

Minutes

DVD No. 397

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 Tuesday, September 5, 2017. Mayor Peggy Dunn presided.

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

Councilmembers Absent: Debra Filla

Staff Present: Patty Bennett, City Attorney
Chief Dave Williams, Fire Department
Chris Claxton, Parks & Recreation Director
Richard Coleman, Comm. Dev. Director
Mark Tepesch, Info. Services Specialist III
David Ley, Interim Public Works Director
and City Engineer
Brian Anderson, Parks Superintendent
Chief Troy Rettig, Police Department
Ross Kurz, Info. Services Director
Dawn Long, Finance Director
Mark Klein, Planning Official
Nic Sanders, Human Resources Director
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 a Life Rank Boy Scout from Troop 10.
2. **APPROVAL OF AGENDA**

Mayor Dunn pointed out documentation regarding an art piece that had been distributed and this would be addressed by Ms. Claxton, Parks & Recreation Director as an addition under Agenda Item 11, Staff Report.

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 6-0.

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.**

Mayor Dunn stated the citizen who had signed in regarding Agenda Item 12.A. would be called upon to speak when the item was discussed.

Mr. Seth Freiden, 12213 Alhambra, an owner of U.S. Toy at 103rd Street in Leawood and a Leawood resident. He stated the recent flooding did have an impact on the business and they are exploring options to repair, replace or relocate. He stated appreciation for Councilmember Osman's efforts in the regard. The business, which is located in a below grade sub-basement, was closed for four days and carpet that had been installed only a few years ago was ruined and removed. A small amount of product was lost since most items are placed on vertical metal shelves. Disaster recovery expense was \$250,000 for each of the flood events. He stated he would appreciate any assistance the City could provide.

Mayor Dunn invited Mr. Lambers to present his update on 104th and State Line Road, Agenda Item 10.

Mr. Lambers stated he had hoped to be able to report specific alternatives for flooding in the area tonight, but the situation is complicated. He would schedule another City Administrator's Report to the Governing Body at their first meeting in October.

One option currently being investigated is potential buy-out of impacted properties through the United States Corps of Engineers. At the request of Mr. Lambers, Councilmember Osman has been approaching business owners in the area in regard to potential buy-out, asking for a joint return letter with business name, owner name, address, telephone number and contact information to identify those interested in a potential buy-out. The City, at a Staff level, would take the lead on the buy-out effort in a coordinated manner, so businesses would not have to incur expenses for legal and engineering services. The City is making an inventory of the businesses in the area and once a response is received, the City would attempt follow-up with those not signatory to the letter to confirm they do not wish to pursue. The buyer would be the Federal Government and other local governmental agencies, with participation from property owners as well. For example, the City would need to come up with 15% of the City's building value of \$1.8 Million; the remaining 85% of the value would be covered by others. Buy-out would not result in profit, but would just cut losses. A letter sent to the City by the owners would determine interest and down the road this may not be an option to be exercised, but at least this was explored.

Councilmember Rawlings inquired if the 15 to 17 parcels impacted would all need to participate in a buy-out. Mr. Lambers stated he is uncertain if 100% would be need to participate, but his understanding is it would be best if all would participate or advise they do not wish to participate. If they do not participate, they may have to lift their buildings 10 ft. to 15 ft.

Mr. Lambers stated he had contacted the Mayor of Kansas City as his Council has given him a directive to work to try to relieve this problem. The watershed is primarily impacted by Kansas water. Mr. Lambers has offered to participate in any processes they undergo to address. There is no near-term solution other than buy-out. A long-term solution that would take a significant amount of time would be water detention complying with Federal water requirements. This would take a decade, and with two 100-year flood events in a short period of time, property owners would likely not favor this approach.

Councilmember Osman stated he had contacted the Corps of Engineers. Indian Creek is one of many water issues for Kansas City, Missouri, and Jackson County, and they would need to have various cities participate in an initial study to move forward since the Indian Creek flows to Kansas City from Olathe, Lenexa, Overland Park, and Leawood. Councilmember Osman questioned if it would be of benefit to place overall authority for the effort with the Mid-America Regional Council [MARC], to encourage city participation. Mr. Lambers stated his preference would be to have the effort lead by counties rather than cities. MARC does not have accountability to the electorate in this regard and the Corps of Engineers would probably rather interact with counties. Mr. Lambers stated he would be comfortable delegating this to Johnson County, as appropriate.

Mayor Dunn expressed sadness for the losses sustained of the businesses from these horrific storms. She thanked Councilmember Osman and Mr. Lambers for their proactive efforts. Mr. Lambers added the Federal Emergency Management Agency [FEMA] is very busy at this time and the local situation would probably be a lower priority for them.

4. **PROCLAMATIONS** – None

5. **PRESENTATIONS/RECOGNITIONS** – None

6. **SPECIAL BUSINESS** – None

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. 2017-31, 2017-32, 2017-33 and 2017-34
- B. Accept minutes of the August 7, 2017 Governing Body meeting
- C. Accept minutes of the August 7, 2017 Governing Body Work Session
- D. Accept minutes of the July 11, 2017 Parks & Recreation Advisory Board meeting
- E. Accept minutes of the June 8, 2017 Leawood Foundation meeting
- F. Accept minutes of the May 23, 2017 Leawood Arts Council
- G. Accept minutes of the March 1, 2017 Public Works Committee meeting
- H. Approve purchase in the amount of \$60,676.52, from Foley Equipment, pertaining to equipment for the Parks Maintenance Department
- I. Approve bid in the amount of \$24,050.00 from Overland Park Jeep, for the purchase of a 2017 Dodge Caravan for Police Department
- J. Approve Massage Establishment License to Timothy Weber: A Hair Salon, located at 11520 Ash Street, in accordance with Code § 5-510
- K. Approve Change Order No. 1 in the amount of \$1,869.00 between the City and S & W Waterproofing, Inc., pertaining to the Sallyport Deck Repair at Justice Center, 4201 Town Center Drive [Project # 74084]
- L. **Resolution No. 4830**, approving and authorizing the Mayor to execute an Inter-local Cooperation Agreement by and between the City of Leawood, the Board of County Commissioners of Johnson County, Kansas, as the governing body of Johnson County Emergency Medical Services [Med-Act] and Johnson County Emergency Management and Communications [EMC], and other local emergency medical and/or ambulance service providers in Johnson County, Kansas, creating the Johnson County EMS Peer Review Committee

- M. **Resolution No. 4831**, approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$65,550.00, between the City and Wildcat Painting, pertaining to the 2017 Leawood Aquatic Center Pool Project [Project # 74003]
- N. **Resolution No. 4832**, approving and authorizing the City's consent for the enlargement of the Consolidated Main Sewer District of Johnson County by the Board of County Commissioners of Johnson County, Kansas [BOCC], pursuant to Johnson County Charter Resolution No. 29-92, for Lot 24, Bi-State Business Park Subdivision, First Plat, located at 1900 W. 142nd Street
- O. **Resolution No. 4833**, approving and authorizing the Mayor to execute a Reimbursement Agreement between the City and Magellan Pipeline Company, L.P., in an amount not to exceed \$40,000.00, to acknowledge reimbursable actual costs incurred for Pre-engineering design work for pipeline relocation, pertaining to the 143rd Street Improvement Project between Windsor and Overbrook Road [Project # 80129]
- P. **Resolution No. 4834**, approving and authorizing the Mayor to execute a Mitigation Credit Agreement in the amount of \$7,950.00, between the City and Swallow Tail LLC, for the purchase of 159 stream credits for the proposed impacts pertaining to the Patrician Woods Stormwater Improvement Project [127th & Roe Avenue] [SMAC Project # TM-04-006] [Project # 77018] [CORP Permit]
- Q. Police Department July Monthly Report
- R. Fire Department July Monthly Report
- S. Municipal Court July Monthly Report
- T. Declaration of Surplus Property: 13 Park & Recreation Department vehicles damaged in July, 2017 flood

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

A motion to approve the remainder of the Consent Agenda was made by Councilmember Azeltine; seconded by Councilmember Harrison. The motion was approved with a unanimous vote of 6-0.

- P. **Resolution No. 4834**, approving and authorizing the Mayor to execute a Mitigation Credit Agreement in the amount of \$7,950.00, between the City and Swallow Tail LLC, for the purchase of 159 stream credits for the proposed impacts pertaining to the Patrician Woods Stormwater Improvement Project [127th & Roe Avenue] [SMAC Project # TM-04-006] [Project # 77018] [CORP Permit]

Councilmember Sipple asked how stream credits originate, the project basis for the credits, how the credits are valued and the criteria used to determine the number of credits to purchase.

Mr. Ley stated the City's Patrician Woods Stormwater Improvements Project, Roe at 127th Street, is being completed due to flooding of several residential structures. It is a Johnson County Stormwater Management Advisory Council [SMAC] project and required a permit for every stream project. The Corps of Engineers reviews the work to be done and they determine the number of stream credits required. The project involves removal of a metal pipe culvert and replacement with a concrete box culvert at the existing channel. The credits were available to purchase from two sources; one was unsuitable because of a \$30,000 minimum credit purchase. The proposed purchase of 159 stream credits for \$7,950 [\$50 per credit] are available from Leavenworth County, where an individual created a perpetual wetland and received credits from the Corps of Engineers for doing so. SMAC will reimburse the City for 75% [\$5,962.50] of the credit cost.

Mr. Lambers stated from his prior experience nearly every project in California involved the purchase of stream credits throughout the entire state. Use of stream credits to mitigate the issue is more common in other states. Councilmember Sipple pointed out this practice is similar to carbon credits.

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

8. MAYOR’S REPORT

- A. Leawood Chamber of Commerce President Kevin Jeffries joined me at a Town Hall Meeting with United States Senator Jerry Moran hosted by AMC Chief Executive Officer Adam Aron at their Support Center in Leawood. Approximately 700 employees attended and were invited to participate in the interesting question and answer forum.
- B. Fire Chief Dave Williams and Police Chief Troy Rettig joined me at the 21st Annual Crescent Peace Society Eid Celebration and Awards Dinner. This organization was founded by Leawood residents and has the adopted mission statement as follows: Enhance the understanding of the Muslim cultures through educational and cultural activities involving the exchange of ideas and experiences among the people of diverse cultures.
- C. My thanks to Councilmembers Jim Rawlings and Chuck Sipple for attending and representing Leawood at the Blue Valley Educational Foundation breakfast this past week.
- D. The first student exchange from the Lan-Yang Girls Senior High School arrived shortly before school began at Blue Valley North High School. I had the pleasure of meeting with the nine students at I-Lan Park this past weekend. I-Lan Sister City Committee Chair Bette Monson joined me. The girls presented me with a beautiful tea set that will be viewed in our display case with other memorabilia from I-Lan. They will be here for 10 days and are enjoying home hospitality from a number of host families.
- E. Attended a Leawood Chamber of Commerce ribbon cutting for Athleta in Town Center Plaza. They are an activewear clothier for women and girls and are a sister store of the Gap. We wish them much success.

9. COUNCILMEMBERS’ REPORT- Councilmember Osman
Referrals to Public Works Committee:

- A. Stone monument in an island near 12600 Delmar is being removed during construction of SMAC project TM-04-006. The monument is located with right-of-way and on top of the City’s storm sewer system.

Councilmember Osman invited Mr. Ley to provide details, stating Agenda Items 9.A. and 9.B. are in regard to infrastructure or privatization of streets. Mr. Ley stated the stone monument consists of a circle surrounded by two semi-circles on a street island directly above the storm sewer. During the project’s design phase the City had researched options for relocation of the storm sewer, but is unable to do so because of other utilities in the area. Mr. Ley had been contacted by a person stating to be a member of the Home Owner’s Association [HOA] who indicated the City would be responsible to replace the monument exactly as it stands today. Cost estimate to remove and replace the island monument is \$35,000.

Mr. Lambers stated when the subdivision was approved, the monument was not part of the approved plan, and monument was constructed without a permit or without a permit to work in the right-of-way. It is an illegal structure. If it had been approved, the City would have not placed the storm sewer above or the City would have required in the plan approval a maintenance agreement that the HOA would be responsible for any work to be done on the monument. He cautioned the Governing Body to consider carefully as the monument was never part of the approved plan and he recommended the City should not pay to restore.

A motion to approve the referral to be discussed at the next Public Works Committee meeting to be held tomorrow, September 6, 2017, beginning at 7:30 P.M., was made by Councilmember Osman; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 6-0.

Councilmember Osman and Mr. Lambers confirmed that interested parties had been advised of the meeting date and time for potential discussion a week ago, so they could plan to attend. Councilmember Osman will be unable to attend the Public Works Committee meeting; the meeting would be chaired by Councilmember Rawlins in his absence. Mr. Lambers would also plan to attend.

- B. Foxborough private subdivision requests for private streets and private storm sewer to public infrastructures maintained by the City.

Councilmember Osman stated if the referral was approved, this would be discussed at tomorrow's Public Works Committee meeting. Mayor Dunn pointed out the City has a policy detailing steps to be taken by a subdivision requesting private streets and storm sewers to be public City infrastructures. Mr. Ley stated there were several items that must be addressed and costs determined. These would be discussed with the HOA at the Public Works Committee meeting if the referral was approved.

A motion to approve the referral was made by Councilmember Osman; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 6-0.

10. CITY ADMINISTRATOR REPORT

Update on 104th & State Line

Discussed as part of Agenda Item 3, Citizen Comments.

11. STAFF REPORT

Chris Claxton – "Beetle" Art Piece for Nature Center

Ms. Claxton stated the Nature Center currently displays three paintings of insects: a fly and two types of beetles. The paintings were not considered an "art on loan" project. Staff would like to purchase one of the beetle paintings which is large and very popular with Nature Center visitors. If the purchase is approved, this art piece would make a total of six at the Nature Center, with the prior five pieces ranging in cost from a donation to \$375. The painting had previously been on display at the Leawood Fine Art gallery. The cost is \$2,500 and after discussion as a non-agenda item at the meeting last week, the Leawood Arts Council Committee offered to partner and pay \$1,500 from their Operating Account, and the Parks & Recreation Department would pay \$1,000. Both portions would come out of Operating Accounts, not out of Public Art money or the Public Art Impact Fee. Funding source would

be the same as previous, but this would be the most expensive piece in the Nature Center. Payment would be to the Leawood Fine Art gallery, since it was a showing. The purchase has been discussed in advance with Mr. Lambers. Mr. Lambers stated he wanted to bring the proposed purchase before the Governing Body because of the price.

Ms. Claxton confirmed to Mayor Dunn the beetle painting was not three-dimensional, but has a very realistic appearance.

Councilmember Cain stated she had seen and expressed her like of the eye-catching art piece. She questioned why the cost would be coming out of the General Operations Fund or out of the Parks Fund, rather than from Arts in Public Places Initiative [APPI]. She stated the piece would be in a public place and appreciated by viewers. Ms. Claxton stated the Arts Council Committee and APPI are looking to add art pieces that will appreciate in value. Most of the art pieces hung on the walls of City Hall and the Nature Center are for aesthetics and meant to engage viewers. The Arts Council Committee Chair offered to pay a portion from their Operating Account. Money left in the Arts Council Committee Operating Account at the end of the year is rolled into the Public Arts Fund, per policy that has been in place within the past decade.

Councilmember Osman stated the goal of the APPI should be art in public places, irrespective of whether the art is located on a street or whether it may, or may not, appreciate in value. He stated APPI should contribute the full purchase price and he asked for the balance of the APPI account. Ms. Claxton stated there are two accounts for the Capital Art Fee and Public Art Impact Fee. The balance of these accounts should be substantial, since the last piece of art purchased and installed was "Variance" in 2014, and the fees are based on \$5 per person in Leawood each year, based on population estimate.

Councilmember Sipple pointed out there are several art pieces being reviewed by the Arts Council Committee in the next few weeks and fund balances would be utilized if any of these potential purchases are approved. He inquired if the beetle art piece would have an informational plaque or sign. Ms. Claxton stated no signage was anticipated, but a brochure may be produced. The piece is signed by the artist and the Nature Center hosted a reception over the summer with the artist presenting about her pieces. Councilmember Sipple stated he would like to see signage, even if produced in a simple manner that is easily understandable to children and placed in a frame.

Councilmember Azeltine stated his likes of the piece as well as the the small \$2,500 price, and he did not want the purchase to be impeded by issue of \$1,000. He stated support of funding by money collected from the public for art; money used to keep the lights on should not be used to purchase the art piece, referring to the Operating Budget. He questioned if the purchase should be referred back to the Arts Council Committee. Ms. Claxton stated there is no policy to address this type of purchase. Mr. Lambers stated the City uses funds to purchase art, by making contributions to the APPI Fund from the General Fund. This can be done from General Operations or through an APPI recommendation to the Governing Body for approval. The Capital Improvements Program [CIP] is different, being used for large expenses of the City for "capital" projects. It is not unusual to purchase art from Operating Accounts.

Mayor Dunn inquired if the purchase was on a timeline. Ms. Claxton stated the timeline is not set, but the pieces have been on display since June 1 and they need to be removed and returned to the gallery. There would not be enough time to discuss this purchase and review others in advance of the proposed Governing Body Work Session on September 18 on the topic of proposed art pieces and placement.

Councilmember Harrison was pleased that discussion that clarified funding, as she was under the impression that all art in the City was purchased with Public Art Impact Fee and APPI money. She stated preference that all public art would be purchased with Public Art Impact Fee money, believing this would be what the majority of residents expect.

Mayor Dunn asked Ms. Claxton if APPI would agree to fund the entire \$2,500 cost. Ms. Claxton stated she could not speak with certainty or on behalf of APPI in this regard.

Mayor Dunn pointed out the cost would be paid with all City dollars, just from different accounts. The City has two funds for art. There is a Cultural Art line item in the City Budget, that is split into three pots and one-third of this is for public art and is called the Capital Arts Fund. The Public Art Impact Fee is far less substantial, and would not fund much public art without the addition of the Capital Arts Fund. When speaking about operating dollars, you are talking about part of the three-pot Cultural Art line item in the budget. Ms. Claxton pointed out that Operating Budget money is also used for costs associated for artist visit to review potential sites.

Mr. Lambers stated there is a professional services line item in the Operating Budget for the one-time purchase expenditure. Funding is in the Operating Budget and the Governing Body controls the expenditure. If the Governing Body approves the \$2,500 purchase out of APPI Fund, the matter is closed. Councilmember Azeltine pointed out that all art is within the Parks & Recreation Budget.

Mayor Dunn stated her concern there would be insufficient time to refer the matter back to the Arts Council Committee. She favored avoiding challenges with potential repeated movement of the piece between the Nature Center and Leawood Fine Arts gallery.

A motion was made to purchase from the Arts budget by Councilmember Azeltine; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 6-0.

Mayor Dunn stated the City is delighted to obtain the piece and hopes the Arts Council Committee and APPI feel the same.

COMMITTEE RECOMMENDATIONS

[From the January 11, 2017, March 1, 2017, and August 2, 2017 Public Works Committee meetings]

12. A. Repair/replacement of sidewalks along Mission Road by and slightly north of Curé of Ars Catholic Church/School, 9401 Mission Road [Referral from November 6, 2016 Governing Body meeting]

Recommendation: Approve Option 1: Replace sidewalk from Curé of Ars to 92nd Street; conduct additional evaluation of extra cost of potential utility conflicts and easements for street resurfacing; AND

Include curbs on Mission Road between 92nd Street and 95th Street in 2018 Mission Road Improvement Project

Councilmember Osman stated pedestrian safety concerns had been received from concerned residents along Mission Road, 92nd Street and 94th Street, next to Curé of Ars. While shopping at the Hallmark Store in Ranchmart, he recently viewed two handicapped residents attempting to circumnavigate from Curé of Ars down to Ranchmart, where there are no sidewalks and they were close to the street. These residents spoke with him in Hallmark and asked that their challenges be relayed to the City and the owner of Ranchmart. Councilmember Osman stated the issue is public safety, followed by Mission Road Improvements that need to be done next year.

Mr. Ley stated the recommendation is to replace curb from 92nd Street to 95th Street. The curb would be shifted 2 ft. to the west and road lane would be narrowed to 11 ft. from 12 ft. for about 100 ft., which is not a safety concern. The current sidewalk north of Curé of Ars is 4 ft. wide, and with the shift of curb location and narrowing of road lane, a 5 ft. wide sidewalk could be 92nd Street to Curé of Ars, installed 3 ft. away from the back of the replaced curbs. Extra cost would be needed for seven two ft.-wide sidewalk easements and for utilities. Kansas City Power & Light [KCP&L] has three utility poles in the right-of-way and after their initial review, KCP&L expressed concern about relocating poles and they continue to review. If the poles must remain or there is a trouble obtaining an easement, the placement of sidewalk would be shifted only 1.5 ft. to have just 1.5 ft. between curb and sidewalk, keeping within the existing easement. If the utility poles must remain and additional easements could be secured, sidewalks could be shifted to the east of the utility poles. There should be no cost for KCP&L pole relocation. WaterOne would need to relocate a fire hydrant. Total project cost of \$360,000 is for curbs from 92nd Street to 95th Street and sidewalks from Curé of Ars to 92nd Street, and includes a 20% contingency. This is not part of the original mill and overlay budget. County Assistance Road System [CARS] would pay \$180,000 and the City would pay \$180,000 plus extra potential costs for utility conflicts and securing easements.

Mr. Ley confirmed to Councilmember Cain that a sidewalk going to 95th Street adjacent to Ranchmart was not included; this would be part of Ranchmart development. He pointed out that Option 3 presented in the Staff Review Fact Sheet addressed this at a cost of approximately \$240,000 that does not include restriping parking lot and obtaining easement. The parking lot layout would need to be adjusted.

Councilmember Osman inquired if the City's budget for next year contains a line item to partner with Prairie Village on the Mission Road Improvements. He stated if Ranchmart is developed, this would hopefully provide the ability for a seamless sidewalk connection and installed curbs would be beneficial. Mr. Ley confirmed, stating Prairie Village will oversee the CARS road improvement project.

Mayor Dunn expressed concern about the narrowed roadway width, noting that all three options included reduced lane width from 12 ft. to 11 ft. Mr. Ley stated he did not believe the lanes would feel narrow at a 35 miles per hour, pointing out that Roe from College to 119th Street has 11 ft. lanes and 119th Street is 11 ft. lanes, which was standard width in the 1970's and 1980s, and that 103rd Street lanes are only 10 ft., 3 in. wide. A curved roadway make give the impression of reduced lane width. Mission would be narrowed at the first driveway into Ranchmart for a smooth transition.

Councilmember Sipple asked if the work would be completed and available for pedestrian use in fall of 2018. Mr. Ley confirmed that all work would be done by the start of the school year in mid-to-late August of 2018.

Mr. Lambers stated the last communication from legal representative of the owner of Ranchmart was in April. There is nothing pending for discussion at a Governing Body Work Session, and all Work Session dates have been filled for the remainder of the year. Mayor Dunn expressed the hope that Ranchmart will eventually be addressed.

Ms. Leann Gillespie, 3015 W. 89th Terrace, stated she was accompanied by Ms. Emily Claxton and Ms. Lisa Meyers to support the proposed recommendation in Agenda Item 12.A. They use the sidewalk from 92nd Street to 95th Street on a daily basis walking to and from Curé of Ars, and the biggest concern is the safety of children. The current narrow sidewalk gets pitched down by utilities and the sidewalk is placed closed to the incoming traffic. She appreciates consideration by the Public Works Committee and the Governing Body.

Mayor Dunn thanked the citizens, stating this is important and good for the community.

A motion to approve Public Works Committee recommendation Option including curbs between 92nd Street and 95th Street was made by Councilmember Azeltine; seconded by Councilmember Rawlings. The motion was approved with a unanimous vote of 6-0.

[From the August 2, 2017 Public Works Committee meeting]

- B. Review parking concerns in areas of home construction/build projects are located
[Referral from June 5, 2017 Governing Body meeting]

Recommendation: Police, Public Works & Codes Administration Staff ensure proper street widths are maintained during construction process, and require signage, if necessary

Councilmember Osman stated concerns had been received from several residents. Specifically in Ward One, many homes are rebuilt or remodeled, often two projects occurring on a street at the same time. To date, there have been no issues for emergency vehicles, but when calls from residents are received in this regard, the Police may speak with the contractor and determine if temporary ‘No Parking Signs’ are needed. The temporary ‘No Parking Signs’ are made of plastic and wood. The recommendation is for Police, Public Works and Codes to ensure the streets are safe, and if signs are needed, to develop a small metal sign that restricts parking between certain hours during the weekdays. Mr. Ley stated use of four ‘No Parking Signs’ per building permit is proposed, and the \$300 fee for four signs would be included in the 2018 Fee Schedule. Signs would restrict parking Monday through Friday. City Staff could re-evaluate the process in a year to determine if the days of restriction should be revised.

Mayor Dunn stated no parking signage is usually by order of the Chief of Police. She questioned why the signs would be placed on the opposite side of street rather than in front of the project where the cars are parking. Residents located across from the project may not want the signs on their side of the street. Mr. Ley stated the signs would be installed on the side of the street opposite the construction project. The signs placed on the property lines of about three properties rather than in front of homes. Currently parking signage is placed on the opposite side of the street and restricts parking 24 hours a day, seven days a week. Mr. Lambers pointed out that unhappy neighbors may be created across the street, but the public safety issue supersedes.

A motion to approve the Public Works Recommendation was made by Councilmember Rawlings; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 6-0.

13. PLANNING COMMISSION

[From the July 25, 2017 Planning Commission meeting]

Ordinance No. 2854, approving a Zoning to R-1 (Planned Single Family Low Density Residential), Preliminary Plan, Preliminary Plat, Final Plan and Final Plat for The Reserve at Mission Woods, located south of 103rd Street and east of Mission Road. (PC Case 08-17)
[ROLL CALL VOTE]

Mr. Craig Eymann, 12120 Catalina, Eymann Development, provided an overview of the project. The five acre tract of land had a single-family home, with the last family member passing away three years ago. The tract is heavily wooded and residents on both sides are concerned about development because they enjoy the park-like setting. The proposed design is for seven lots on a single-sided/loaded cul-de-sac street. There will be a buffer on the west side of street, 40 ft. to 100 ft. wide. Lots will be 150 ft. to 160 ft. long and there will be a buffer on the east side of the development as well. Goal is to be neighbor-friendly. Homes will be detached single-family homes, single or reverse 1.5 story plans, villa-style and maintenance will be provided, appealing to empty-nesters or home buyers desiring a lateral move.

Mayor Dunn stated she had received an inquiry about the development from an interested party wishing to contract for a lot. Mr. Eymann stated there has been a great deal of interest in the development.

Councilmember Sipple expressed concern for the preservation of existing trees and pointed out the resources available from the City in regard to sustainability best management practices to ensure tree viability during the construction process. He asked if the small area in the northwest corner of the site would be a pocket park. Mr. Eymann stated vegetation and trees would be maintained by the Home Owners Association, similar to his development of Cedar Creek. The small area would not be a pocket park, but a green space for residents; it has no sidewalk access. Fencing will be restricted.

A motion to pass the ordinance was made by Councilmember Cain; seconded by Councilmember Harrison. The motion was approved with a unanimous roll call vote of 6-0.

14. OLD BUSINESS – None

15. OTHER BUSINESS – None

16. NEW BUSINESS

A. **Ordinance No. 2855C**, amending Code § 8-536 of the Code of the City of Leawood, Kansas, 2000, entitled ‘International Property Maintenance Code, Section 405 Licensing and Minimum Standards for Rental Dwelling Units,’ and repealing existing Section 8-536 and other sections in conflict herewith [ROLL CALL VOTE]

Ms. Bennett stated the Leawood Development Ordinance [LDO] does not allow short-term rentals of houses of less than 30 days, including portions of residences. The proposed ordinance amendment would clean up language in this regard so that a license could not be issued, and also removes the ability to suspend a rental license. Suspension was part of City Code, but had never been used. A short-term eviction is not the best way to handle. If the proposed amendment is passed, additional revision to clean up the LDO to address the issues would be required.

Councilmember Sipple asked for the number of rental houses in the City, and the amount of the annual inspection and license fees. Mr. Coleman stated there are slightly over 100 single-family rental houses in the City, and the City also licenses apartments. The annual inspection and license fee amount is nominal flat fee of about \$50. Fees are not based on square footage. Mr. Lambers stated the only push-back periodically received is from neighbors who do not want houses to be rented.

Councilmember Osman noted that in an internet check for Airbnb short-term rentals, no rentals were available in Leawood. Airbnb rentals were found in Brookside, Waldo and Westport. He stated the proposed amendment does a good job solidifying. Mr. Lambers stated the proposed amendment provides clarification to limiting short-term rentals.

Councilmember Harrison stated she had heard that Kansas City, Missouri, Overland Park and other communities in the area were revising their rental eviction process, shortening the time required and making it easier for landlords. Mr. Bennett stated the City does not govern Kansas Statutes and civil action for non-paying tenants and the proposed amendment is not about such action. Mr. Lambers stated he was not aware of any eviction process change by others, but the Kansas Statute is not uniform, a city could opt-out by charter and follow their own provisions.

Councilmember Cain questioned if the City may have actually have more than 100 licensed rental houses, similar to how there are a number of pets in the City that are not licensed by their owners. She asked if checks are made in regard to rental houses. Mr. Coleman stated the City monitors various public rental listings and may contact the owner to apply for a license. Not all cities, especially those closer to the Country Club Plaza, are precluding short-term rentals.

A motion to pass the ordinance was made by Councilmember Sipple; seconded by Councilmember Rawlings. The motion was approved with a unanimous roll call vote of 6-0.

Mr. Lambers reminded that LDO changes would need to be made in this regard.

- B. Schedule a Governing Body Work Session on Monday, October 16, 2017 at 6:00 P.M., to Discuss Proposed 2018 Fee Schedule

Councilmember Harrison informed she would be unable to attend the Work Session due to a schedule conflict. Mayor Dunn stated the City Clerk would ensure a quorum was available for the Council meeting scheduled for 7:30 P.M. on October 16. Mr. Lambers stated the Work Session would be for discussion, with approval of the 2018 Fee Schedule at a future Governing Body Meeting.

A motion to schedule the Governing Body Work Session was made by Councilmember Rawlings; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 6-0.

- C. Schedule a Governing Body Work Session on Monday, November 6, 2017 at 6:00 P.M., to Review Chamber of Commerce's Annual Economic Plan

A motion to schedule the Governing Body Work Session was made by Councilmember Cain; seconded by Councilmember Rawlings. The motion was approved with a unanimous vote of 6-0.

. Schedule a Governing Body Work Session on Monday, December 4, 2017 at 6:00 P.M.,
to Review 135th Street Corridor Study

Mayor Dunn inquired what information presentation could be anticipated, since the Governing Body had attended several meetings on the topic. Mr. Coleman stated the relationship of the Implementation Plan as it relates to the Community Development Plan would be presented. Mr. Lambers and Mr. Coleman confirmed documentation would be distributed in November, well in advance of the meeting. Mr. Lambers suggested a larger room than the Main Conference Room be scheduled, such as the Community Center Oak Room or Council Chambers, to accommodate members of the public that may want to attend. The Planning Commission would not be attending. The City Clerk, Ms. Harper, will check room availability.

A motion to schedule the Governing Body Work Session was made by Councilmember Cain; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 6-0.

ADJOURN

There being no further business, the meeting was adjourned at 9:03 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk