

Minutes

DVD No. 406

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, January 2, 2018. Mayor Peggy Dunn presided.

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

Councilmembers Absent: None

Staff Present: Patty Bennett, City Attorney
Ross Kurz, Info. Services Director
Chris Claxton, Parks & Recreation Director
Mark Tepesch, Info. Services Specialist III
Richard Coleman, Community Dev. Director
Mark Klein, Planning Official
David Ley, Interim Public Works Director
and City Engineer
Chief Troy Rettig, Police Department
Chief Dave Williams, Fire Department
Dawn Long, Finance Director
Nic Sanders, Human Resources Director
April Bishop, Cultural Arts Coordinator
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

2. APPROVAL OF AGENDA

Mayor Dunn stated the agenda had been amended to continue Consent Agenda Item 7.J. regarding an agreement between the City and K & W Underground, Inc., to the February 5, 2018 Governing Body meeting.

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Azeltine. The motion was approved by a unanimous vote of 7-0.

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.**

Mr. Randal Leimer, who had signed in to speak, presented to the Governing Body on Agenda Item 12.B.

4. PROCLAMATIONS

Martin Luther King Day, January 15, 2018

Mayor Dunn read the proclamation into the record. No one was present to accept the proclamation.

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. 2017-50 and 2017-51
- B. Accept minutes of the December 18, 2017 Governing Body meeting
- C. Approve renewal of Cereal Malt Beverage [CMB] license to Hen House, located at 11721 Roe
- D. Approve 7th and Final Pay Request in the amount of \$500.00 to O'Donnell & Sons Construction, pertaining to the 2017 USAB/Thin Asphalt Overlay Program [Project # 70022]
- E. Approve purchase in the amount of \$92,536.25, from Black & McDonald, for the installation of LED Street lights along 135th Street
- F. Approve Massage Therapy Establishment License for Minna Tolvanen-Davis Massage Therapy, located at 8010 State Line Road, in accordance with Code § 5-510
- G. **Resolution No. 4868**, approving and authorizing the Mayor to execute a Letter of Engagement between the City and RubinBrown, LLP, for an amount not to exceed \$34,250, pertaining to 2017 audit services
- H. **Resolution No. 4869**, approving and authorizing the Mayor to execute an Inter-local County Assisted Road System [CARS] Agreement between the City and the Board of County Commissioners [BOCC] of Johnson County for the Mission Road Improvement Project from 119th Street to 127th Street [2018 CARS Project # 72065]
- I. **Resolution No. 4870**, approving and authorizing the Mayor to execute a Memorandum of Agreement, by and between the City, Board of County Commissioners of Johnson County, and Blue Valley Unified School District No. 229, pertaining to the installation of fiber optic connections at Fire Station No. 3, and Ironhorse Golf Course, located at 14801 Mission Road and 15400 Mission Road, respectively
- J. Resolution approving and authorizing a Service Agreement between the City and K & W Underground, Inc., for an amount not to exceed \$60,557.23, for installation of fiber optic connections at Fire Station No. 3, and Ironhorse Golf Course, located at 14801 Mission Road and 15400 Mission Road, respectively – *CONTINUED TO THE FEBRUARY 5, 2018 GOVERNING BODY MEETING*
- K. **Resolution No. 4871**, approving and authorizing the Mayor to execute a KCBOBCAT Non-Financed Governmental Roll Out Agreement between the City and KC Bobcat in the amount of \$99,326.00, for the purchase of [2] Bobcat S770 Skid Steer Loaders
- L. **Resolution No. 4872**, approving a Revised Final Plan for changes to the façade of a tenant space for Park Place – Tom Tivol Jewels – Awnings, located north of 117th Street and east of Nall Avenue. (PC Case 119-17) *[from the November 28, 2017 Planning Commission meeting]*

- M. **Resolution No. 4873**, approving a Revised Final Plan for Church of the Nativity – Revised Landscape Plan, located north of 119th Street and east of Mission Road. (PC Case 126-17) *[from the November 28, 2017 Planning Commission meeting]*
- N. Declaration of Surplus Property: 2017 Skid Steer Loader Bobcat S770-M, Unit 475, last VIN/1998, City Asset #02061; and 2017 Skid Steer Loader Bobcat S770-M, Unit 476, last 4 VIN/1789, City Asset #02062
- O. Declaration of P&R Surplus Property: [32] 72” round tables; [12] 3’ X 8’ tables; and [4] 3’ x 6’ tables

Councilmember Sipple requested Consent Agenda Item 7.E. be pulled.
 Councilmember Filla requested Consent Agenda Item 7.M. be pulled.

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

- 7.E. Approve purchase in the amount of \$92,536.25, from Black & McDonald, for the installation of LED Street lights along 135th Street

Councilmember Sipple requested the number of years needed to recoup energy savings equal to cost. Mr. Ley stated replacement light fixtures are the major portion of cost and typically payback varies between five to eight years. The 135th Street installation would be for lights from the west City limit, just east of Nall Avenue, to State Line Road, and payback would be expected in five and one-half years.

Councilmember Filla thanked Mr. Ley for the energy efficiency program. She stated a citizen inquired about the color of LED light output. Mr. Ley stated the City attempts to match the LED light color to surrounding lights. Like Hallbrook, this project would use 4,000 Kelvin temperature color LED lights having a slightly white than blue hue to would replace the existing high pressure sodium lights that have a yellow hue. The new LED lighting would match the lighting on 133rd and 137th Streets and illumination would be focused and defined into the roadway, eliminating side light pollution.

Councilmember Cain asked what percentage of City-owned lights are LED and if the City had obtained multiple bids or sourcing the work only through Black and McDonald. Mr. Ley stated for arterial streets from 103rd to 135th Street, LEDs are installed except on 119th Street and on Mission Road from 119th Street to 133rd Street. LED replacement is scheduled to occur on Mission Road from 119th Street to 127th Street this summer as part of the Mission Road project. The 135th Street project was not bid as it falls under a maintenance contract. Black & McDonald has done three projects for the City. Two Roe Avenue and one College Boulevard projects were bid, and bids received were higher than Black & McDonald cost. Mission Road replacement will be part of a County Road Assistance System [CARS] project and LEDs will be bid as part of the project.

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

- 7.M. **Resolution No. 4873**, approving a Revised Final Plan for Church of the Nativity – Revised Landscape Plan, located north of 119th Street and east of Mission Road. (PC Case 126-17) [*from the November 28, 2017 Planning Commission meeting*]

Councilmember Filla expressed thanks for Stipulation 3 providing revised sizing and height of trees and shrubs, respectively. Mr. Coleman stated the stated sizing/height stipulation is the City’s standard.

Councilmember Harrison stated she had heard from neighbors in regard to bricked islands that would need be removed and sodded in the proposed plan. Mr. Coleman stated the original plan had landscaped islands and over the course of time, deteriorating landscaping had been removed and islands paved over. City ordinance requires 60% green material landscaping for water absorption and shade.

Mayor Dunn thanked Church of Nativity members for their attendance.

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

8. MAYOR’S REPORT

- A. Happy New Year to one and all. Wishing you good health and prosperity in 2018!
- B. Congratulations to Parks & Recreation Director Chris Claxton and the Ironhorse Golf Course Management Staff for being the recipient of the 2017 Junior Golf Growth Award for a Public Facility from the Kansas City Golf Association. The Kansas City Golf Association is the governing body for all Kansas City metro golf facilities.
- C. Reminder that we will have an organizational meeting of the City Council on Monday, January 8, at 5:30 P.M. for the installation of the newly re-elected City Council members. Photographs of the Governing Body are scheduled to be taken on February 19, 2018.

9. COUNCILMEMBERS’ REPORT

Councilmember Osman- Recommendation to Public Works Committee

- 1. Discussion of selection for design consultant on the 2019 Residential Reconstruction Project
- 2. Discussion of selection for design/build contractor on the Public Works Maintenance Building Bay Expansion, located at 14303 Overbrook Road

Councilmember Osman pointed out Item 1 was for residential reconstruction in 2019 and Item 2 was for potential expansion of the Public Works Maintenance Building. Councilmember Filla clarified Item 1 was regarding residential *street* reconstruction.

Mr. Ley stated the residential reconstruction would be a design/bid/build project and the Public Works Maintenance Building expansion would be a design/build project. The Public Works Committee could review both items at their meeting scheduled for Wednesday, February 7, 2018.

A motion to refer both items to the Public Works Committee meeting was made by Councilmember Osman; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 7-0.

10. CITY ADMINISTRATOR REPORT – None

11. STAFF REPORT – None

COMMITTEE RECOMMENDATIONS

12. PLANNING COMMISSION

[from the November 28, 2017 Planning Commission meeting]

- A. **Ordinance No. 2874**, approving a Special Use Permit for a Public Utility Facility/Electrical Substation and Preliminary Plan for Johnson County Wastewater – KCP&L Electrical Substation, located south of I-435 and east of Mission Road. (PC Case 124-17) [ROLL CALL VOTE]

Ms. Tammy Lorenzen, Johnson County Wastewater [JCW], 4800 Nall, Mission, and Mr. Chris Cook, KCP&L, Manager of Substation Engineering, 4400 East Front Street, Kansas City, Missouri, presented and answered questions.

Ms. Lorenzen stated the proposed substation would be affiliated with improvements to the proposed JCW Tomahawk Creek Wastewater Treatment Facility. Various aerial views of the site were displayed. Ms. Lorenzen stated the existing treatment facility cannot meet more stringent water quality requirements and treats only 40% of flow. The remainder of the flow is sent to Kansas City, Missouri, for processing. The rate charged by Kansas City for processing is rising and is not economical.

Ms. Lorenzen displayed aerial views of the proposed site improvements with the proposed substation outlined in red. The new substation is needed because of the increased amount of flow to be treated and the new treatment processes to be used. In review of alternatives and discussions with KCP&L, it was jointly decided that a new substation at the site would be the best solution for three reasons for the facility because the substation: 1) would provide the most reliable power solution for the treatment facility, 2) could be constructed for the least cost to ratepayers, and 3) would cause the least disruption to the public and surrounding property owners as compared to improvements that would be needed at two other remote substations and installation of new power lines.

Mr. Cook displayed an enlarged plan of the proposed new in-and-out transmission line KCP&L Indian Creek Substation. He stated the substation design would have two transformers located in the middle and would have enough capacity to exclusively feed the new treatment facility by underground distribution lines, but as load increases in the area, two additional circuits may be to provide for local load growth. He stated the dead-end substation would be a simple low profile design and not the string buses and lattice structures built in the 1950s. The substation would have buses at 16 ft. and 23 ft. in height. The design includes one 90 ft. lighting mast, two 90 ft. dead end poles in the substation and a 110 ft. transmission pole located outside the substation. Mr. Cook displayed examples of existing substations of dead-end substations and transmission single-pole that angles lines into the substations, and a 3-D site model rendering with transmission line poles and dead end poles. The revised vertical design of the proposed substation requires additional pole height to ensure transmission conductor lines are separated. The three transmission lines would each carry 161 kV. The top fourth line would be a shield wire that does not conduct, but is used for lightning protection for the three lines below. Mr. Cook displayed a small 3-D model of the substation with transmission and dead-end poles, and lines.

He stated the existing transmission lines that run east-west on the south side of Lee Boulevard would be realigned. On the west side, a three pole structure would remain and a new dead end pole would be installed to rotate the lines from horizontal to vertical to transition to a 90 ft. pole in the substation. On east side, an existing three pole structure on City-owned property would be removed and a new pole installed further to the west on JCW property which turns into substation to a new 90 ft. pole. The Y-structure to further to the east of this on JCW site would be a used to transition the lines from horizontal to vertical.

He stated the anticipated project schedule would be to start design in October 2018, order materials throughout the first year, construction should begin in Fall 2019 with an in-service date of October 1, 2020.

Mr. Cook displayed comments received at the Citizen Interact Meeting and responses.

Comment 1 - Concern for flooding in the area.

Response - JCW advised the site elevation would be raised above the 500-year flood plain and the overflow channel would be constructed to achieve a no-rise condition.

Comment 2 - Need for street beautification along Lee Boulevard.

Response - Project will involve work on aesthetics with the City.

Comment 3 - If this will improve intermittent power outages at a residence.

Response - KCP&L contact information was provided to obtain additional information on these outages, but no further contact has been received. With a new local substation in the area, length of transmission lines would be shortened and shortened lines may provide better reliability in the area.

Comment 4 – Substation looks good.

Councilmember Cain inquired if the size of the footprint of the substation would increase to meet potential future capacity increase. Mr. Cook stated the substation would not increase in size or equipment as it is at maximum design.

Councilmember Cain requested clarification of site fencing. Mr. Cook stated the substation would have an 8 ft. 3/8th inch security mesh, chain link fence, not topped with barbed wire. Ms. Lorenzen stated the JCW facility fence will enclose the entire complex, including the KCP&L substation fence. The JCW fence will be 6 ft. in height and topped with three rows of barbed-wire, adding approximately 1 ft. of to the existing fence height, except near facilities by the trail and Lee Boulevard. Wrought iron fencing without barbed-wire would be used in this area. The use of barbed-wire in other areas is absolutely necessary to prevent scaling of the fence.

Councilmember Sipple questioned how the substation might serve local community by shorter transmission distance and during power outages. Mr. Cook stated KCP&L has multiple transmission lines at the Kenilworth [3.5 miles away] and Tomahawk Substations. The proposed design minimizes the number of lines and shortens line length, and this should result in increased reliability and decreased potential from damage. Reliability may be seen in a two-mile radius from the new substation.

Councilmember Sipple asked if the JCW treatment facility would have emergency back-up power. Mr. Cook stated any outage on a transmission line would not impact the treatment facility as power could be obtained from two outside feeds and there would be no concerns if one transformer fails.

Mayor Dunn asked what percentage of the substation would be utilized by JCW. Mr. Cook stated the treatment facility would use 7.5MVA up to 10MVA. The substation would have two 30MVA standard transformers for a total of 60MVA, providing ample capacity. The treatment would use 1/6th of the substation capacity.

Mayor Dunn questioned if the substation was necessary at this site because the treatment facility would treat 100% of flow and ensure there would not be a concern if there was a power outage. She pointed out the need for the substation was a late development and would use only one-sixth of capacity. Mr. Cook stated the new substation was necessary due to cost, and the distribution network and numerous distribution lines that would need to be built or redone. A new substation would have the least impact. By using standardized transformer design, KCP&L would have back-up equipment, and more reliable and maintainable substations.

Councilmember Cain echoed Mayor Dunn's comments, stating project variables did not change, but the need for a new substation arose. Ms. Lorenzen stated this is the first treatment facility project she has managed where existing power lines could not provide capacity for improvements. She stated it was very rare to have altered power demands that lead to a new substation. The project needed to be far enough along in the design to determine maximum peak load. JCW met with KCP&L in the summer and discussed options. In planning the location of the new substation, JCW re-arranged the site and will now eliminate a lagoon, with potential odor, that was going to be kept.

Councilmember Cain asked if the lagoon was part of the area to be elevated 12 ft. out of the flood plain. Ms. Lorenzen stated she would need to confirm as the amount of elevation increase varies throughout the site, but she thought the area would be elevated 16 ft. including the depth of the lagoon.

Councilmember Sipple asked if JCW facility would have the ability to send effluent to Kansas City, Missouri, for processing during a disaster. Ms. Lorenzen stated the flow interceptor to Kansas City, Missouri, would remain, but be closed. It is possible the interceptor might be used during a major disaster as a back-up.

Mayor Dunn asked about landscaping of the substation. Ms. Lorenzen stated the substation would be located on the south side of the treatment facility overflow channel, which should be dry for the most part except during a storm. She stated the City has requested additional screening to obscure the view of the entire facility using more evergreen rather than deciduous trees. Mayor Dunn thanked JCW for their effort to make the facility as aesthetically pleasing as possible.

Councilmember Rawlings stated he had the pleasure of a field trip and tour of a treatment facility a few years ago in Broomfield, Colorado, that used the state-of-the-art technical processes and systems that are planned for the improved JCW treatment facility. There was no noticeable odor inside or outside of the Broomfield facility, which is very important. The proposed facility would serve the City and community well.

Mayor Dunn recognized Johnson County Board of Commissioner Ron Shaffer and thanked him for attending.

A motion to pass the ordinance for Agenda Item 12.A. was made by Councilmember Rawlings; seconded by Councilmember Azeltine. The motion was approved with a unanimous roll call vote of 7-0; reluctant Aye from Councilmember Cain.

- B. **Ordinance No. 2875**, approving Zoning, Preliminary Plan, Preliminary Plat, Final Plan and Final Plat for Leawood Pines, located north of 103rd Street and west of Lee Boulevard. (PC Case 125-17) [ROLL CALL VOTE]

Mr. Randal Leimer, 3404 W. 132nd Street, stated he is a trustee of the trust that owns the property and he provided historic details. The vacant property is located at the northeast corner of Lee Boulevard and 103rd Street. The property had been used for horses and an old farmhouse currently exists to the north. A number of years ago a Kansas City developer acquired the property and planned a five to 10 lot mini-subdivision, which did not happen. The initial trustee marketed the property with a couple of contracts, but nothing came to fruition. The initial trustee passed away several years ago. One reason for lack of development may be the extreme cost to bring utilities; there are none on-site. After review of what would best serve the trust and the community, it was decided to proceed with a low density, high quality development with least impact on neighboring residents consisting of three lots with large setback requirements based on the existing house to the north. Each lot would be about 2/3 acre and setback of the northernmost Lot 3 would be 142.23 ft. to the centerline of the lot. It is hoped the typical house would be priced from \$700,000 to \$900,000. A plan of lot layout was displayed.

Mr. Leimer pointed out Stipulation 7 was added by the Planning Commission in regard to minimum driveway setback of 10 ft. from the northern property line of Lot 3 to ensure the location of a new driveway would not conflict with the neighboring existing driveway on the property to the north. Staff had wanted new driveways located to the north to avoid stacking of traffic on 103rd Street. At this time, the applicant proposes to modify Stipulation 7 to apply only to the easterly 142.23 ft. of Lot 3 and not along the entire length of the north property line. The applicant believes this modification is agreeable to the property owner to the north. The applicant is in agreement with all other stipulations. Mr. Harold Phelps, Phelps Engineering, and Mr. Pete Oppermann, Oppermann Land Design, are present for questions.

Councilmember Sipple asked for a cost estimate to bring in utilities, and if traffic would be impacted or if there would be road closures during utility installation on 103rd Street or Lee Boulevard. Mr. Leimer stated improvements to the property are estimated to cost \$160,000. To avoid significant traffic impact, borings would be made under 103rd Street for utilities. The intent is to have no traffic impact or road closure.

Councilmember Harrison noted it was unfortunate that other similarly situated properties in other communities such as 101st Street and Mission and a court on east of Mission Road at 70th Street had been densely developed with two-story structures appearing to be only 8 ft. apart. She inquired if the three lots were sold and for the style of houses anticipated. Mr. Leimer stated no lots have been sold. The building envelope can be seen on the plan, so compared to the example properties given by Councilmember Harrison, the proposed development should be less dense.

Councilmember Harrison noted a concern raised by a neighbor to the west in regard to view and loss of vegetation. Mr. Leimer stated this neighbor did not want to disturb foliage on the backside of the property, which is mostly scrub. It may not be possible to retain due to placement of utilities, but the new houses will have better landscaping installed.

Councilmember Osman expressed favor for the low density development with expected minimal traffic impact, rather than apartments or high density development which happens in neighboring cities. He pointed out that north Leawood does have dense rebuilds. He inquired if the possibility of shared, T-connection driveways had been considered. Mr. Leimer said such driveways had been discussed with the engineer, but garages are typically located on the highest side of a lot and this would cause one property owner to have a garage/driveway in a less than optimal location. Past development plans for the property had a single entry point with a cul-de-sac and many lots, which could not meet City Code and so the property sat vacant.

Councilmember Sipple asked Mr. Coleman if driveways could meander within each lot if the entry point was as far away from 103rd Street as possible. Mr. Coleman confirmed, stating the driveway on Lot 3 would also need to keep 10 ft. away from the north property line for 142.23 ft. The layout of driveways are based on home design and builder.

Mayor Dunn asked if all covenants had been submitted [Stipulation 2]. Mr. Leimer confirmed, but that no feedback had been received from City Staff.

Mayor Dunn pointed out revision of Stipulation 7 would require an override vote of the Planning Commission recommendation.

A motion to pass the ordinance in Agenda Item 12.B. with revised Stipulation 7 for Lot 3 to maintain a minimum driveway setback of 10 ft. from the northern property line beginning from the east for a distance of 142.23 ft. to ensure the location of the new driveway does not conflict with the neighboring existing driveway on the property to the north was made by Councilmember Azeltine; seconded by Councilmember Harrison. The motion was approved with a unanimous roll call vote of 7-0.

Mayor Dunn wished Mr. Leimer good luck with the project.

- C. **Resolution No. 4874**, approving the 2017 update to the Comprehensive Plan of the City of Leawood, Kansas, Johnson County, Kansas (PC Case 115-17)

Mr. Klein reviewed the 2017 Comprehensive Plan updates provided in the Staff memo.

Councilmember Cain thanked City Staff and the Planning Commission for their effort. The Planning Commission had discussed the plan in detail at their Work Session. She asked if the two Self-Propelled Leawood maps contained in the plan, Pages 58 and 59, would be easily accessible by the public. The maps are very important to residents and realtors. Mr. Klein stated the two maps are available as part of the Self-Propelled Leawood: A Pedestrian and Bicycle Master Plan and as part of the Comprehensive Plan. All three maps would be made available. He stated the Governing Body would receive a bound copy of the final Comprehensive Plan.

Mayor Dunn complimented Planner Jessica Schuller for her careful and thorough review, reconciling numerous inconsistencies.

Councilmember Azeltine referenced specific pages of the plan and provided comments/made inquiries, as follows:

Page 66, Residential, and Page 68, Redevelopment – Clauses about residential/in-fill being compatible with the character of surrounding neighborhood, including scale, style, height and material of homes. Is elaboration needed to avoid potential conflict between these statements in the Comprehensive Plan and the Leawood Development Ordinance [LDO] for in-fill development?

Mr. Klein stated the Planning Commission had not addressed this in their Work Session in regard to north Leawood demolition and rebuilds. Mr. Coleman stated the LDO addresses limitations on size, scale and bulk requirements for residential. Mayor Dunn pointed out the City does have a massing ordinance. Ms. Bennett stated the LDO is the first-layer enforceable arm regulations and contains more specific information than the statutory general Comprehensive Plan.

Page 67, Housing for Seniors, Item E – Would it be appropriate to mention villas? The City has lost many good empty-nester citizens because they want to move into a villa or one-story home.

Mr. Coleman confirmed villas are addressed in the LDO.

Page 69, Objective A, Item D – Mentions underground placement of utilities is encouraged. Is underground placement required in the LDO?

Mr. Coleman stated underground utilities are required in most cases, but not all. KCP&L transmission lines at the JCW Treatment Facility is an example where underground placement is not feasible or reasonable. The Governing Body approved expansion of the above-ground power lines on 103rd Street and above-ground utilities for lot in Leebrook. In such cases, the applicant is asked to sign an agreement that they would not oppose a Transportation Development District [TDD] used for future underground placement.

Page 73, Section T-1A, Item B – Support internal and external pedestrian circulation. Has the City approached Johnson County Transit or the Kansas City Area Transportation Authority to have public transit stops in Leawood?

Mr. Coleman stated the City's consultant approached the agencies. There is currently one bus route through Leawood, with stops indicated by signs on Nall Avenue, Town Center Drive which passes City Hall, and 119th Street. There may be an extension of the Prairie Fire bus route.

Mr. Klein confirmed that Councilmember Sipple's request to revise Table 2.1 on Page 7 to denote that the Tomahawk Creek watershed flows into the Indian Creek rather than Blue River would be incorporated.

Councilmember Sipple requested a future update include the north and south loop bicycle loops of Self-Propelled Leawood. The north loop may be finalized this Summer and the south loop complete in 2019. This information would be useful to the public.

A motion to approve Agenda Item 12.C. with the revision to Table 2.1 was made by Councilmember Filla; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 7-0.

- D. **Resolution No. 4875**, approving a Final Plan for City of Leawood Public Art – Walking Woman, located south of Town Center Drive and east of Tomahawk Creek Parkway (PC Case 128-17)

Mayor Dunn recognized Cultural Arts Coordinator April Bishop, Arts in Public Places Initiative [APPI] Chair Ms. Anne Blessing, and Arts Council and APPI member Ms. Julia Steinberg.

Based on discussion at the December 18, 2017 Governing Body meeting, the Arts Council brings forth their recommendation for the purchase and installation of the art piece, to be formally named at a later date probably through citizen ballot. A color rendering of the figure was displayed. Construction would require six to nine months, then the piece would be shipped and installed. The location would be at the entrance to the soccer fields on the east side of Tomahawk Creek Parkway. The piece would face north and include three blocks two ft. in height, with the piece attached to two of the tree blocks. The Arts Council discussed the orientation of the piece at length and decided go with the flow of traffic, with southbound traffic having a frontal view. The artist was happy with either orientation. The undergrowth of vegetation in the median slightly north in Tomahawk Creek Parkway would be removed by the Parks & Recreation Department so the art piece would be more visible; the tree in the median would remain.

Mayor Dunn stated there had been much art activity in 2017 and she thanked Ms. Bishop, Ms. Blessing and Ms. Steinberg for their attendance. Ms. Bishop expressed excitement for two art installations in 2018.

A motion to approve Agenda Item 12.D. was made by Councilmember Cain; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 7-0.

- E. **Resolution No. 4876**, approving a Revised Final Plan for Prairie Star Elementary School, located at 143rd Street and east of Mission Road [PC Case 123-17]

Mr. Scott Crane, Engineer, Director of Design and Construction, Blue Valley School District, stated Mr. Scott Paisha, Architect, DLR Group; Mr. Kent Anderson, Architect and Project Manager, Blue Valley School District; Ms. Melissa Hillman, Legal Counsel for Blue Valley School; and Mr. Dave Hill, Director of Facilities and Operations, Blue Valley School District, were present.

Mr. Crane stated the school district was excited to be providing a significant investment in the Prairie Star to greatly enhance the learning environment, will benefit instructional delivery and student achievement for decades to come.

Mr. Crane displayed a modified and updated version of the site plan prepared after the Planning Commission meeting depicting the middle school [largest facility] and elementary school. There will be building additions near the elementary school. There have been noise concerns expressed by neighbors to the east, although levels were always within ordinance and City guidelines. Mechanical equipment/units located on the top of “B Pod” would be removed and new ground-mounted units installed. This improvement should resolve noise concerns.

Mr. Crane stated Blue Valley School District agreement to all stipulations except Stipulations 3 and 4 for practicality, intent to meet purpose, fiscal responsibility and safety, and was prepared to bring forth solutions at this meeting for consideration.

Stipulation 3

Mr. Crane pointed out the yellow dashed line in the aerial site view representing the location of a staggered row of 2 ft. shrubs required to be planted to screen existing parking lots from public right-of-ways. The distance from 143rd Street right-of-way to the parking lot near the middle school is 400 ft. and the distance from north-south line of shrubs near the elementary school is more than 600 ft. from the Mission Road right-of-way. He offered that 400 ft. is more than one-third the length of a football field, goal to goal.

Mr. Crane displayed photographs from various positions walking along 143rd Street and from Mission Road, looking back into the campus and also photographs altered to show the shrub rows. He stated distance, elevation and existing ground berms would block the view into the campus of the proposed shrubs and parking lots/vehicles except from the right-of-way adjacent to two playing field backstops along 143rd Street. In regard to one of the altered photographs depicting shrubs, he stated if this was a residence, the view would be considered a side yard and even recycling containers would not be required to be screened because of the distance.

Mr. Crane stated if the proposed shrubs were installed, their growth would reduce the visibility between the buildings and the playing fields, for both school staff who must monitor and parents who prefer to sit in their vehicles to watch a sporting event. Reduced visibility is a safety concern. Also of concern would be the impact on snow removal. Accumulated snow is pushed away from buildings and parking lots, and piled behind curbs. It would be an added burden and inappropriate use of public dollars to load snow and take off-site.

Mr. Crane requested that Stipulation 3 be eliminated, or if this cannot be done, to modify the stipulation to require shrubs to only be planted in line with street trees in the areas of the two backstops. These shrubs would fill in between the street trees planted on 35 ft. centers and site facilities. He pointed out City Hall uses staggered shrubs to screen 30 ft. distance to right-to-way, but distances from right-of-ways at the school site are far greater.

Mayor Dunn asked Mr. Klein to address LDO requirements in regard to Stipulation 3. Mr. Klein stated that generally berms accented with shrubs are required to screen view from adjacent public right-of-way, with shrubs placed near the location of vehicle grills and headlights for maximum screening. This is a standard requirement for which there is no deviation. Staff would not have an issue with moving the location of the shrubs and this would meet the LDO requirements.

Councilmember Cain stated she would be satisfied if there were no shrubs because of the atypical dramatic natural berming and setbacks, and with additional street trees to be planted to help with screening. She pointed out that there is no similar screening at Mission Trails School located right on Mission Road. Mr. Klein stated Staff attempts to apply City rules consistently and typically tree trunks are not considered appropriate screening material. He stated some developments were constructed before the current LDO.

Councilmember Sipple asked for the expected height of the shrubs at maturity, and for clarification of the modified location of the shrubs. Mr. Klein stated height of 3 ft. would screen vehicle grills and headlights; a taller height could be a safety issue. The location of the shrubs proposed by Mr. Crane would be near the street trees not near the parking lots. Staff would have no objection to placing the shrubs further up on the berms.

Councilmember Filla requested Mr. Crane provide details of the proposed shrub location. Mr. Crane stated street trees would be on 35 ft. centers along both Mission Road and 143rd Street. He displayed the overall landscaping plan [Sheet L1-01]. Shrubs would only be planted in-line with street trees on 143rd Street adjacent to two playing field backstops. Currently, berms provide the inability to make a visual connection from the public right-to-way to parking lots, so additional screening elsewhere is not needed.

Mr. Crane confirmed to Mayor Dunn that very few of the trees depicted on the landscaping plan are present at this time. He stated there are five trees along the frontage at this time.

Councilmember Filla noted the greater benefit of trees instead of shrubs to cool, provide shade and in overall appearance. She asked if a cost comparison had been conducted. Mr. Crane stated analysis had not be done, but use of shrubs in the proposed locations would be less of a financial impact. The school district, the same as the City, is concerned with safety and functionality.

Councilmember Filla stated support of the compromise and encouraged the use of native trees and for diversity of tree species, and suggested the school district consider the Johnson County Stormwater matching dollar program for trees. She asked if trees had been considered instead of shrubs, noting that invasive honeysuckle bushes provide only 7 grams of nutrition to birds, while other shrub species with berries can provide 35 grams. She pointed out the City has excellent Staff arborists. Mr. Crane stated the school district proposes to supplement trees with shrubs, a lesser financial impact, and the district has arborists on staff as well.

Mr. Crane read proposed language to modify Stipulation 3, as follows: “The applicant shall plant a staggered row of shrubs between the new street trees along 143rd Street, in the vicinity of the baseball backstops, to screen existing parking lots from the adjacent public right-of-way. Shrubs shall be a minimum of 24 inches in height at the time of planting.”

Mayor Dunn asked Mr. Klein, Mr. Coleman and Ms. Bennett if proposed revised Stipulation 3 would meet the LDO requirement. Mr. Klein stated the LDO requires a 3 ft. berm accented with landscaping and if the trees are considered landscaping, then the proposed revision could be considered acceptable.

Stipulation 4

Mr. Crane stated the pedestrian connection between Mission Road and Prairie Star Middle School would be provided, but clarification of what needs to be done in regard to demarcated pedestrian crossings across the four entrance driveways, in the public right-of-way, and parking areas was needed. Aerial photography views of entrances were displayed. Mr. Crane stated two entrances off 143rd Street were marked by the City a few years ago. The south entrance driveway to the middle school off Mission Road is also currently marked. The pedestrian crossings located in the public right-of way are the responsibility of the City to manage and for unknown reasons the crossings were not marked as part of City projects in accordance with Self-Propelled Leawood, which was adopted 15 months prior.

Mr. Klein stated such crossings are typically made with painted hatch marks. The current paint markings comply with minimum MUTCD requirements. Staff does not require demarcation with bricks. Mr. Crane stated his understanding that painted markings, not additional materials, were needed. He stated the Manual of Uniform Traffic Control Devices [MUTCD] within public right-of-way requires the jurisdiction that oversees the right-of-way to be responsible. Mayor Dunn stated awareness that property owners are responsible for sidewalks in the public right-of-way are the responsibility of the adjacent property owner, not the jurisdiction.

Councilmember Filla pointed out increasing awareness by the City, metro area and nationwide of pedestrian-friendliness and asked if an internal policy discussion needed to take place to ensure consistent and judicious use/types of markings. Mr. Ley stated this issue may eventually go to the Public Works Committee, after current work with the MR2S. Types of marking are evolving. In 2014, the City used just two stripes to denote bike lanes and “continental” style striping is now used on collectors and arterials. For the Main Routes to School [MR2S] program, cross marking types are under evaluation. If a crossing has high pedestrian volume or is on an arterial street with high vehicle volume, markings may be different from those used in residential areas or for MR2S which could consist of only two lines due to cost and maintenance. The property owner/adjacent property owner is responsible for the markings in the public right-of-way for private driveways.

Councilmember Azeltine thanked Mr. Crane and the school district for submitting through the City’s planning process. He asked for an estimate of the time and resources needed to paint hatch marks. Mr. Ley stated the work would require a day and more than one gallon of paint. Councilmember Azeltine stated support of the City providing the markings, if the City requires and cannot compel the school district to do so.

Councilmember Osman pointed out City policies change and evolve over time to best meet needs. He expressed concern about lengthy discussion of \$500 in paint and a work day after resolution of several \$10,000 in landscape screening. The City requires lines to be painted in the right-of-way and the right-of-way is maintained by the adjacent property owner. Snow removal from sidewalks in the right-of-way must be removed by the property owner. Ms. Bennett clarified “from back of curb” is the responsibility of the adjacent property owner and confirmed the owner must remove snow.

Councilmember Osman inquired if there would be a change of liability should a pedestrian be hit in a right-of-way crossing marked with two lines or marked with more visible cross-hatching. Ms. Bennett stated hopefully the driver of the vehicle would be liable.

Blue Valley School District Legal Counsel Ms. Melissa Hillman, 17589 Bond Avenue, Overland Park, gave assurance to the Mayor and City Council that \$500 of paint and a day of time was not an issue for the school district who would be willing to provide, but questioned who would be responsibility for future maintenance and be liable for an accident in the area. Ms. Bennett stated maintenance would be the responsibility of the adjacent property owner. Mayor Dunn stated that should an accident occur, many parties would probably be contacted. Safety of students is the utmost importance. One goal of MR2S and Self-Propelled Leawood is safety and not to open, but alleviate, liability.

Mr. Crane stated since the school district would enhance the two line striping to “continental style” for the three entrance crossings, no discussion was now needed on the fourth northern intersection based on direction provided.

Mr. Crane stated Stipulation 4 requires cross markings in parking areas. There are two such crossings on the campus. Various portions of the MUTCD, specifically Part 7, School Area, states that crosswalk lines shall not be used indiscriminately. The MUTCD suggests an engineering study be conducted and to locate markings away from traffic signals. Mr. Crane stated marking crosswalks is not always appropriate. The school district proposes an enhanced revision to Stipulation 4 to include an engineering study. The school district offers to pay for and manage the study effort, which may help limit liability for the school district and the City. The proposed revision to Stipulation 4 would be “Applicant shall provide the pedestrian connection, including four crosswalks in public right-of-way and two internal school site crosswalks shown on Page 76 of Self-Propelled Leawood to be delineated with paint if determined appropriate, following a study conducted in accordance with the MUTCD”.

Councilmember Filla pointed out MR2S communications have been between engineers, school districts and the City’s Planning Department, but input from parents and Parent-Teacher Organizations in decision-making has been missing. It was hoped MR2S would be a method of liaison and collaboration. Every school is different and has unique campus layout needs. It is unfortunate that LDO, learning curves and timing are not always in sync, but that is human nature. She asked that MR2S be completed for both schools for a holistic view and this be incorporated into an engineering study.

Councilmember Azeltine pointed out that when a request for a traffic sign is received, the City conducts a warrant study. He thanked the school district for their generous offer of due diligence, their reasonable request for revision of Stipulation 4, and stated support of the revision of Stipulation 4 as suggested.

Councilmember Cain agreed with suggested revision of Stipulation 4 to conduct an engineering study, following a procedure of which she was not aware.

Councilmember Harrison thanked Mr. Crane for measures to address the noise concerns; she and Councilmember Sipple had received many communications from neighbors in this regard. The noise level is just under maximum, but is a distraction for a couple of distant neighbors. Councilmember Sipple requested Mr. Crane to thank Dr. Tony Lake [Chief Operations Office, Blue Valley School District] for expediting resolution of this issue.

A motion to approve Agenda Item 12.E. with proposed revisions to Stipulation 3 and 4 was made by Councilmember Cain; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 7-0.

Mayor Dunn thanked participants for their collaboration and cooperation.

13. STORMWATER MANAGEMENT COMMITTEE

[from the November 29, 2017 Stormwater Management Committee meeting]

Ascertain if additional studies need to be conducted subsequent to July/August 2017, Flood Events.

Recommendation: City move forward with a Preliminary Engineering Study for a project in the area of I-435; on the north side of I-435 and south of 105th Street between Mission and Lee Boulevard

Councilmember Azeltine stated the Stormwater Management Committee had met on November 29, 2017 to discuss if additional studies were needed subsequent to the July/August 2017 flood events. An area involving four cul-de-sacs east of Mission Farms, shown on the maps attached to the Staff Review memo, was identified. If the recommendation to move forward with a preliminary engineering study is approved, Staff will pursue Johnson County Stormwater Management Advisory Council [SMAC] funding and is confident a SMAC reimbursement of 75% of cost would be received.

Mr. Ley stated Staff would submit a no-cost SMAC application and if funding was not approved, he would bring back before the Governing Body.

Mayor Dunn pointed out there are no time constrictions, but the City must have funding available for 25% of cost. There is a dire need for the project. Councilmember Rawlings stated in meetings with constituents regarding flooding, constituents were advised and understood timing would likely be two to three years in the future.

A motion to approve the engineering study contingent upon SMAC approval of application was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 7-0.

Councilmember Azeltine requested Mr. Ley ensure budget funding line item number be included in future Staff Review memos.

14. OLD BUSINESS – None

15. OTHER BUSINESS – None

16. NEW BUSINESS

Resolution No. 4877, approving and authorizing the Mayor to execute a Quit Claim Deed to Board of County Commissioners of Johnson County, Kansas [BOCC], conveying approximately .628 acres of property located at 10746 Lee Boulevard

Mr. Ley stated the proposed request for a Quit Claim Deed was in regard to a triangle of City-owned property that is needed for the Johnson County Wastewater [JCW] Treatment Facility improvement project. The property would be used for an entrance and a diversion structure. In return, JCW would provide permanent right-of-way for Lee Boulevard.

Ms. Tammy Lorenzen, JCW, clarified the location of the wedge-shaped piece of property that lies to the east of Mission Road and south of the Saddle and Sirloin Cellular Tower on Lee Boulevard on an aerial map. The property would provide an entrance road connection and a location for a small structure to divert effluent flow to Kansas City, Missouri. Currently, the City has a long-term lease for trail access from JCW, which could be terminated. If approved, the City would obtain permanent right-of-way.

Mayor Dunn stated the proposed arrangement would benefit both the City and JCW.

Councilmember Filla asked if the elevation of the property to the west of the cellular tower along Interstate 435 would be raised along with the street as part of the JCW project. She stated the desire to raise this area out of the flood plain for use as a community garden. Mr. Ley stated the area is used for road overtopping and for storm sewer, so when water in the area rises it fills with water. He stated this was a topic for future discussion with the Corp of Engineers. Councilmember Filla asked that Ms. Lorenzen have Commissioner Ron Shaffer call her in this regard.

A motion to Agenda Item 16. made by Councilmember Osman; seconded by Councilmember Rawlings. The motion was approved with a unanimous vote of 7-0.

ADJOURN

There being no further business, the meeting was adjourned at 10:11 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk