

Minutes

DVD No. 414

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, 7:30 P.M. on Monday, April 16, 2018. Mayor Peggy Dunn presided.

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

**Councilmembers Absent:** None

<b>Staff Present:</b> Patty Bennett, City Attorney	Chief Troy Rettig, Police Department
Chris Claxton, Parks & Recreation Director	Chief Dave Williams, Fire Department
Dawn Long, Finance Director	Mark Klein, Planning Official
Nic Sanders, Human Resources Director	David Ley, Public Works Director
Ross Kurz, Information Services Director	and City Engineer
Mark Tepesch, Info. Serv. Specialist III	Dawn Long, Finance 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 Boy Scouts from Troops 10 and 93, working on their Citizenship in the Community badge.
2. **APPROVAL OF AGENDA**

Mayor Dunn stated an amended agenda and a revised Agenda Item 6.D. had been provided.

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

3. **CITIZEN COMMENTS**

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

Mayor Dunn stated the citizen who had signed in would be recognized to speak when Agenda Item 12.B. was discussed.

#### **4. PROCLAMATIONS**

**Arbor Day, April 27, 2018**

Mayor Dunn read the proclamation into the record. She thanked Ms. Claxton and her staff for what they do to keep the City beautiful. Leawood is a Tree City U.S.A.

Ms. Claxton accepted the proclamation and thanked the Governing Body. She announced the Parks & Recreation Department is pleased to be working with the Leawood Rotary Club to plant trees in Ironwoods Park as part of the club's international effort. There will be a kick-off celebration for the three-year project this Sunday, April 22. Mayor Dunn thanked Ms. Claxton for sharing the information and stated Leawood's Governing Body has four Rotarians: Councilmembers Harrison, Rawlings and Sipple, and herself as an honorary member.

**Start By Believing Day, April 6, 2018**

Mayor Dunn read the proclamation into the record and she thanked Ms. Becca Anderson, Prevention Specialist, for her attendance at the meeting and her service to MOCSA [Metropolitan Organization to Counter Sexual Assault].

Ms. Anderson stated MOCSA is the only area rape crisis organization center the Kansas City area. The organization provides advocacy and support, free counseling for those age 5 and up, prevention education and 24-hour crisis hotline. MOCSA appreciates Leawood's dedication to support survivors.

Mayor Dunn stated Police Chief Troy Rettig and his department are very supportive and appreciative of MOCSA's good work.

#### **5. PRESENTATIONS/RECOGNITIONS – None**

#### **6. SPECIAL BUSINESS**

##### **A. Presentation of 2017 Annual Audit**

Ms. Long stated she was happy to announce the 2017 audit was completed successfully and representatives from Rubin Brown were in attendance to make a short presentation and answer any questions.

Mr. Chester Moyer, Partner, stated Mr. Patrick Amos, Manager, was also present. Mr. Moyer thanked the City of Leawood for allowing Rubin Brown to serve the City once again. The presentation would address communications required at the conclusion of the audit and provide highlights of the ViewPoints document provided in the meeting packet, as follows:

Page 1 – The audit team consisted of Mr. Chester Moyer, Engagement Partner, with this being his second year in this role; Mr. Jeff Winter, Chairman, Public Sector Group, Concurring Partner, who has 35 years serving public entities, national boards and government special review committees; Mr. Amos, Manager; and three other team members.

Page 3 – The audit of financial statements was requested by the City and conducted in accordance with general accepted standards. A clean opinion on the financial statements was rendered. The Comprehensive Annual Financial Report [CAFR] which is 100 pages. The audit team gives opinion on the approximate 50 pages of financial statements located in the middle of the CAFR. Before that is the management discussion and analysis and at the end is statistical section, and the audit team does not provide an opinion on these.

Page 4 – Audit timing was performed as planned. The audit occurred over a period of five months, beginning in the Fall of 2017 with management meetings and being completed in March 2018. In a unique exception from past years, no new significant governmental accounting standards were adopted this year and application of existing policies was not changed. There will be some changes in the coming years.

Page 5 – The City participates in the Kansas Public Employee Retirement System [KPERS] as a cost-sharing pension plan member, and the City's share of this in the financial statements was appropriate. Two financial disclosures regarding long-term liabilities, pension plan and post-employment benefits, were of particular attention in regard to the debt position of the City. There were no difficulties were encountered when performing the audit.

Page 6 – There were no adjusting entries as a result of the audit. It must be reported there was an uncorrected mis-statement, operating consistently from prior years, but this year it caused a greater position in treasury securities that extended out two years, compared to prior years. Because of that position, this resulted in a fair market value adjustment that would have otherwise been taken as a small adjustment across 19 funds. We have been told in the future this adjustment will be made at the end of next year and moving forward, so it will not be a past adjustment any further. Management's representations are presented in five-page letter authored by City Administrator Scott Lambers and Finance Director Dawn Long, found at the end of the ViewPoints document.

Page 7 – New accounting pronouncements for the new few years are related to post-employment benefits effective for the December 31, 2018 financial statements. This expected standard is not expected to have as significant exposure for the City as was for the pension plan. In regard to fiduciary activities, name fund changes would be effective for the December 31, 2019 financial statements, and changes to presentation of leases effective for the December 31, 2020 financial statements. Probably these will not have a significant impact on the City.

Mr. Moyer stated the audit was clean and Rubin Brown was pleased to serve the City.

Mayor Dunn thanked Mr. Moyer and she stated the audit team had been most congenial during the many hours they spent on-site. It was a pleasure to hear the audit team had no difficulties and received excellent cooperation from City Staff.

Councilmember Sipple complimented Ms. Long and the Rubin Brown team on working with City Staff. The documentation produced was very readable for lay persons unaccustomed to accounting terminology, which is appreciated.

Councilmember Azeltine inquired if the KPERS unfunded pension liability had been resolved and if there had been any changes in KPERS funding directives. Mr. Lambers stated this was an open issue and he did not expect the situation to improve. Currently, KPERS has both employees and employers contribute more than previously to help stabilize the unfunded liability, but KPERS still cannot meet their investment goal of 7.75%. Kansas State claims no changes are needed to balance the budget, but budget deliberations will not conclude until a month from now. Kansas State has raided both the KPERS and Highway Funds and are to repay the money taken. The KPERS pension fund is constitutionally established and payments must be made to retirees. Kansas State is also an employer participating in KPERS and have been delaying their payments.

- B. **Resolution No. 4913**, accepting the 2017 Comprehensive Annual Financial Report [Audit] for the City of Leawood, Kansas

**A motion to approve Agenda Item 6.B. was made by Councilmember Filla; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 8-0.**

- C. **Resolution No. 4914**, determining it necessary and advisable and ordering the reconstruction and repair of certain residential streets or portions thereof within the City of Leawood, Kansas, pursuant to K.S.A. § 12-614 et seq., for the Phase III Residential Street Reconstruction Program [ Project # 80219]

Ms. Long stated the resolution was for approval of three years of residential street reconstruction scheduled for every other year, starting in 2019.

**A motion to approve Agenda Item 6.C. was made by Councilmember Rawlings; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.**

- D. **Resolution No. 4915**, authorizing the improvement of a certain section of Mission Road, a Main Trafficway, between 92<sup>nd</sup> and the north boundary of the Ranchmart Center within the City of Leawood; providing for issuance of General Obligation Improvement Bonds of the City to pay the costs thereof pursuant to K.S.A. § 12-689 and for the issuance of Temporary Notes of the City pending the issuance of said Bonds; and expressing the intent to reimburse certain costs of the project so incurred from proceeds of General Obligation Bonds; and authorizing and improving certain related matters and actions [Project # 82074]

Ms. Long stated the resolution provided in the meeting documentation packet had covered the entire distance for the street renovation program and the revised resolution would only encompass the area of power line burial.

Mayor Dunn stated for the record, the Governing Body's approval to underground power lines was contingent on required easements from abutting property owners. Mr. Ley stated no easements have been obtained, but they had been discussed with all except two property owners. All property owners that were spoken with were in support, but all easements would be required for the undergrounding to occur. Kansas City Power & Light's [KCP&L] schedule would be to bury the power lines this Fall, so there is still time to obtain the required easements.

Councilmember Filla pointed out the power line burial would be done in conjunction with a street improvement project, and in response to requests, would widen sidewalks and move sidewalks further distance from the road, in cooperation with Prairie Village. All users of the area would be able to enjoy the improvements.

Mr. Ley confirmed to Councilmember Azeltine that letters had been sent to property owners and City Staff will plan to visit the residents.

Mr. Ley confirmed to Councilmember Sipple the power lines would be buried from north Ranch Mart to 92<sup>nd</sup> Street, and the power lines would be aboveground from 92<sup>nd</sup> street to 85<sup>th</sup> Street. Mill and overlay would occur from 95<sup>th</sup> Street to north City limit. Typically, the City reviews arterial streets every 10 to 12 years and when 85<sup>th</sup> Street to 92<sup>nd</sup> Street is redone, burial of power lines for that section would be considered. At this time, the City is proposing to underground just a portion of the power lines in the area of sidewalk improvement. In the future, the City will consider burial of power lines along the entire length of street improvements.

Mayor Dunn expressed hope the City would be able to contact and obtain the support of the remaining two property owners.

**A motion to approve Agenda Item 6.D. was made by Councilmember Filla; seconded by Councilmember Harrison. The motion was approved with a unanimous vote of 8-0.**

- E. **Resolution No. 4916**, authorizing the improvement of a certain section of Mission Road, a Main Trafficway, between 119<sup>th</sup> and 127<sup>th</sup> Streets within the City of Leawood; providing for issuance of General Obligation Improvement Bonds of the City to pay the costs thereof pursuant to K.S.A. § 12-689 and for the issuance of Temporary Notes of the City pending the issuance of said Bonds; and expressing the intent to reimburse certain costs of the project so incurred from proceeds of General Obligation Bonds; and authorizing and improving certain related matters and actions [Project # 82065]

Councilmember Azeltine stated he and other Councilmembers had received positive feedback from residents in this area of Mission Road. The residents are happy and appreciate that the City plans to make improvements. Councilmember Azeltine stated such actions separate Leawood from other cities. Burial of power lines can cost \$1 Million per mile, but is an excellent investment. Mayor Dunn agreed with the comments; residents are thrilled.

Mr. Ley confirmed to Mayor Dunn after an alignment review meeting with KCP&L on Thursday, April 12, one easement in Aintree Manor would be required. A letter in this regard has been sent to the property owner and hopefully the City will receive positive support. Others in the area support the project.

Councilmember Azeltine stated if obtaining easements becomes problematic, the City needs to discuss how to handle differently in the future.

Mayor Dunn thanked Mr. Ley and Ms. Long for all their work on Agenda Items 6.C., 6.D. and 6.E.

**A motion to approve Agenda Item 6.E. was made by Councilmember Rawlings; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 8-0.**

## 7. CONSENT AGENDA

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted upon in a single motion. If a Councilmember requests a separate discussion on an item, it can be removed from the consent agenda for further consideration.

- A. Accept Appropriation Ordinance Nos. 2018-13 and 2018-14
- B. Accept minutes of the April 2, 2018 Governing Body meeting
- C. Accept minutes of the April 2, 2018 Governing Body Work Session
- D. Accept minutes of the March 20, 2018 Parks and Recreation Advisory Board meeting
- E. Accept minutes of the February 7, 2018 Public Works Committee meeting
- F. Accept minutes of the January 31, 2018 Stormwater Management Committee meeting
- G. Accept minutes of the January 18, 2018 Leawood Foundation meeting
- H. Accept minutes of the March 1, 2018 Leawood Foundation meeting
- I. Approve Cereal Malt Beverage [CMB] License Renewal for Hallbrook Country Club, located at 112200 Overbrook Road
- J. Approve Cereal Malt Beverage [CMB] License for Blade & Timber, located at 5203 W. 117<sup>th</sup> Street
- K. Approve Mayoral Appointment of Bill Schutte to Sustainability Advisory Board [Sponsor: Dunn] for a 2-year term ending in 2020
- L. **Resolution No. 4912**, calling for a Public Hearing to be heard on Monday, May 7, 2018, at 7:30 P.M., or as soon thereafter as may be heard to consider the 2019-2023 Capital Improvement Program [C.I.P.] for the City of Leawood, Kansas
- M. **Resolution No. 4917**, approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$36,680.00, between the City and Green Turf & Sports, to provide and install GTS Poly Tee Hitting Stations & Fringe Turf at Ironhorse Golf Course, located at 15400 Mission Road
- N. **Resolution No. 4918**, requesting Johnson County, Kansas to participate in the City of Leawood's Five-Year Capital Improvement Program through 2019-2023 County Assistance Road System [CARS] Program
- O. **Resolution No. 4919**, approving and authorizing the Mayor to execute a Temporary Easement from the City of the Board of County Commissioners of Johnson County [BOCC] pertaining to the construction and reconstruction of trail, roadway, parking and grading improvements and parking area use related to the Tomahawk Creek Wastewater Treatment Facility, located at 10701 Lee Boulevard
- P. **Resolution No. 4920**, approving and authorizing the Mayor to execute a Permanent Drainage Easement from the City to the Board of County Commissioners of Johnson County [BOCC] pertaining to the Tomahawk Creek Wastewater Treatment Facility, located at 10701 Lee Boulevard
- Q. **Resolution No. 4921**, approving and authorizing the Mayor to execute a Professional Service Agreement, in the amount of \$27,500.00, between the City and George Butler Associates, Inc., [GBA] for the 2018 Bridge and Levee Inspections
- R. **Resolution No. 4922**, calling for a Public Hearing to be heard on May 21, 2018 at 7:30 P.M., or as soon thereafter as may be heard to consider the vacation of a Right-of-Way located at approximately 115<sup>th</sup> and Overbrook, within the City of Leawood, Kansas [Hallbrook East Village Plat]
- S. **Resolution No. 4923**, approving a Revised Final Plan for Tomahawk Creek Condominiums – Private Address Signs, located north of Town Center Drive and west of Tomahawk Creek Parkway. (PC Case 17-18) *[from the March 27, 2018 Planning Commission meeting]*

- T. **Resolution No. 4924**, approving a Revised Final Plan for Bi-State/Centennial Business Park – Monument Sign Removal, located east of Kenneth Road and south of 143<sup>rd</sup> Street. (PC Case 27-18) [*from the March 27, 2018 Planning Commission meeting*]
- U. **Resolution No. 4925**, approving an Eligible Facilities Request for the replacement of antennae and the replacement and addition of RRH (Remote Radio Heads) and associated equipment at Parkway Plaza Cell Tower for AT&T, located north of 135<sup>th</sup> Street and west of Briar Street (Case 33-18)
- V. Declaration of Surplus Property: 2013 Ford Explorer, Asset # 1688, PD Unit # 9120, last 4 VIN/1433; 2013 Ford Explorer, Asset # 1690, PD Unit # 9121, last 4 VIN/1431; 2012 Dodge Charger, Asset # 1686, PD Unit # 9105, last 4 VIN/4690; 2008 Ford Fusion, Asset # 1386, PD Unit # 9166, last 4 VIN/5377; and 2014 Ford Taurus, Asset # 1771, PD Unit # 140, last 4 VIN/7760
- W. Police Department Monthly Report
- X. Fire Department Monthly Report
- Y. Municipal Court Monthly Report

Councilmember Osman requested Consent Agenda Item 7.E. be pulled.

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

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

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

- 7.E. Accept minutes of the February 7, 2018 Public Works Committee meeting

Councilmember Osman, Public Works Committee Chair, provided further explanation of the very detailed minutes of a meeting that included active discussion of Committee members that are not part of the City Council. The vote regarding use or waiver of the bid process for the selection of design / build team for the Public Works Facility expansion was very tight, and the outcome was to use Bruner Contracting and do the project this year. Bruner constructed the original building and they have in-depth knowledge that would allow the project to be completed on budget and best suit the needs of Public Works. The Public Works Committee recommendation to waive the bid process was based on circumstances similar to those when the City needed to have the retaining wall at College and Tomahawk Creek Parkway rebuilt.

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

- 7.K. Approve Mayoral Appointment of Bill Schutte to Sustainability Advisory Board [Sponsor: Dunn] for a 2-year term ending in 2020

Councilmember Sipple, Sustainability Advisory Board Chair, stated the Board had a number of vacant seats due to relocations and retirements. He welcomes and looks forward to working with Mr. Schutte on “green” activities.

Mayor Dunn stated Mr. Schutte is delighted to join the Board.

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

7.W. Police Department Monthly Report

Mayor Dunn pulled the item to publicly acknowledge several Police Officers mentioned in the report. Officer Jack Bond was setting up surveillance at the Leawood Apple Store when he noted a vehicle previously identified as suspects in some thefts. He stopped the vehicle and found items that had just been stolen. This stop also led to solving a series of thefts in Leawood and Kansas City, Missouri. Top Employee of the Quarter was Police Communications Specialist Tim Klaassen, recognized for his idea to direct a City Hall surveillance camera towards the Sprint Store, an action that managed to capture an overnight burglary in March.

Mayor Dunn stated such efforts are beneficial for the Boy Scouts in attendance to hear, and she asked the Police Department to keep up the good work.

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

**8. MAYOR'S REPORT**

- A. Edwardsville Mayor John McTaggart hosted the April meeting for the Johnson & Wyandotte Counties Council of Mayors. A large portion of our discussions focused on information provided by Dick Carter, Overland Park lobbyist, regarding legislative session updates.
- B. I had the pleasure of presenting another abbreviated version of my 2018 State of the City address to the Leawood Lions. I was invited by Big Lion Chris White to make this presentation. Dr. Vania Castro and her son Clark, who led the Pledge of Allegiance tonight, were also in attendance.
- C. Police Chief Troy Rettig and others from his leadership team joined me at the Nativity Parish School D.A.R.E. Graduation. Officer Sara Bednarik has just completed her first year in this role and has done an excellent job with the students.
- D. Councilmembers Jim Rawlings, Mary Larson and Chuck Sipple along with Police Chief Troy Rettig joined me at the 13<sup>th</sup> Annual Dialogue and Friendship Dinner. The theme for the event was "Searching for Oneness: Mystical Thought In and Beyond the Abrahamic Traditions." The Dialogue Institute Kansas City presented the "Higher Education Award" to Leawood resident Ron Slepitz, President of Avila University, who is also a Leawood Rotarian.
- E. Councilmember Jim Rawlings joined me and City Administrator Scott Lambers, Community Development Director Richard Coleman and Public Works Director / City Engineer David Ley at the groundbreaking for the Tomahawk Creek Wastewater Treatment Facility Expansion Project. This event was very well attended, and the temperature that day was 78 degrees. All presenters touted the millions of dollars in savings that will be realized for Johnson County residents once this is completed within the next three to four years. Improved water quality and technology advances are also goals of the project.

- F. I had the honor of participating in the 25<sup>th</sup> Anniversary Celebration of Heart to Heart International which is headquartered in Lenexa. Governor Jeff Colyer was also in attendance as well as Johnson County Board of Commissioners Chair Ed Eilert and other area mayors. Congratulations are definitely in order for this amazing organization which has provided service in 130 countries during the past 25 years.
- G. Reminder this weekend April 20 and 21 “An Enchanted Evening,” a musical retrospective celebrating 20 years of the Leawood Stage Company, will be held at the Burns & McDonnell Auditorium, 9400 Ward Parkway, Kansas City, Missouri. Please contact Cultural Arts Coordinator April Bishop if you wish to attend or for complete details visit [www.leawoodstageco.org](http://www.leawoodstageco.org).

## 9. COUNCILMEMBERS’ REPORT

Councilmember Osman shared the weekend edition of Kansas City Business Journal presented the “Kansas City Power 100 of 2018.” He pointed out the article did not contain many names of persons associated with municipalities, but City of Leawood Mayor Peggy J. Dunn was listed on Page 3. The article was passed to a round of applause.

## 10. CITY ADMINISTRATOR REPORT – None

## 11. STAFF REPORT – None

## **COMMITTEE RECOMMENDATIONS**

*[From the March 28, 2018 Stormwater Management meeting]*

### 12. STORMWATER MANAGEMENT

- A. Creek between 126<sup>th</sup> Street and 126<sup>th</sup> Terrace from Roe Avenue to Delmar  
**RECOMMENDATION: City to proceed with wing-wall improvements, integrating this feature to already scheduled Stormwater Management Advisory Council [SMAC] Project**

Councilmember Azeltine, Stormwater Management Committee Chair, stated the creek between 126<sup>th</sup> Street and 126<sup>th</sup> Terrace, from Roe Avenue to Delmar Street, was discussed at the Committee meeting held March 28, 2018. Residents had expressed concerns that during large storm events, water cannot flow into the drain pipe under Roe Avenue. A consultant surveyed the east side of Roe Avenue to approximately 400 ft. upstream and provided several options to impact ponding. The option with the most impact would be concrete wing wall construction and channel modifications costing \$50,000, including engineering. The Stormwater Management Committee recommends this option be included in the SMAC project.

Councilmember Harrison stated she has been a member of the Stormwater Management Committee for about one year and the number of meetings has increased from just a few each year to every month. A recurring theme of the meetings has been logical concerns from residents with creeks in their backyards when it rains. She inquired what happens when the City offers solutions to remedy concerns on private property, with rationales for each, which residents do not support. She expressed her belief that residents do not always understand the City’s decision. In this instance, the cost of one option was \$50,000 and the cost of another option was \$4 Million.

Councilmember Azeltine stated the approved SMAC project is upstream from this area and some of the residents decided not to sign easements, and this concern was from someone still requesting assistance. City Staff was confident the option could be worked into the approved SMAC project. If the concern is on private property the City has no legal obligation to remedy, but once the City performs work, the City is responsible in the future. The City needs to develop an overall policy for a holistic approach rather than reacting. Johnson County provides SMAC funding for 75% of project cost and the County has decided that starting next year SMAC funding will only be used to address issues in a watershed, and not just for a few or a group of houses. This new policy will provide for a more holistic approach and foster cooperation between cities sharing watersheds.

Mayor Dunn agreed points made were good and the City assumes the general public understands SMAC funding. Once a SMAC funded improvement is made, the City must continue maintenance for perpetuity.

Councilmember Harrison stated a creek in a backyard is a lovely amenity until your basement floods and if residents see other areas fixed, they question why their issue cannot be fixed, causing frustration and confusion.

Mr. John Martin, 4503 W. 126<sup>th</sup> Street, distributed a Patrician Woods lot / street plan annotated with a hand-drawn, “concave” water tributary. He stated there is aesthetic value to having stormwater running through a subdivision and typically this is reflected in higher home prices. He paid a lower than expected price for his home, which was probably indicative of issue. There was a tremendous flow in the channel and a significant water inflow occurred on his property this year. There is a 10 ft. wall where water is directed and if the water does not go down the channel, it backs up. He expressed concern about the proposed wing wall option along the back side of Roe. He questioned if the wing walls would obstruct water coming from the north and south into the channel, and stated he was unable envision the appearance of the wing walls.

Mr. Ley stated the wing walls would be concrete, and there would be backfill behind the walls to direct water around the retaining wall. Water would not be trapped behind the walls. Easements would need needed for this project. Mayor Dunn invited Mr. Martin to request a meeting with Mr. Ley for further discussion and to view wing wall pictures.

Mr. Martin stated he had met with City Staff several times and he thanked the City for visiting his property.

Councilmember Azeltine stated Mr. Ley, Public Works Director / City Engineer, and others with stormwater expertise have indicated the proposed project would not increase the volume of water in the area, but would decrease the level of water rise. Mr. Ley confirmed, stating the project would help Mr. Martin and two other upstream property owners, by a level decrease of 1.35 ft., removing their properties from the 100-year flood plain.

**A motion to approve the recommendation was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.**

- B. Property owner stormwater concerns at or near 2007 W. 81<sup>st</sup> Terrace  
**RECOMMENDATION: A Preliminary Engineering Study [PES] be obtained; and in the interim, include any suggestions/solutions to residents with the stormwater situation**

Councilmember Azeltine, Stormwater Management Committee Chair, stated stormwater concerns in the vicinity of 2007 W. 81<sup>st</sup> Terrace were discussed at the Committee meeting held March 28, 2018. This area is an older development, running north-south, for which the City does not have original development plans. There is one sewer line that conveys 170 acres draining through the area. There is a retention pond north of the subdivision that only controls run-off for State Line Executive Park. Flood questionnaires were distributed and a large number of responses received; many of those residents attended the Committee meeting. City Staff has advised the project would likely qualify for a preliminary engineering study under Johnson County SMAC funding, and study results and interim suggestions could be provided to residents. The approximate cost for the recommendation is \$40,000.

**A motion to approve the recommendation was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.**

### **13. PUBLIC WORKS COMMITTEE**

Permanent Traffic signalization at Lee Boulevard and Mission Road [cost sharing with Johnson County Wastewater]

**RECOMMENDATION: Install permanent signals at a cost share with Johnson County Wastewater**

Ms. Tami Lorenzen, Project Manager, Johnson County Wastewater [JCW] 4800 Nall, Mission, stated as part of the Tomahawk Creek Parkway Wastewater Treatment Plant Expansion Project, the County anticipates an increase in construction traffic. A temporary traffic signal at Lee Boulevard and Mission Road, along the preferred construction and work traffic route to enter the site rather than north through residential, was discussed with Mr. Ley. A temporary traffic signal would cost \$100,000 to \$150,000 and would be a lost investment after the project was completed. JCW has approached the City to consider cost sharing for a permanent traffic signal at the same location that would benefit all. Results of traffic studies conducted as part of the expansion project and confirmed by Public Works show a traffic signal would reduce level of difficulty leaving the area when turning south on Mission Road from Lee Boulevard.

Mayor Dunn agreed she noticed the challenge of exiting the area due to the amount of traffic and traffic speed at the recent project groundbreaking event. She stated a traffic signal at the intersection would be much safer.

Councilmember Harrison inquired, based on her personal experience at the intersection before the start and after the conclusion of a soccer game, whether two lanes to leave the park, one for right turn and one for left turn, would be beneficial. Mr. Ley stated two lanes were not planned and there would be an issue making a left turn because of limited visibility to see around vehicle due to the angle and direction of Mission Road.

Councilmember Harrison inquired if the proposed permanent signal would be light-sensored to best handle instances of no traffic. Mr. Ley stated that all City traffic signals have radar detection of vehicles. The traffic signal would remain green on Mission until activated, and City Staff has spoken with Overland Park for agreement of timing of traffic signal at 105<sup>th</sup> Street and Mission Road at Mission Farms.

Councilmember Sipple asked when temporary infrastructure would be in place. Ms. Lorenzen stated the construction schedule had been discussed with Mr. Ley and City Staff, and a permanent traffic signal in place in October of this year.

Mayor Dunn was pleased to see a permanent traffic signal, which makes more economical sense. She thanked Ms. Lorenzen for attending a Council meeting once again.

**A motion to approve Agenda Item 13. was made by Councilmember Rawlings; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 8-0.**

#### **14. PLANNING COMMISSION**

*[From the March 27, 2018 Planning Commission meeting]*

- A. **Ordinance No. 2882**, approving a Special Use Permit for Packaged Liquor Sales for Camelot Court – Harry’s Liquor Store, located south of Town Center Drive and east of Roe Avenue. (PC Case 21-18) [ROLL CALL VOTE]

Ms. Monica Coburn, 11721 Roe Avenue, Suite A, stated she had no comments, but was available for questions.

Councilmember Rawlings asked “who is Harry?” Ms. Coburn stated the name was given to the concept retail liquor store for Hen House Ball’s. Mayor Dunn shared the name may have been that of an uncle or relative of the family.

Councilmember Sipple stated this is a great concept, especially if grocery store liquor sales are approved in Kansas, and he inquired if all the stores have the same owner. Ms. Coburn stated FourB Balls own a group of retail liquor stores, but they do not own the store in Kansas. Balls will take over ownership from her if legislation is passed.

**A motion to pass Agenda Item 14.A. was made by Councilmember Filla; seconded by Councilmember Sipple. The motion was approved with a unanimous roll call vote of 8-0.**

- B. **Resolution No. 4926**, approving a Final Plan for changes to the façade of a building for Camelot Court – Diamonds Direct (Retail: Jewelry), located north of 119<sup>th</sup> Street and east of Roe Avenue. (PC Case 25-18)

Mr. Henry Klover, Architect, Klover Architects, stated he represented Diamonds Direct and interior demolition at the site had begun. Interior columns will be moved and modifications made. The exterior would also be modified to have a more contemporary appearance and with a specific branding image, to create a one of a kind, singular store in the community. Diamonds Direct is proud and happy to bring this exciting project to Leawood.

Mayor Dunn stated the City was delighted to have the project and she inquired if the business would sell other items besides diamonds. Mr. Klover stated the business is basically a traditional jewelry store and a few other items would be sold, but diamonds are their specialty.

Mayor Dunn stated she was a fan of Mr. Klover's work, but she was concerned about the appearance of the rear of the building presented in Drawing View 3. She inquired if this exterior that faces the parking lot could be made to appear less like a rear of a building, as she had discussed in advance with Community Development Director Mr. Coleman. As a goal, the City has been striving for such modifications of rear-facing facades when possible.

Mr. Klover stated it might be difficult given it is the location of concrete panels and the safe. A past proposal for another project with faux-type window had been rejected by the City. He would need to take the City's concerns back to Diamonds Direct for further review.

Councilmember Filla suggested an awning, similar to those on other sides of the building be installed over the rear door. Mr. Klover stated this was a possibility, but customer entry would only be through the front of the building except in an emergency.

Councilmember Sipple suggested taller, vertical 8 ft. to 10 ft. shrubs be used along the back of the building and scrubs placed around the trash enclosure to obscure. Mr. Klover agreed that was a possibility and vertical junipers could help along the building. There are no planting beds, but sidewalks on either side of the trash enclosure; flowering pots might be used.

Mayor Dunn suggested that flowering shrubs could be added to the north side of the building as well as an awning placed over the unused door. Mr. Klover stated he would work with City Staff on these items.

Councilmember Harrison inquired if the store would have restricted parking places. She stated that since the steakhouse had closed the parking situation had been alleviated, with patrons of Red Door Grill and Cactus Grill parking and walking to those businesses. Mr. Klover stated 6,000 sq. ft. Diamonds Direct building requires 24 parking spaces and the parking lot has 80 to 100 spaces. Camelot Court requires parking variances because of all the restaurants. There be no restricted parking signs and this will help.

**A motion to approve Agenda Item 14.B. was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.**

Mayor Dunn thanked Mr. Klover for his agreement to work with City Staff.

- C. **Resolution No. 4927**, approving a Revised Final Plat for Bi-State/Centennial Business Park - Replat, located north of 142<sup>nd</sup> Street and east of Kenneth Road. (PC Case 26-18)

Mr. Chad Lander, 14601 Reinhardt Drive, and Mr. Steve Moreno, Moreland West, Topeka, stated they were available for questions.

Mr. Klein stated the prior Leawood Development Ordinance [LDO] required areas zoned Business Park when near residential to have a rear setback of 125 ft. which made the property hard to develop. The current LDO approved in 2002 requires a setback of 75 ft. The application would modify the north building setback, so development space would increase. Two lots would be combined. There would also be a space increase to the south, second lot on west.

**A motion to approve Agenda Item 14.C. was made by Councilmember Osman; seconded by Councilmember Harrison. The motion was approved with a unanimous vote of 8-0.**

- D. **Ordinance No. 2883**, amending Section 16-4-1.2 of the Leawood Development Ordinance entitled “Location and Height of Accessory Uses, Buildings and Structures” and repealing existing Section 16-4-1.2 and other sections in conflict herewith. (PC Case 36-18) [ROLL CALL VOTE]

Mr. Klein stated the proposed amendment related to height of accessory structures in commercial zones. The LDO limits accessory structure height to 15 ft. for both residential buildings typically 35 ft. tall, and commercial buildings which can be much taller. An example of a residential accessory structure would be a gazebo and an example of a commercial accessory structure would be a flagpole. Staff proposes to increase the maximum height of commercial accessory structures to 25 ft. to be more in scale with the height of commercial buildings.

Councilmember Harrison inquired if the water tower built on the front of the Cheeseburger in Paradise restaurant would be considered an accessory structure, and she requested other examples of accessory structures. Mr. Klein stated the tower was considered part of the façade and height was limited by district zoning. A canopy, identification elements such as those on 117<sup>th</sup> Street and an archway would be examples of accessory structures. Mayor Dunn stated an example would be shown in Agenda Item 14.E.

**A motion to pass Agenda Item 14.D. was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous roll call vote of 8-0.**

- E. **Resolution No. 4928**, approving a Revised Final Plan for Pinnacle III – Crossfirst Bank – Courtyards, located south of 114<sup>th</sup> Street and west of Tomahawk Creek Parkway. (PC Case 28-18)

Mr. Michael Goslinga, 11460 Tomahawk Creek Parkway, Suite 400, Hoefler Wysocki, stated he had some digital materials available, if needed, and he made a brief presentation of the banking center project for Crossfirst Bank. The banking center employs 500 people in the Pinnacle II Building. Interior work has started and will be close to completed by the end of the year. The application is for a large courtyard space with canopy adjacent to the building which will be used for employee lunches, outdoor evening events and client meetings. The project would include improvements to entrance areas on both the east and west sides of the building. A flagpole would be erected in the existing drop-off between the two existing Pinnacle buildings. Canopy height would range from 15 ft. to just over 19 ft. in height to fit the scale of the space, with maximum height above the existing breezeway.

Mr. Goslinga displayed views depicting the west side, west entry detail and patio detail. The west entry detail showed circular entry and colored paving elements in keeping with Roe Avenue and 135<sup>th</sup> Street identity. The patio view showed the canopy with some lighting and plantings.

Mayor Dunn stated the proposed project was a creative use of space.

Mr. Goslinga confirmed to Councilmember Cain the canopy was not intended for protection from the elements when walking from the parking garage as a covered walkway already exists. The canopy area would be a patio seating space.

Councilmember Cain inquired if cooking grills would be included in the space and if the canopy was translucent. Mr. Goslinga stated the space would not contain grills, only movable furniture and the canopy would be translucent to take advantage of limited sunlight available because of building orientation.

Councilmember Osman commended City Staff for recognition of antiquated LDO and coming up to speed with amenities of today, and encouraged more of the same.

**A motion to approve Agenda Item 14.E. was made by Councilmember Cain; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 8-0.**

Mayor thanked Mr. Goslinga and expressed good luck with the project.

**15. OLD BUSINESS** – None

**16. OTHER BUSINESS** – None

**17. NEW BUSINESS**

Approve Retail Liquor License for MONICLAYCO LLC, d/b/a/ Harry's Liquor Store, located at 11721 Roe Avenue, Suite A

Mayor Dunn confirmed to Councilmember Osman Agenda Item 17. was for an existing retail liquor store under new ownership. The required Special Use Permit was approved earlier in the meeting in Agenda Item 14.A.

**A motion to approve Agenda Item 17. was made by Councilmember Sipple; seconded by Councilmember Larson. The motion was approved with a unanimous vote of 8-0.**

Mayor Dunn complimented City Staff and the Council for efficient and timely processing of a large meeting agenda.

## **ADJOURN**

There being no further business, the meeting was adjourned at 9:05 P.M.

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Debra Harper, CMC, City Clerk

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Cindy Jacobus, Assistant City Clerk