

Minutes

DVD No. 417

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, May 21, 2018. Mayor Peggy Dunn presided.

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

Councilmembers Absent: Jim Rawlings

Staff Present: Patty Bennett, City Attorney	Richard Coleman, Comm. Dev. Director
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	Chief Troy Rettig, Police Department
Deputy Chief Jarrett Hawley, Fire Dept.	Battalion Chief Darren Riley, Fire Dept.
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 revised to include a report by Councilmember Filla on a Bike Event under Agenda Item 9. Councilmembers' Report.

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

3. CITIZEN COMMENTS – None

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

4. PROCLAMATIONS

National Public Works Week, May 20-26, 2018

Mayor Dunn read the proclamation into the record and the proclamation was accepted by Mr. Ley. She expressed appreciation and gratitude to Mr. Ley for all the hard work done by important department. Citizens contact Governing Body members, who in turn contact the Public Works Department, if they have any project issues. She thanked the Public Works Staff for their dedication and commitment.

5. PRESENTATIONS/RECOGNITIONS Visiting French Firefighter, Pierre Isson

Chief Dave Williams introduced Firefighter Pierre Isson from the University of Bordeaux, France, who has been responding to service calls, participating in inspections and training with the Leawood Fire Department for the past eight weeks. He is the 8th intern over the years to work with the department and has been living at Fire Station No. 2. Firefighter Isson will be training for a total of 11 weeks and in off-hours has socialized and gone rock-climbing.

Mayor Dunn welcomed Firefighter Isson, and inquired if there were any firefighters visiting other area departments.

Firefighter Isson thanked the City for the amazing experience and the opportunity to visit the United States. His home is in the south of France near the border with Spain. Other students, all friends, are training with Overland Park, Olathe and Shawnee Fire Departments.

Councilmember Sipple asked if Firefighter Isson was working full-time at a Fire Department and if he been able to travel to other cities while in the United States. Firefighter Isson stated he has been a full-time volunteer for the past three years in the Pyrenees Mountains. This was his first time to be in the United States. He had rock-climbed Devil's Tower in Wyoming, and visited Nebraska and South Dakota.

Chief Williams introduced Deputy Fire Chief Jarrett Hawley and Acting Battalion Chief Darren Riley who had brought Firefighter Isson to the meeting.

Mayor Dunn thanked Firefighter Isson for attending the meeting and expressed the hope he would enjoy his time in Leawood.

6. SPECIAL BUSINESS

- A. Public Hearing to consider the vacation of a Street Right-of-Way located at approximately 115th & Overbrook Road, [Hallbrook East Village Plat] within the City of Leawood, Johnson County, Kansas

Mayor Dunn stated recusal for a perceived conflict of interest in regard to Agenda Items 6.A. and 6.B, and she left Chambers.

Presiding Officer Chuck Sipple stated Agenda Items 6.A. would be a public hearing on vacation of right-of-way in the new addition on Overbrook near Hallbrook. Agenda Item 6.B. presents the actual ordinance to vacate the right-of-way. He opened the public hearing. No one was seen or heard to speak.

A motion to close the public hearing was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 6-0.

- B. **Ordinance No. 2886**, vacating a Street Right-of-Way located at approximately 115th and Overbrook Road, within the City of Leawood, Kansas [Hallbrook East Village Plat] [ROLL CALL VOTE]

Presiding Officer Chuck Sipple stated the Council had approved the call for a public hearing for vacation of the right-of-way on April 16, 2018 and the proposed plat for Hallbrook East Village had been approved on April 17, 2017. The proposed plat will provide the public street right-of-way for utilities necessary to provide services to the lots. Utilities are listed in the Staff Memo; all were contacted and none had objections.

Mr. Ley displayed an overview map of the proposed Hallbrook plat, with existing right-of-way outlined in red. The right-of-way to be vacated is 0.4 acres and in turn 3.1 acres would be provided which includes Cambridge Street and right-of-way on State Line Road. He confirmed to Councilmember Azeltine that all proposed streets would be public.

Councilmember Harrison inquired if there would be special fencing requirements for Lots 11, 12, 17, 18, 19, 20, 25 and 26, which abut the right-of-way. Mr. Ley stated the right-of-way is over an existing Magellan natural gas easement that will not be vacated. The right-of-way will be an open tract dedicated to the Home Owners Association.

A motion to pass Agenda Item 6.B. was made by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with a unanimous roll call vote of 7-0, including vote from Councilmember Sipple.

Mayor Dunn returned to Chambers and thanked Councilmember Sipple.

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. 2018-18 and 2018-19
- B. Accept minutes of the May 7, 2018 Governing Body meeting
- C. Accept minutes of the May 7, 2018 Governing Body Work Session
- D. Accept minutes of the April 10, 2018 Parks & Recreation Advisory Board meeting
- E. Accept minutes of the April 4, 2018 Public Works Committee meeting
- F. Accept minutes of the March 7, 2018 Bike/Walk Leawood meeting
- G. Accept minutes of the February 27, 2018 Leawood Arts Council meeting
- H. Accept minutes of the November 29, 2017 Bike/Walk Leawood meeting
- I. Approve payment in the amount of \$30,000.00 to Western Enterprises to provide fireworks display for the City's July 4th Celebration at Leawood City Park, located at 10601 Lee Boulevard
- J. **Resolution No. 4940**, approving and authorizing the Mayor to execute a Premier Lease Supplement to the Lease Agreement approved March 19, 2018, increasing the monthly amount by \$34.68 for a total monthly amount of \$4,582.77, between the City and Konica Minolta Premier Finance for the lease of [27] copy machines

- K. **Resolution No. 4941**, approving and authorizing the Mayor to execute a Relocation Agreement in the amount of \$396,801.63, between the City and Kansas Gas Service Company, a division of ONE Gas, Inc., pertaining to the 143rd Street Improvement Project between Windsor and Kenneth Road [Project # 80129]
- L. **Resolution No. 4942**, approving a Revised Final Plan for changes to the façade of a tenant space for Town Center Plaza – Coldwater Creek, located north of 119th Street and west of Roe Avenue. (PC Case 31-18) [*from the April 24, 2018 Planning Commission meeting*]
- M. Police Department Monthly Report
- N. Fire Department Monthly Report
- O. Municipal Court Monthly Report

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

Councilmember Harrison requested Consent Agenda Item 7.L. be pulled.

Councilmember Cain requested Consent Agenda Item 7.M. be pulled.

Councilmember Filla requested Consent Agenda Item 7.O. be pulled.

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

7.A. Accept Appropriation Ordinance Nos. 2018-18 and 2018-19

Councilmember Sipple stated he would recuse from voting because his wife's name was listed as a payee. She is a subcontractor providing services to the Parks & Recreation Department.

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

7.L. **Resolution No. 4942**, approving a Revised Final Plan for changes to the façade of a tenant space for Town Center Plaza – Coldwater Creek, located north of 119th Street and west of Roe Avenue. (PC Case 31-18) [*from the April 24, 2018 Planning Commission meeting*]

Councilmember Harrison stated she was thrilled and pleased that Coldwater Creek would return to Town Center Plaza, during an economic trend of businesses closing brick and mortar stores. She had been an employee of the company many years ago. Coldwater Creek had closed stores and pursued catalog sales, and have now reversed. She wished them success. Mayor Dunn agreed with Councilmember Harrison.

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

7.M. Police Department Monthly Report

Councilmember Cain pointed out two report highlights of special note. National Prescription Drug Take Back Day collected 171 pounds of unwanted prescriptions and four 55-gallon trash bags of empty pill containers. She had taken advantage of this service for an elderly family member. She has received several very positive resident comments about the use of the social media platform Nextdoor for notifications of car break-ins in their neighborhood and to share tips. A total of 134 residents have taken the time to thank the Police Department for this great use.

Chief Rettig confirmed to Mayor Dunn the Police Department has a standalone collection kiosk in their lobby for 24-hour take back of unwanted prescriptions. Mayor Dunn thanked Chief Rettig on the outstanding collection statistics and for providing the opportunity for collection at any time.

Councilmember Sipple noted the substantial increase in burglaries under “Crime Report.” He asked if there was any action needed to address. Chief Rettig expressed his belief the number would fall. One very active burglar had been working in Prairie Village and Kansas City, and had been apprehended, so several Leawood cases would be likely be charged back. Other incidents are just common burglaries as a result of open doors and garages.

Mayor Dunn complimented the Police Department on their location of the SUV used at the recent Church of Resurrection shooting. Chief Rettig stated this is piece in the puzzle, but suspect(s) still need to be apprehended. Councilmember Azeltine complimented the department on excellent communication.

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

7.O. Municipal Court Monthly Report

Councilmember Filla asked for insight into the much lower case load and receipts processed over the past three to four years. Chief Rettig stated this was the result of a variety of factors. The Traffic Unit issues the substantial portion of tickets and Traffic Unit staffing was reduced by two in April due to position transition and training. The Traffic Unit is down one position and priority is to staff Patrol.

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

8. MAYOR’S REPORT

- A. As directed by Governor Jeff Colyer, flags are at half-staff in remembrance of victims, families and friends of the high school shootings in Santa Fe, Texas. Such tragedies occur far too often. A moment of silence was observed.
- B. Congratulations to Leawood Foundation Chair Alice Hawk on her recognition by the Leawood Chamber of Commerce with her feature in the Spring issue of “Look to Leawood”. Alice shared information about her 20 years as Foundation Chair and the numerous projects accomplished, particularly the “All Inclusive Playground” completed in 2017. Each of you have received a copy of the “Look to Leawood” publication.

- C. The Leawood Woman’s Club disbanded on May 9 after nearly 60 years of service to our broad community. Ms. Mary Tearney was the last to preside as President of this organization with a focus on philanthropy. Their final philanthropic gifts were all to Leawood organizations with leaders present to accept the donations. Police Chief Troy Rettig, Fire Chief Dave Williams, Foundation Chair Alice Hawk and Stage Company Chair Mike Blinn provided remarks of appreciation for the extraordinary generosity over the years. The Woman’s Club is to be congratulated and thanked for their exemplary service and contributions over the years.
- D. I joined 150 Mayors at the initial gathering of the Spring National Conference of Community Leaders of America held in Kansas City, Missouri. Caucus discussion topics included Homelessness and Workforce Development, Opioid Epidemic, Global Trade, Energy, Downtown’s Resurgence, Infrastructure to People Structure, Disaster Preparation, Tech and Impacts on Delivery of Services, and Connectivity and the Cities.
- E. Councilmember James Azeltine joined me at the Leawood Chamber of Commerce ribbon cutting for First Federal Bank of Kansas City’s grand Reopening Celebration. They are located at 80th and State Line in Leawood and have a beautiful state-of-the-art façade and interior for this flag-ship branch. They remained opened during the construction and are thrilled to have it completed.
- F. Councilmembers Mary Larson and James Azeltine joined me at the Greater Kansas City Chamber of Commerce and Leawood Chamber of Commerce ribbon cutting for Blade & Timber located on the north side of Town Center Plaza. This is the second location within our metro region, but they are currently in negotiations for eight more sites. We wish them much success.
- G. I participated in the Mid-America Asian Cultural Association festival that was organized by Leawood resident Ms. Carol Wei. This year’s event had 24 countries represented and was held at the Overland Park Convention Center. Please see some of the photographs I took during the event.

Mayor Dunn confirmed to Councilmember Sipple that China was the featured country this year. The production involves a large amount of work. There were 20,000 tickets distributed for the event. There was a business summit during the day on Friday and I attended the VIP dinner that night. I had the pleasure of handing out student awards at the Saturday Festival.

9. COUNCILMEMBERS’ REPORT

Councilmember Debra Filla - Family Stride ‘N Ride Bike Event

Councilmember Filla provided details on the Leawood Family Stride ‘N Ride Event to be held June 9, 2018, 9:00 A.M. to 1:00 P.M. in City Park. The event is funded by \$5,000 budgeted by the City for bicycle-friendly community activities. There will be bicycle education, riding skills course, mountain bike trail ride, helmet sales and fitting, bike demonstrations, scavenger hunt trail walk, step tracker app information, food trucks, BMX stunt jump, music, information booths, trail maps, family bike ride and initial bike ride of the north trail loop. Poster are available and she hopes everyone will participate. Advance registration is not needed and all activities are free, except for food truck and helmet purchases.

10. CITY ADMINISTRATOR REPORT – None

11. STAFF REPORT – None

COMMITTEE RECOMMENDATIONS

12. PUBLIC WORKS COMMITTEE

[from the May 2, 2018 Public Works Committee Meeting]

<u>Assignment:</u>	Possible traffic signalization at 127 th & Mission Road
<u>Recommendation:</u>	Conduct Traffic Study at 127 & Mission Road, and neighboring collector streets, subsequent to improvements completed on Mission Road, north of 127 th Street [scheduled for summer, 2018] to capture accurate traffic patterns and volume

Public Works Committee Chair Councilmember Osman stated several residents had raised concerns about the intersection. The City was planning to review, but timing is a critical factor. For optimal accurate date, the City wants to wait until street improvements and school conclude. Once the traffic study is done, the City can effectively evaluate next steps.

Mr. Ley stated City Staff will collect traffic speed and volume data later this year or early next year, after completion of Mission Road improvements and KP&L work.

Councilmember Harrison stressed the importance of appropriate timing of the study because use is dramatically different depending on the time of the year. The T-shaped intersection is in her Ward and she uses it more than any other in the City.

Mr. Ley confirmed to Councilmember Harrison that traffic counts were conducted in 2012 when school was in session and again in 2015 while school was out. During the Roe construction project, the intersection was a three-way stop. City Staff would initially review the traffic count data. Consultant analysis of data and potential signalization impact on two other nearby intersections would cost \$5,000. He confirmed to Councilmember Azeltine the consultant fee would be funded from the on-call services budget line item, going through the Public Works Committee for review and then to the Governing Body.

A motion to approve analysis of traffic study at a future date was made by Councilmember Osman; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 7-0.

13. PLANNING COMMISSION

[from the April 24, 2018 Planning Commission meeting]

- A. **Resolution No. 4943**, approving a Revised Final Sign Plan for Pinnacle Corporate Centre – Revised Sign Criteria, located north of 115th Street and west of Tomahawk Creek Parkway. (PC 34-18)

Applicant Mr. Michael Goslinga, Hoefler Wysocki, 11460 Tomahawk Creek Parkway, presented a one page site plan summary showing two locations of proposed non-illuminated signs located on the north and west facades of Pinnacle Buildings II and III that would face residential areas. The signs would increase the visibility of formal building entries, including the visitor front door of CrossFirst Bank in Building II.

Councilmember Cain asked for clarification of Planning Commission Chair Mark Elkin's statement in the Planning Commission meeting minutes of April 24, 2018 indicating the reason for the request is to change the plan and not individual signs. Mr. Klein stated Pinnacle Centre wishes to revise their sign criteria for plan that covers Buildings II, III, IV and V, and is not related to individual signs.

Councilmember Cain expressed surprise for the proposed stipulations as there is a large distance between the buildings and residential. She inquired if criteria for non-illuminated signs facing residential would be applied uniformly throughout the City. Mr. Klein stated signs facing residential was not addressed by the Leawood Development Ordinance. Signage is typically evaluated on a case-by-case basis and evaluated against any signage criteria plan. At one time, Mission Farms had signs facing the Estates of Leawood and the City prohibited illumination of these signs.

Mayor Dunn stated based on the history of Pinnacle Centre and residential, it was prudent for the applicant to propose revised criteria for non-illuminated signs facing residential.

A motion to approve Agenda Item 13.A. was made by Councilmember Osman; seconded by Councilmember Larson. The motion was approved with a unanimous vote of 7-0.

- B. **Resolution No. 4944**, approving a Final Plan and Final Plat for Hills of Leawood – First Phase, located north of 151st Street and east of Mission Road. (PC Case 35-18)

Mr. Saul Ellis, Ellis Associates, LLC, 10800 Farley, Overland Park, stated he represented the Hills of Leawood and was agreeable to all 32 stipulations.

Councilmember Filla asked for construction timing and price range of Phase 1 homes. Mr. Ellis stated engineering work began after Planning Commission approval and lots would be developed in 9 or 10 months. Lots cost from \$160,000 to \$300,000, and typically new homes are typically priced at five times the cost of the home lot. The development will have two lot sizes; Estate Homes will have larger lots than Manor Homes.

Councilmember Sipple asked for commitment of timing of construction of road that would extend from west of the development to Mission Road. Mr. Ellis stated Phase 1 would consist of 40 lots and Phase 2 would be for the rest of the 73 lots in the project. The road would be constructed with sewers during Phase 2. There is already an easement over to Mission Road. Timing will depend on the marketplace, but estimate would be two and one-half years.

A motion to approve Agenda Item 13.B. was made by Councilmember Azeltine; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 7-0.

Mayor Dunn thanked Mr. Ellis and wished the project success. Mr. Ellis stated he built his first Leawood house in 1960. Mayor Dunn stated the City was only 12 years old at that time.

- C. **Ordinance No. 2887**, adding Section 16-9-244(a) to the Leawood Development Ordinance, entitled “Self-Storage/Mini-Storage Facility,” and repealing other sections in conflict herewith. (PC Case 45-18) [ROLL CALL VOTE]

Mr. Klein stated Agenda Items 13.C. and 13.D. are in response to direction from Governing Body Work Session discussion and Council meeting on February 5, 2018. The Governing Body wanted to formally prohibit self-storage facilities in the City. Agenda Item 13.C. would add the use definition to the Leawood Development Ordinance and Agenda Item 13.D. would prohibit the use.

Councilmember Osman stated for the record his position would be a “Nay” vote for both agenda items. The Governing Body had discussed in a Work Session where he voiced his opinion with respect to appropriate rules, regulations and zoning. The City has residential, office and commercial zoning that would not be appropriate for self-storage facilities, but the City does have two business/industrial parks, areas that could be utilized for lower uses. The City should not limit itself and should have some zoning for self-storage facilities to provide professionals nearby document and equipment storage. These facilities have evolved and progressed over the last 40 to 50 years, and are now tasteful and fit their surrounding aesthetics. Communication received from Mr. Seth Freiden of U.S. Toy sums up valid points. There has also been some contact in the past few weeks in regard to flooding at 103rd Street and State Line Road, in the Business Park where U.S. Toy and other businesses are located. A majority of businesses do not want to locate in that area due to flooding and lack of visibility.

A motion to pass Agenda Item 13.C. was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a roll call vote of 6-1; “Nay” vote from Councilmember Osman for reasons stated.

- D. **Ordinance No. 2888**, adding section 16-4-2.10 to the Leawood Development Ordinance, entitled “Self-Storage/Mini-Storage Facilities,” and repealing other sections in conflict herewith. (PC Case 46-18) [ROLL CALL VOTE]

A motion to pass Agenda Item 13.D. was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a roll call vote of 6-1; “Nay” vote from Councilmember Osman for reasons stated.

Councilmember Osman stated for the record he was channeling the singleton opposition of former Councilmember Lou Rasmussen. Mayor Dunn thanked Councilmember Osman for his comments. She stated the Governing Body had spent one and one-half hours in Work Session discussion and for directive on the topic. Otherwise, there would have been more commentary at this meeting.

14. OLD BUSINESS – None

15. OTHER BUSINESS – None

16. NEW BUSINESS

- A. **Resolution No. 4945**, accepting and approving the 2017 Annual Report regarding the Leawood Park Impact Fee, and providing for changes to such Impact Fee, pursuant to § 12-409 of the Code of the City of Leawood, Kansas, 2000

Ms. Bennett stated the Governing Body had previously discussed on April 2, 2018, the recommendation of the Parks & Recreation Advisory Board to increase the Parks Impact Fee effective September 1, 2018. Agenda Item 16.A. is to accept the annual standard report that is required. Agenda Item 16.B. would revise the Parks Impact Fee.

A motion to approve Agenda Item 16.A. by Councilmember Filla; seconded by Councilmember Larson. The motion was approved with unanimous vote of 7-0.

- B. **Ordinance No. 2889C**, amending § 12-406 of the Code of the City of Leawood, Kansas, 2000, entitled, “Amount of Park Impact Fee,” and repealing existing § 12-406 and other sections in conflict herewith [ROLL CALL VOTE]

Mayor Dunn stated the proposed effective date of September 1, 2018, would allow projects in the pipeline to complete prior to fee increase. She thanked the Parks & Recreation Advisory Board for the standardized fee upgrade.

A motion to approve Agenda Item 16.B. by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with unanimous roll call vote of 7-0.

- C. **Ordinance No. 2890C**, granting to Unite Private Networks, LLC, a contract franchise to construct, operate and maintain a telecommunications system in the City of Leawood, Kansas, and prescribing the terms of said contract franchise and repealing Ordinance No. 2659C [ROLL CALL VOTE]

Ms. Bennett stated the proposed ordinance would be a renewal of a previous contract franchise. Unite currently serves only one building, so there are no gross receipts in accordance with City’s franchise fee. Unite may be in the process of expansion.

Ms. Bennett confirmed to Councilmember Osman that KCP&L bills include a City municipality franchise fee. She stated her belief all City franchise fees are 5%, but would review and advise of the amount.

Councilmember Azeltine inquired if Unite was a competitive local exchange company that could piggyback on other carriers. Ms. Bennett stated she did not believe this to be true.

Councilmember Sipple inquired if Unite has ever provided more than a “zero fee” to the City. Ms. Bennett stated she had only checked for 2017, but stated her belief that Unite had not.

A motion to pass Agenda Item 16.C. by Councilmember Osman; seconded by Councilmember Larson. The motion was approved with unanimous roll call vote of 7-0.

ADJOURN

There being no further business, the meeting was adjourned at 8:30 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk