Staff Report from Community Development Director Richard Coleman would be renumbered as Agenda Item 11.A. and Staff Report from City Clerk Debra Harper would be added as Agenda Item 11.B.

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 7-0.

3. CITIZEN COMMENTS – None

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 – None

5. PRESENTATIONS/RECOGNITIONS

Mark Andrasik, IS Director, retiring after 34 years of service [1983-2017]

Mayor Dunn read the outstanding dedicated service award into the record. The award recognizes Mr. Andrasik as Permit Coordinator, Project Planner, Computer Analyst and Information Services Manager from July 1, 1983 to December 31, 1993, and Information Services Director from January 1, 1994 to June 12, 2017, presented with grateful appreciation from the City of Leawood Governing Body.

Mr. Andrasik thanked Mayor Dunn and introduced his family, noting many friends were present. He was thankful and felt privileged to work his entire career with the City and was inspired by all City employees, who shine and share a common bond. It is more than just the amount of work that is accomplished, but how the work is done, doing the right thing with a vested interest while having fun. Employees offer ways to improve, go against the norm, are willing to please, to disagree, to run towards danger, pick-up trash or fill a pothole. A spirit of cooperation exists that is a hallmark of Leawood that does not happen by accident. The Mayor, Council, City Administrator, Department Heads, employees and volunteers all pull together and for each other. Mayor Dunn is humble, genuine and hard-working, representing the best in each of us. The Council is trusting. Mr. Lambers is caring and has done so much for employees and their families. Employees work hard, and look to the whole and the good; wish Washington could do the same.

Mr. Andrasik thanked his mentors Jerry Strack, Harry Malnicof and Dick Garafono, and fellow Department Heads who would certainly keep moving forward and make the City proud. He has worked with four close friends, Chris Claxton, Karl Weinfurter, Joe Johnson and Patty Bennett. During his career, many personal and professional milestones have occurred, including the death of his Father. The love and support is etched in memory. To those who say work is separate for life, he strongly disagrees. Any success he has experienced is due to his fine Information Services Staff, who are terrific. After placing his beloved family first, he gave the rest to his work, but received more in return and is better for knowing everyone. He hoped he had worked quietly behind the scenes with humility. It was more than job, it was a blessing.

Mr. Andrasik stated a current City Building Inspector is going through tough times and health issues, and he asked that this person be kept in thoughts and prayers. He asked for blessing on all present.

Mayor Dunn stated her assurance that Mr. Andrasik would not be bored in retirement, and reminded him to visit her computer on Thursday to ensure all is in order before he leaves. She stated his accomplishments are greatly valued. He leaves a legacy and would be sorely missed.

**Joe Johnson, PW Director, retiring after
21 years of service [1996-2017]**

Mayor Dunn read the outstanding dedicated service award into the record. The award recognizes Mr. Joseph C. Johnson, III, as Assistant Public Works Director from January 2, 1996 to October 1, 1996, and Public Works Director from October 2, 1996 to June 12, 2017, presented with grateful appreciation from the City of Leawood Governing Body. Mayor Dunn stated she had the pleasure to work with Mr. Johnson during his entire career with the City, and he has been a great asset. Mr. Johnson plans to continue to work, moving on to another career.

Mr. Johnson thanked everyone and introduced his family. Some family members could not be present due to illness. Mr. Johnson was amazed that 21 years had gone by so quickly. The Public Works Department does the hard work, with the Director just steering the boat. It is rare to find a place where all employees get along to achieve a common goal, serving the citizens of Leawood. It had been a pleasure to work with Mayor Dunn, Councilmembers, the City Administrator and Department Heads, making the City safe and the best place to be. He would never forget how blessed he had been to work for the City. He thanked Mr. Lambers for the opportunity to do what he loves. Prior to working for Leawood, he had worked 10 years for the City of Overland Park for a total of over 30 years in Public Works. He is excited to have the opportunity to remain in the area and continue to work with many municipalities on street and stormwater projects for the next five or six years.

Mayor Dunn recalled celebrating Mr. Johnson when he had been selected as one of the Top Ten Public Works Directors in 2007. He had also left a legacy. She was assured Mr. Johnson would continue to do great things in his field of endeavor.

**Introduction of newest K-9 Unit
Officers:
Officer Josh Hayes and K-9 Kimo**

Police Chief Troy Rettig stated canines often upstage others, but would be hard to outdo what Mr. Andrasik and Mr. Johnson had accomplished, and they would be greatly missed.

Chief Rettig introduced Canine Officer Josh Hayes. Officer Hayes was hired in January 2014, being selected for this very desirable position by retiring Officer Greg Turney. Officer Hayes was previously with the United States Marine Corps Police and had canine experience. K-9 Officer Kimo came to the City in April, after seven weeks of training at Shallow Creek Kennels in Pennsylvania.

Officer Hayes stated he had been with the City over three years. Prior to that he worked for five years as a canine handler in the Marine Corps and two years prior at the State Department overseas as a bomb dog handler. K-9 Officer Kimo is a 1.5-year old German Shepard, trained in major narcotics odors, tracking and area searches, and criminal apprehension, who joins K-9 Officer Bob Earl. K-9 Officer Bob Earl is a German Shepard/Belgian Malinois mix and a very friendly dog. The canines keep their names given to them previously. K-9 Officer Bob Earl was named in honor of the vendor in Holland, Robert, and the owner of Shallow Creek Kennels, Earl.

K-9 Officer Kimo has been in full service since May 6 and has deployed every duty day for alarm investigation, building searches and narcotics detection. He resides with Officer Hayes, going into service directly from home as needed. Leawood resident Ms. Donna Wilson generously paid for a concrete pad and kennel at Officer Hayes' home. K-9 Officer Kimo enjoys his toy ball, an entertaining distraction during unfocused time.

Mayor Dunn thanked Chief Rettig, Office Hayes and K-9 Office Kimo for attending.

6. SPECIAL BUSINESS

[from the April 25, 2017 Planning Commission meeting]

- A. **Ordinance No. 2837**, approving a Special Use Permit [SUP] for Packaged Liquor Sales for Plaza Pointe- 5 O'Clock Liquor, located at 4821 W. 135th Street [PC Case # 44-17] [ROLL CALL VOTE]

Applicant Ms. Lisa Vaughn, 6703 W. 147th Terrace, Overland Park, stated the SUP was for a change of ownership and no other changes.

A motion to pass the ordinance was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion was approved with a unanimous roll call vote of 7-0.

Mayor Dunn wished Ms. Vaughn much success.

- B. Approve Retail Liquor Store License for 5 O'Clock Liquor, located at 4821 W. 135 St. [f/n/a Par4 Liquor]

A motion to approve Agenda Item 6.B. made by Councilmember Filla; seconded by Councilmember Harrison. The motion was approved with a unanimous vote of 7-0.

- C. Appointment of David Ley as Interim Public Works Director, effective June 13, 2017

Mr. Lambers stated he would discuss the replacement process for the Public Works Director position later in the meeting, but an Interim Public Works Director would be needed.

A motion to approve Agenda Item 6.C. was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 7-0.

- D. **Public Hearing** Consider the 2018-2022 Capital Improvement Program [C.I.P.] for the City of Leawood

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 7-0.

- D. **Resolution No. 4793**, approving the 2018-2022 Capital Improvement Program [C.I.P.] for the City of Leawood [PC Case # NC-2117]

Mayor Dunn noted the Governing Body had a Work Session and extensive discussion about the C.I.P. a few weeks ago. Mr. Lambers stated President Trump was announcing a major infrastructure program unlike former President Obama's, which did not work to stimulate the economy because states, counties and cities had infrastructure projects already underway and Federal funding was spent and original funding kept. The new program would be accelerated and rules may change from previous. Federal funding would be expected to add to City funds; perhaps a cash match. This will be monitored and the 2018-2022 C.I.P. would be amended to fund additional projects, as appropriate.

A motion to approve Agenda Item 6.D. was made by Councilmember Rawlings; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 7-0.

- E. Consideration of accepting a Kansas Warranty Deed for real property, specifically a pedestrian bridge, located north of 91st Street and east of High Drive, pertaining to rezoning from RC [Planned Recreation] to RP-2 [Planned Cluster Detached Residential District], Preliminary Plan, Final Plan, and Final Plat, for Village of Leawood [f/k/a Estates of Old Leawood] located north of 91st Street and east of High Drive [PC Case # 113-16] [See Ordinance No. 2832]

Mr. Coleman confirmed to Mayor Dunn the stated zoning designation of RC was a typographical error; should be REC.

Mr. Bob Johnson, Polsinelli PC, 6201 College Boulevard, Overland Park, stated he was present on behalf of developer Mr. Mark Simpson and Mr. John Petersen of Polsinelli. Mr. Simpson was in attendance.

Mr. Johnson stated the intention at the time of the commitment to dedicate park land adjacent to the development off High Drive was include all improvements. The pedestrian bridge that exits the park land and connects to the trail needs to be acknowledged as included.

Mayor Dunn stated an inspection of the bridge had been performed and a cost estimate to ensure the bridge meets City code had been prepared. She noted Mr. Petersen indicated agreement with the repairs and the repairs would be complete by tonight's meeting. Mr. Johnson clarified the repairs were agreeable, but repairs would be complete by the time of park land dedication.

Councilmember Filla questioned why this was being handled in advance of acceptance of the 6.5 acres of park land. It had been stated the park land would not be accepted until an occupancy permit was issued. Mr. Lambers stated that originally the bridge was included with acceptance of the park land, but the bridge is private property transitioning to public property and an inspection needed, and he recommends handling in this manner. Ms. Bennett stated the park land would be accepted before issuance of the first occupancy permit.

Mr. Mark Simpson, 15145 Windsor Circle, stated the amount of acreage to be dedicated had increased from 6.5 acres to 7.7 acres based on legal description. Improvements are estimated to cost \$100,000, with total value of the donation over \$1 Million. He asked on behalf of the Jones Family, owner of the property, that the City consider naming the Richard Jones Family Park. Mayor Dunn stated the Parks & Recreation Director and Parks & Recreation Advisory Board have discussed several suggestions and would make their recommendation to the Governing Body.

Mr. Simpson stated one-third of the development had been bought by Rhodes, one-third by Ashton and one-third by Star Homes. Reservations are going well. Five custom home reservations were in-hand and a total of 10 expected when building permits are issued in late July or early August. Some are waiting to ensure the project does not have a false start. This is a much needed housing choice in that portion of the City. The homes will be beautiful French-style cottages and would provide lasting tax income.

Mayor Dunn stated appreciation for the park donation and best wishes for a successful project.

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 Nos. 2017-17, 2017-18, 2017-19, 2017-20 and 2017-21
- B. Accept minutes of the May 1, 2017 Governing Body meeting
- C. Accept minutes of the April 11, 2017 Parks & Recreation Advisory Board meeting
- D. Accept minutes of the April 6, 2017 Leawood Foundation meeting
- E. Accept minutes of the March 29, 2017 Stormwater Management Committee meeting
- F. Accept minutes of the March 28, 2017 Leawood Arts Council meeting
- G. Accept minutes of the March 14, 2017 Historic Commission meeting
- H. Accept minutes of the March 2, 2017 Leawood Foundation meeting
- I. Accept minutes of the March 1, 2017 Bicycle Friendly Committee meeting
- J. Accept minutes of the February 23, 2017 Ironhorse Advisory Board meeting
- K. Approve Mayoral Appointments of Ronald L. Schikevitz and Barry E. Nelson to the Bicycle Friendly Committee for 2-year terms
- L. Approve renewal of Cereal Malt Beverage [CMB] license for Price Chopper # 500, located at 13551 Mission Road
- M. Approve purchase in the amount of \$23,455.83 from Weis Fire & Safety for the purchase of [3] thermal imaging cameras for Fire Dept.
- N. Approve 9th and Final Pay Request in the amount of \$500.00, to Phoenix Concrete & Underground pertaining to the 2016 Curb & Mill & Overlay Project [Project Nos. 80253, 70020, 70156, & 85200]
- O. Approve Change Order No. 4 in the amount of \$11,033.00 to Excel Constructors, pertaining to the Ironhorse Clubhouse Expansion Project [Project # 49133]
- P. Approve Change Order No. 1 in the amount of \$ 160,000.00 to V. F. Anderson Corporation pertaining to the 2017 Residential Reconstruction Project [Project # 77015]
- Q. **Resolution No. 4794** approving a Special Event at Park Place at 116th & Ash Street for a Street Fair 'Chick Event' to be conducted on Saturday, July 22, 2017 in Leawood, Kansas

- R. **Resolution No. 4795**, requesting Johnson County, Kansas to participate in the City of Leawood's Five-Year Capital Improvement Program through the 2018-2022 County Assistance Road System [CARS] Program
- S. **Resolution No. 4796** approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$1,142,336.95, between the City and J. M. Fahey Construction Co., pertaining to the 2017 Arterial Mill & Overlay Project [On Roe between Tomahawk Creek Parkway & 135th Street; and on 133rd Street between State Line Road and the western city limits] [Project # 72053]
- T. **Resolution No. 4797**, approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$362,184.00, between the City and Mega Industries Corporation, pertaining to the Tomahawk Park to Roe Avenue Trail Rehabilitation Project [Project # 71024]
- U. **Resolution No. 4798**, approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$874,703.00, between the City and GBA Builders, LLC, to repair the retaining wall located on College Boulevard between Indian Creek Bridge and Brookwood [Project # 80602]
- V. **Resolution No. 4799**, accepting a Permanent Storm Sewer Easement from James and Michele Allen, for property located at 12472 Linden Street, pertaining to the Patrician Woods Stormwater Improvement Project [Project # 77015]
- W. **Resolution No. 4800**, accepting a Permanent Storm Sewer Easement from Marilyn L. and Thomas R. Bruce, III, for property located at 12504 Cedar Street, pertaining to the Patrician Woods Stormwater Improvement Project [Project # 77015]
- X. **Resolution No. 4801**, approving a Revised Final Plan and Revised Final Plat for Camelot Court – Parking Expansion, located north of 119th Street and east of Roe Avenue (PC Case 76-16) *[from the April 25, 2017 Planning Commission Meeting]*
- Y. **Resolution No. 4802**, approving a Revised Final Sign Plan for the United Methodist Church of the Resurrection – Campus Signage, located south of 137th Street and east of Nall Avenue (PC Case 28-17) *[from the May 23, 2017 Planning Commission Meeting]*
- Z. **Resolution No. 4803**, approving a Revised Final Plan for Church of the Nativity – Church Expansion, located north of 119th Street and east of Tomahawk Creek Parkway (PC 35-17) *[from the May 23, 2017 Planning Commission Meeting]*
- AA. **Resolution No. 4804**, approving an Eligible Facilities Request for the addition of RRUs (Remote Radio Units) and associated equipment at Parkway Plaza Cell Tower for T-Mobile, located north of 135th Street and west of Briar Street (PC 43-17)
- BB. Declaration of Surplus Property: PW 2001 Midwest Utility Trailer [Unit # 484]; last 4 VIN/0270
- CC. Police Department April Monthly Report
- DD. Fire Department April Monthly
- EE. Municipal Court April Monthly

Councilmember Sipple requested Consent Agenda Items 7.A. and 7.U. be pulled.
 Councilmember Azeltine requested Consent Agenda Items 7.A. and 7.E. be pulled.
 Councilmember Filla requested Consent Agenda Items 7.C. and 7.I.
 Councilmember Osman requested Consent Agenda Item 7.R. be pulled.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Rawlings; seconded by Councilmember Harrison. The motion was approved with a unanimous vote of 7-0.

- A. Accept Appropriation Ordinance Nos. 2017-17, 2017-18, 2017-19, 2017-20 and 2017-21

Councilmember Sipple stated he would recuse from voting because his wife was listed as a payee. She is an independent contractor providing services to the Parks & Recreation Department.

Councilmember Azeltine asked for clarification of Check Number 89765 on Appropriation Ordinance 2017-19, Page 4, payable to Johnson County Housing Services for \$5,000. Mr. Lambers stated this is an assistance program of United Community Services for senior and limited income individuals who qualify. All area cities participate and this amount is Leawood's approved contribution, which United Community Services distributes.

Councilmember Harrison asked for clarification of Check Number 90036 on Appropriation Ordinance 2017-21, Page 6, payable to Gretta Schneider for \$558. Ms. Long stated the reimbursement was for a college course in accordance with the Employee Educational Assistance Program. Ms. Schneider is an employee in the Finance Department.

A motion to approve Consent Agenda Item 7.A. was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 6-0; Councilmember Sipple recusing for reason previous stated.

- C. Accept minutes of the April 11, 2017 Parks & Recreation Advisory Board meeting

Councilmember Filla pointed out a "Save the Date" mentioned in the minutes for the 2018 Lunar New Year dinner, scheduled for February 18, 2018, the location moved to the Ironhorse Golf Course Clubhouse and the dinner is to be catered by Bo Ling's Chinese. The clubhouse offers more seating for the event. Please mark your calendars and invite friends.

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

- E. Accept minutes of the March 29, 2017 Stormwater Management Committee meeting

Councilmember Azeltine reviewed information regarding presentation by Affinis Corporation to Public Works Director Joe Johnson and City Engineer David Ley of an "Engineering Excellence Award" for the City's Heritage Stormwater Improvements, near Ensley and Cherokee Lane, awarded by the American Council of Engineering Companies of Kansas. The project was started after Federal Emergency Management Agency [FEMA] revision of flood plain maps. At a public meeting, the residents that could be affected by the new flood plain boundary were reluctant to make any changes. The Governing Body wanted to install box culverts to address roadway flooding. Upon re-evaluation, it was determined one-half of the stormwater channel would need to be improved. After additional discussions with residents, they were agreeable to the project. The project involved 35 property owners, 22 with major impact. Affinis Corporation was the contractor and the project lasted 1.5 years. The entry form and photographs of the project are attached to the minutes.

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

- I. Accept minutes of the March 1, 2017 Bicycle Friendly Committee meeting

Councilmember Filla stated the request to pull this item was in error, being confused with Agenda Item 13.

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

- R. **Resolution No. 4795**, requesting Johnson County, Kansas to participate in the City of Leawood's Five-Year Capital Improvement Program through the 2018-2022 County Assistance Road System [CARS] Program

Councilmember Osman asked Mr. Johnson to review the City's position on whether or not curbs should be installed on Lee Boulevard, with upcoming minor projects in 2019 and 2020 for Lee Boulevard, 95th Street to Somerset, and Lee Boulevard, 103rd Street to 95th Street. Some residents favor installation and some do not. Mr. Johnson said there has been discussion and debate for many years in this regard. The road was designed for roadside ditches, with storm sewers in the bottom of the ditches. To add curbs would cost approximately \$1.5 Million to each future project for the area. Research would be needed to determine if the roadway would need to be lowered for proper drainage. To add curbs would involve much more than just constructing curbs. Lee Boulevard will be widened to add bicycle lanes as part of these projects. The bicycle lanes may alleviate some resident concerns by providing extra pull-over space for service trucks rather than having only 1 ft. of asphalt, keeping vehicles from driving on and disrupting yards.

Mayor Dunn noted more resident communications she had received favored the "country lane" look. Councilmember Filla expressed appreciation that bicycle lanes would be added as there are many cyclists in the area.

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

- U. **Resolution No. 4798**, approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$874,703.00, between the City and GBA Builders, LLC, to repair the retaining wall located on College Boulevard between Indian Creek Bridge and Brookwood [Project # 80602]

Councilmember Sipple inquired if it was customary to propose a design-built contract for over \$800,000 without going through the bid process, and if there were any other source-sole bid for this cost. Mr. Johnson stated the wall had collapsed and the outside lane of College Boulevard has been closed for 2.5 months for safety. There could be the potential for additional wall failure. The contractor was not asked and the wall has not been stabilized, only debris has been cleared. The proposed contractor is an experience bridge builder that the City has worked with in the past. The situation was unplanned and resolution needs to be expedited. To develop and request proposals, have Public Works Committee review and recommendation, and then develop design can take 90 to 120 days.

Mr. Lambers stated this is a different experience than with the prior design-build of the golf course clubhouse expansion, the cost of which rose from \$800,000 to \$1.1 Million to \$1.3 Million, and the City paused and decided to go with a traditional process. He has received complaints about the street lane closure and traffic jams. This is an unusual emergency situation. If the Council is comfortable with this process, an ordinance would be brought to the Council at the next meeting to waive the bid process. Alternatively if the Council would like, the Public Works Committee can review and their next meeting, then it would be brought before the Council for consideration. It was brought forth in this manner to expedite the project.

Councilmember Sipple stated he was willing to accept the agenda item as proposed; process was just irregular. Councilmember Azeltine concurred, noting this was a safety issue if left undone for an extended period.

Mayor Dunn inquired if the cost was a guaranteed maximum and any savings be returned to the City. Mr. Johnson stated the price was guaranteed and no savings would be returned to the City for construction of the new wall. The contractor is assuming risk associated with removal of two walls, with a 20 ft. dirt bluff left out that would require them to stabilize as the new wall is constructed.

Mayor Dunn asked if Roe Avenue construction would be complete before starting the wall repair on College Boulevard. Mr. Johnson stated Roe Avenue should be complete in three to four weeks. By the end of the week, traffic lane pattern would flip. Medians would be finished in one week and then the road would have mill, overlay and striping. The wall contractor requires 2.5 weeks to mobilize and would order materials for the new wall during that time. The wall would be removed and go right back up so it is not left unattended. Total estimated project timeline is 95 working days.

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

8. MAYOR'S REPORT

- A. General Election for Leawood City Council candidates will be held on Tuesday, November 7. Those standing for re-election and election include Councilmembers Debra Filla, Lisa Harrison, Chuck Sipple and Julie Cain, and Ward 2 candidate Mary Larson. None of these individuals have an opponent in the Fall election. Thus, while the election results are not yet final, I would like to offer preliminary congratulations. I would also like to introduce Mary Larson who is running for the seat previously held by Dr. Steve Kaster.
- B. During the past few weeks, I participated on two Mayoral Panels: the first was for the Johnson County Chambers' Leadership session on Regionalism held at Union Station; the second was for the Johnson County Bar Association held at the Ritz Charles.
- C. Participated in two Leawood Chamber ribbon cuttings: the first was for Dental Elements located at 130th and State Line Road; the second was a 25th anniversary celebration for Bukaty Companies located at College and Roe. We wish both much success for continued prosperity.
- D. Attended the grand opening of the Jefferson Building at 142nd and Overbrook Road. This beautiful facility will house the Cocherl Family Foundation.
- E. Johnson County Commission Chair Ed Eilert hosted the Johnson & Wyandotte Counties Council of Mayors meeting at the Johnson County Arts & Heritage Center. We were all very impressed with our behind-the-scenes tour. This facility will be a great amenity to our broad community.

- F. Participated in the Hadassah Nurses Council Walk for Health which was held in our beautiful Gezer Park. Everyone was appreciative of our new educational signage.
- G. Much appreciation to all involved with a most successful delegation visit from I-Lan Mayor Chiang and his representatives. The planning and organizing for all activities was spearheaded by City Administrator Scott Lambers as well as I-Lan Sister City Committee Chair Bette Monson and her committee. Many thanks to Marica Putman who served as official photographer and to City Clerk Deb Harper and Assistant City Clerk Cindy Jacobus for all of their help with the gifts. All Councilmembers and Department Heads provided great assistance. One tremendous accomplishment was the birth of the Sister-School relationship between Blue Valley North and the Lan-Yang Girls Senior High School in I-Lan. Many thanks to Superintendent Dr. Todd White and Blue Valley North Principal David Stubblefield for bringing this to fruition. Expect many student exchanges in the years to come.
- H. Attended two Iftar dinners during this Holy Month of Ramadan for Islam: the first was hosted by the Dialogue Institute, and I was joined by Councilmembers Lisa Harrison and Chuck Sipple, as well as Police Chief Troy Rettig and Fire Chief Dave Williams; the second was hosted in the Oak Room by the Crescent Peace Society which was started by Leawood residents and is now celebrating 21 years.
- I. Reminder that the Leawood Arts Council in conjunction with the Parks & Recreation Department will host the “Grinnin’ & Groovin’” concert event series for children every Tuesday, June 6 through June 27, from 9:30 A.M. to 10:30 A.M. in the Amphitheater or Lodge in Ironwoods Park, depending on weather.
- J. Congratulations are in order for the City receiving another award. Leawood was ranked as a prime area for seniors in the United States to spend their golden years by the consumer research website, GoodCall.com. The City was ranked second in the United States based on retirement-focused metrics such as percentage of residents 65 and older, access to healthcare, healthcare affordability, weather, amenities and low crime rates.

Mayor Dunn congratulated Councilmember Cain on the arrival of her first grandchild. Councilmember Cain offered brief details of the birth.

Mayor Dunn thanked Ms. Larson for attending. Councilmember Cain stated Ms. Larson holds a Juris Doctorate and is one of many intelligent and fine women in the City. The City will be lucky to have her join the Council. All Council candidates that have filed will be unopposed in the November election. Councilmember Rawlings stated he had made introduction to Ms. Larson, who would be his counterpart in Ward Two.

9. COUNCILMEMBERS’ REPORT

- A. **Councilmember Filla-** Main Routes to School [MR2S] Mission Trails Elementary School

Councilmember Filla introduced Mr. Gareth Matthews, member of the Sustainability Advisory Board who provided leadership for MR2S initiative, a project that has been in process for two years. All schools have been invited to participate and Mayor Dunn contacted superintendents of Blue Valley and Shawnee Mission School Districts. Follow-up meetings have been scheduled with St. Michael the Archangel and Nativity Schools, Curé of Ars meeting is scheduled for later this month, and meeting with Prairie Star School in July. A meeting will be scheduled for the Brookwood School once the new principal comes on board. Mr. Matthews had the opportunity to meet with Ms. Joan Levins, Coordinator for Sustainability and Community Engagement for Shawnee Mission School District at a

workshop, about a similar program at Roseland School. Details of their MR2S program will be shared and they are open to collaboration as the City moves forward with Corinth, Brookwood and Shawnee Mission East. MR2S for Mission Trails has been signed-off by the School Principal and Parent Teacher Organization [PTO]. Once the City incorporates into the Leawood Self-Propelled Plan, challenges can be addressed collaboratively with City Staff. Some challenges are as simple as working with an HOA on landscaping to increase visibility.

Councilmember Filla confirmed to Mayor Dunn that any implementation costs would be brought before the Governing Body. Councilmember Cain pointed out that school districts may be responsible for their sidewalks similar to home owners, and inquired if school districts had been informed and what would be their level of participation. She questioned if there would be cost-sharing to improve a challenge such as a narrow sideway on school property. Mr. Johnson stated determination of appropriate cost-sharing would be part of the process, as well as partnering options. Recommendations would be brought before the Governing Body. Councilmember Filla stated the proposal developed by Mr. Matthews includes collaboration with school district concurrence and collaboration, which would be in place before being brought before the Governing Body.

Mayor Dunn thanked Councilmember Filla and Mr. Matthews for their work.

Councilmember Filla thanked Fire Chief Dave Williams for starting recycling at City fire stations. Councilmember Harrison was responsible for acquiring a donation of “Ripple Glass” recycling containers.

A motion to accept MR2S and direct staff to develop solutions to challenges was made by Councilmember Filla; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 7-0.

B. Councilmember Osman- Referral to Public Works Committee, Street Parking Policy during Residential Construction/Renovation

Councilmember Osman described street parking concerns for residents in north Leawood, specifically in regard to residential new home construction and renovation. Certain areas north of 95th Street may have one to three homes under construction in close proximity, and dump trucks and contractor vehicles are parked Monday through Friday, and sometimes Saturday, on both sides of the street for numerous hours daily. A thoroughfare may be able to accommodate this, but on secondary or narrow streets traffic can be obstructed. Passage of emergency vehicles is a safety concern. Residents have discussed different methods that might address and alleviate, such as a permitting process requirement that allows parking for six to eight months only on one side of the street. He has spoken with the Police and Fire Chiefs in this regard. The referral would request the Public Works Committee review and develop a policy.

Councilmember Harrison suggested the Public Works Committee consider the use of alternating sides of the street depending on the day of the week, similar to snow emergency routes. Mayor Dunn stated her support of this idea.

A motion to approve the referral was made by Councilmember Osman; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 7-0.

10. CITY ADMINISTRATOR REPORT

Request authorization to initiate search to fill the Public Works Director position

Mr. Lambers stated the requested authorization would allow the City to solicit proposals from executive search firms and form a sub-committee consisting of the Mayor, City Administrator, Stormwater Management Committee Chair, Public Works Committee Chair, City Attorney and Human Resources Director to review the proposals and bring forth their recommendation for approval. Two proposals have already been received; one additional would be sought. It is anticipated that five to seven candidate interviews would be conducted. Estimated cost for executive search firm and candidate travel expenses would be \$30,000 to \$40,000. There are major stormwater projects planned that require a Public Works Director experienced with internal and external communications.

Mr. Lambers clarified for Councilmember Filla this replacement process would differ from that used for the Information Services Director position, which is a position involved with mostly internal contacts.

A motion to approve the authorization was made by Councilmember Rawlings; seconded by Councilmember Harrison. The motion was approved with a unanimous vote of 7-0.

11. STAFF REPORT

- A. **Comm. Director Richard Coleman-** Moratorium on enforcement of Leawood Development Ordinance [LDO] § 16-2-6.5, pertaining to wholesale businesses in business parks *[from the May 1, 2017 Governing Body meeting]*

Mr. Coleman stated the LDO had been reviewed as requested by the Governing Body meeting on May 1, 2017. In discussion with the City Attorney Patty Bennett, it was determined there is no reason to revise the LDO. To accommodate this type of business, “wholesale office only” would be added to the zoning certificate and he has already submitted a few forms to the state in this manner. These businesses typically have no inventory on-site. Staff recommends rescinding the moratorium.

Mr. Coleman confirmed to Councilmember Harrison that he would be tasked to appropriately and clearly personalize the zoning certifications submitted to the State. He would need to research how to ensure the City’s website, national agencies and businesses with interest are advised this type of business can operate in the City. Mr. Coleman stated he could contact local real estate agencies in this regard.

Councilmember Cain and Ms. Bennett reviewed the history for the request, clarifying these businesses can operate in any district where general office is allowed. Mr. Coleman stated no one in the Planning Department had spoken with the business that had not located in the City. It was assumed to be a misunderstanding by the business in regard to the Use Table in the LDO.

Councilmember Azeltine pointed out the LDO should be very clear for both internal and external users. He stated the Governing Body relies upon the Staff’s use of the LDO and his hope this has been clarified.

Councilmember Azeltine noted that Leawood Economic Development Council [EDC] receives considerable funding from the City. The EDC should include this in their promotion of Leawood.

Councilmember Osman stated in his experience as commercial realtor, location usually starts with a visit to office building with a broker to see if a use is allowed, and then a broker typically enquires about City regulations by contacting City Staff. To disseminate this information, contact all the major brokers in the area such as VanTrust, Block and Area. Mr. Lambers stated the assumption is the business would be operated with off-site merchandise/inventory. “Wholesale Only” may not be clear to all citizens, but it would be ensured that people in this business are aware.

A motion to rescind the moratorium was made by Councilmember Cain; seconded by Councilmember Harrison. The motion was approved with a unanimous vote of 7-0.

- B. **City Clerk Debra Harper-** Request to Confirm Attendance at Monday, July 3, 2017 Governing Body Meeting

In regard to attendance at the Governing Body meeting the day prior to the July 4th Independence Day holiday, Councilmember Cain stated she was unable to attend. Councilmember Osman stated he would need to review his calendar and respond early on Monday, June 12, 2017. Mayor Dunn questioned the impact if there was an occasion for an override vote of a Planning Commission recommendation. Mr. Lambers stated a split vote could possibly occur and he would attempt to schedule agenda items appropriately. Once response from Councilmember Osman is received, the City Clerk will provide an update to the Governing Body.

COMMITTEE RECOMMENDATIONS

12. STORMWATER MANAGEMENT COMMITTEE

[from the April 26, 2017 Stormwater Management Committee meeting]

- A. Recommendation regarding stormwater improvements in Bradford Place Subdivision [3604 W. 122nd Street]

Councilmember Azeltine stated a request had been received to review erosion concerns in the creek near 3604 W. 122nd Street. The area was platted with a natural preservation easement on which the residents cannot construct and the City is not mandated to maintain. No fencing is permitted in the easement. The Stormwater Management Committee recommends to plan improvements to be incorporated into the C.I.P. in the next update. In addition, the Bradford Place Home Owners Association [HOA] should be provided Best Management Practices [BMP] Cost Share Program and tree planting information related to erosion control.

Councilmember Filla stated the HOA is supportive of having a special HOA meeting to relay information to their residents about BMP Cost Share Program information.

A motion to approve the recommendation was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 7-0.

[from the April 26, 2017 Stormwater Management Committee meeting]

- B. Recommendation of dissemination of educational material of BMP Program/offering of funds

Councilmember Azeltine stated the Stormwater Management Committee had reviewed BMP Cost Share Program information and discussed how best to maximize participation. Johnson County cities all participate, but there is not much participation within cities. The recommendation is to prepare educational posters and brochures, and to coordinate effort with the Information Services Department, Parks & Recreation Department and the Sustainability Advisory Committee.

Councilmember Filla thanked the City of Lenexa Engineer who had been a guest at the March 29, 2017 Stormwater Management Committee meeting, who shared information on how Lenexa manages their program and funding. Lenexa worked with Olathe East High School to create a template for a rain garden monarch butterfly habitat.

A motion to approve the recommendation was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 7-0.

13. BICYCLE FRIENDLY COMMITTEE

[from the May 1, 2017 Bicycle Friendly Committee meeting]

- Accept recommendation to rename Bicycle Friendly Committee to Bike/Walk Committee and updated Bylaws

Mr. Anderson stated the Bicycle Friendly Committee had recently reviewed the committee's purpose and bylaws because of its transition to a sub-committee of the Sustainability Advisory Board rather than a sub-committee of the Parks & Recreation Advisory Committee. In addition, the committee's purpose statement was updated to include walking instead of only bicycling, in keeping with Self-Propelled Leawood, the City's bicycle and pedestrian master plan.

Councilmember Filla stated there has been good synergy between the Bicycle Friendly Committee and the Sustainability Advisory Board, synchronizing with MR2S and providing assistance to Staff. The recommended rename to Bike/Walk Committee rather than Walk/Bike Committee would be similar to the format of Bike/Walk KC.

Councilmember Cain stated walkability scores in real estate are becoming very popular and the City is to be congratulated for being proactive.

A motion to approve the recommendation was made by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 7-0.

Mayor Dunn noted Consent Agenda Item 7.K. approved new members of the former Bicycle Friendly Committee. She asked Mr. Anderson to ensure the new members were advised of the committee name change.

14. PLANNING COMMISSION

[from the May 23, 2017 Planning Commission meeting]

- A. Resolution approving and authorizing the Mayor to execute an Amendment to that certain Inter-local Agreement dated April 6, 2017, between the City and the Board of County Commissioners of Johnson County, Kansas, pertaining to the approval process for the improvement of the Tomahawk Creek Wastewater Treatment Facility, located at 10701 Lee Boulevard (PC 13-17) [ROLL CALL VOTE] - [CONTINUED TO THE JUNE 19, 2017 GOVERNING BODY MEETING]

- B. **Ordinance No. 2838**, approving a Zoning to R-1 (Planned Single Family Low Density Residential), Special Use Permit [SUP] for a Public Elementary School, Preliminary Plan and Preliminary Plat, for Brookwood Elementary School, located at 3411 W. 103rd Street (PC Case 31-17) [ROLL CALL VOTE]

Mayor Dunn pointed out two communications from residents received today that had been distributed and may have been received electronically.

Ms. Jennifer Berka, Hollis + Miller Architects, 1828 Walnut Street, Kansas City, Missouri on the proposal. The owner of the property is Shawnee Mission School District. The district has had an elementary school located there since 1960 which currently serves 370 students, Kindergarten through 6th Grade. The proposed plan is to rebuild on the existing site and rework the parking, for 550 students maximum. No increase in current enrollment is planned, but adding a pre-Kindergarten program at the building is being reviewed. At the present time, the site can only accommodate 12 to 15 vehicles during student drop-off/pick-up. New plan would accommodate 66 vehicles. Although the school has no bus service, the plan provides for a bus lane for potential future use and keeps this bus lane separate from parent drop-off and pick-up.

Ms. Berka stated the site is narrow, but deep, with a north-south orientation, bordered by 103rd Street on the left. Two entry points off 103rd Street are planned, similar to existing. Bus lane, staff parking and future pre-Kindergarten parent parking would be on the north side. The western drive would be used by visitors, parents and be a queuing line to get traffic off 103th Street. The south area would remain a playground. The parking area to the west would probably be used by school volunteers and for random drop-off as a result of the Citizens Interact meeting, the layout was adjusted to orient vehicle headlights towards the school. Access to walking to the staff parking lot would be maintained. The southern side of the site has an access point from the street. The walking trail will be maintained. Students would be relocating to Indian Creek in the Fall of 2017 for construction. Anticipated opening date is Spring 2019.

Councilmember Filla was pleased to see walking access continue and also revision to a right-only turn out for both lanes of the proposed driveway. Currently, vehicles an exit with a right-only or straight across.

Ms. Berka clarified for Councilmember Cain that access gates will be unlocked on weekends and evenings, but locked during the school day per school district protocol. During the school day, visitors would access the school from the main entrance. A 6 ft. vinyl-coated fence protects the playground, a school district requirement. Playground gates would be unlocked and accessible at night by the public. Current resident fencing would remain.

Mayor Dunn noted one of the resident communications expressed concern about west-side traffic being placed on a steep hill near property lines. Ms. Berka said the property's natural grade is a 15 ft. drop, which will not change. The proposed plan would improve water drainage and water back-up into resident rear yards. Ms. Berka stated the drive aisle would not be close to residences as the building footprint had been moved 70 ft. to the east, where the current building sits.

Mr. Coleman stated the proposed new building is a minor improvement. Building height would be 37 ft. and with the relocation of the building, the building would be 156 ft. back from residents on the west side.

Mayor Dunn noted another resident had expressed concern about the hard surface play area close to back yards. Ms. Berka stated this had been taken into consideration and location of the playground had been moved 30 ft. east. The aerial overview in the meeting documentation is not the most current and a revision would be part of the Final Plan.

Councilmember Cain pointed out Planning Commission Chairman Elkins' statement in their minutes encouraging additional communication and information about the development construction be placed on the school district's website. Ms. Berka stated the website will be kept updated with status and site plans once preliminary work is complete.

Ms. Berka confirmed to Councilmember Sipple the Final Plan would be submitted to the City probably before the end of July. The project is working on a very fast schedule.

Mayor Dunn asked for comments from Staff present. Chief Rettig stated the proposed plan would be an improvement, helping to get vehicles off of 103rd Street. Many complaints in this regard had been received by the Police Department. Mr. Anderson stated in regard to pedestrian flow, students walking to school would have access using trails from south and east, but from the south there was not direct route for a child on a bicycle to access the bike parking. Ms. Berka stated sidewalks would be Americans with Disabilities Act [ADA] compliant and a bicycle route would be serpentine, but accessible.

A motion to pass the ordinance was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous roll call vote of 7-0.

Mayor Dunn thanked Ms. Berka for the presentation and to her return for the Final Plan. Councilmember Rawlings stated the neighborhood is looking forward to the new school.

[from the April 25, 2017 Planning Commission meeting]

- C. **Ordinance No. 2839**, approving a Rezoning from Limited Office District, B-4 Sub-Classification A (Limited Office – Previous development ordinance) to SD-O (Planned Office District), Special Use Permit for a Bank Drive-through, and Preliminary Plan for First Federal Bank of Kansas City, located at 8000 State Line Road. (PC Case 45-17) [ROLL CALL VOTE]

Applicant Mr. Rick Mann, Senior Vice President, First Federal Bank of Kansas City, 8000 State Line Road Branch, stated architect Mr. Kwame Smith was present to answer technical questions.

Mr. Mann stated First Federal Bank was excited for the proposed renovation of an existing facility that was built in 1975 and provides loans and deposit products to approximately 1,000 families. There have been no updates to the building in 42 years and there is no proposed change in use. In 2016, Interstate Bank merged with First Federal Bank, providing a facility in Kansas. No closing of other branches or consolidation of customers is planned. First Federal Bank believes in a community presence and many Kansas facilities are being renovated. The proposed major renovation includes a new roof, additional landscaping, new heating and air conditioning system, improves access and changes east and west elevations. One drive-through lane exists and would remain the only lane, but new equipment would be installed. The current zoning designation is outdated and First Federal Bank is agreeable to the new zoning designation and the SUP. Nearby commercial businesses, Culver's and Wendy's, have indicated they are pleased with the proposed update. The location is an entry point to the City.

Mr. Kwame Smith, SFS Architecture, 2100 Central Street, Kansas City, Missouri, stated the existing building footprint would change only slightly, with an extension to east and west facades. The existing parking area would be replaced and accessible sidewalks installed. New landscaping would be added on the east and west sides to meet City requirements. Mr. Smith displayed existing images of the east side of the facility along State Line Road, the drive-through to the south and the rear view of the facility which is the main entrance on the west side. He displayed two images of the new vision for the facility showing the changed exterior façade in the center of the building and view from the west showing improvements of the main entrance.

Councilmember Cain inquired if the facility would remain open during construction and the anticipated construction timeline. Mr. Mann stated a portion of the facility would remain open with limited service. National banking requirements must be met, as well as safety codes, and construction would be coordinated with the general contractor. If approved, anticipate ground-breaking in mid-July and completion by end of 2017 or January 2018, with grand re-opening early Spring 2018. Mayor Dunn noted that a Final Plan would need to be brought back before the Governing Body.

Councilmember Sipple inquired if overhead power lines would need to be addressed and placed underground. Mr. Mann stated the overhead lines located between the facility and adjacent business are located in Prairie Village.

A motion to pass the ordinance was made by Councilmember Cain; seconded by Councilmember Rawlings. The motion was approved with a unanimous roll call vote of 7-0.

[from the February 28, 2017 Planning Commission meeting]

- D. 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) *[Continued From The March 20, 2017, April 17, 2017, and May 1, 2017 Governing Body Meetings]* [ROLL CALL VOTE] - *[CONTINUED TO THE JUNE 19, 2017 GOVERNING BODY MEETING]*

15. OLD BUSINESS – None

16. OTHER BUSINESS – None

17. NEW BUSINESS

Ordinance No. 2840C, amending Chapter 1, Article 8 of the Code of the City of Leawood, 2000, by adding new sections 1-859 through 1-862, establishing a New Economic Development Fund for the City of Leawood, Kansas [ROLL CALL VOTE]

Mr. Lambers stated a portion of the recent voter-approved 10-year Johnson County Courthouse and Coroner Facility sales tax would be placed in the new Economic Development Fund. This City began receiving its share of this tax April 1, 2017 and has received \$200,000. The City currently has one hotel and another planned, and Transient Guest Tax from hotels would be placed in the fund. The City currently receives approximately \$125,000 quarterly for Transient Guest Tax. Any additional economic development funds received, such as sale of City land to Camelot Court for \$200,000, would also be placed in the fund. Anticipate receipt of \$13 Million from Transient Guest Tax and the Johnson County Courthouse and Coroner Facility sales tax over 10 years. Mr. Lambers suggested the fund be allowed to accumulate before a transparent decision on expenditure was made. The Economic Development Fund would be a holding account with appropriation at a later date. Economic Development Fund expenditures could include funding deteriorating areas and rejuvenation, similar to Topeka's use for waterfront improvement and Kansas City's use for blighted areas.

A motion to pass the ordinance was made by Councilmember Filla; seconded by Councilmember Sipple. The motion was approved with a unanimous roll call vote of 7-0.

Mayor Dunn reminded the Governing Body would next meet for a budget Work Session on Monday, June 12, 2017, beginning at 6:00 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