

Minutes

DVD No. 421

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, July 16, 2018. Mayor Peggy Dunn presided.

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

**Councilmembers Absent:** None

<b>Staff Present:</b> Scott Lambers, City Administrator	Chief Troy Rettig, Police Department
Patty Bennett, City Attorney	Richard Coleman, Comm. Dev. Director
Chris Claxton, Parks & Recreation Director	Dawn Long, Finance Director
Chief Dave Williams, Fire Department	Nic Sanders, Human Resources Director
Mike Pelger, Info. Serv. Specialist II	David Ley, Public Works Director
Ross Kurz, Information Services Director	and City Engineer
Mark Tepesch, Info. Serv. Specialist III	Mark Klein, Planning Official
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 would be amended to add 9.A. by Councilmember Lisa Harrison on Action Center Packet Delivery and 9.B. by Councilmember Debra Filla on Action Center Documentation under Agenda Item 9. Councilmembers' Report.

**A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Azeltine. The motion was approved with 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.

Mr. Ashley Stroud, Director of External Affairs, Barstow School, 11511 State Line Road, Kansas City, Missouri, stated he was new to the school and thanked the Governing Body for their time. He wanted to ensure the Governing Body was aware the school had entered into a definitive agreement with HyVee Corporation to purchase the building HyVee had occupied at 12122 State Line Road. The process of due diligence had been underway for a couple of months and expected to continue until the end of Summer. After that, more details would be available to share with the community. In the interim, they look to the City for guidance and any action steps.

Mayor Dunn thanked Mr. Stroud for coming and wished the project much success. She stated residents have been anxious to see development.

**4. PROCLAMATIONS – None**

**5. PRESENTATIONS/RECOGNITIONS Resolution No. 4966; Resolution of Recognition of Former Senator Robert [‘Bob’] Dole; celebrating 95<sup>th</sup> Birthday on July 22, 2018**

Mayor Dunn read the proclamation into the record. A photograph of Former Senator Dole, Mayor Dunn, Johnson County Board of Commissioners Chair Ed Eilert, Olathe Mayor Michael Copeland, Overland Park Mayor Carl Gerlach and Lenexa Mayor Michael Boehm that was taken in Olathe was displayed. The photograph had been taken on an across “Kansas Thank You” tour a few years when he was in good health and spirits. Former Senator Dole had made a presentation to a large group of veterans.

Councilmember Azeltine shared as college senior in 1987, he was a Travel Aide to Kansas Governor Michael Hayden and he had the pleasure of flying on a twin-propeller plane around western Kansas with Senator Dole and Congressman Pat Roberts. Their exchange of dry, sharp humor kept him laughing non-stop during the entire trip. Councilmember Azeltine stated there has been no better ambassador for Kansas than former Senator Dole. Mayor Dunn shared Leawood was honored when Former Senator Dole chose Leawood to make a presentation in the City Hall Oak Room after his presidential election loss quite a few years before the photograph was taken.

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

Mayor Dunn thanked City Clerk Debra Harper for her research and preparation of the Resolution of Recognition, and for sending the resolution to Former Senator Dole.

**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. 2018-26 and 2018-27
- B. Accept minutes of the July 2, 2018 Governing Body meeting
- C. Accept minutes of the June 12, 2018 Parks & Recreation Advisory Board meeting
- D. Accept minutes of the April 24, 2018 Leawood Arts Council meeting

- E. Approve payment in the amount of \$59,225.00 to Leawood Chamber of Commerce pertaining to that certain Service & Funding Agreement dated February 2, 2015, between the City and the Leawood Chamber of commerce to provide funding for certain economic development services
- F. Approve Renewal of Cereal Malt Beverage [CMB] License for Gordon Biersch Brewery Restaurant, located at 11652 Ash Place
- G. Approve Renewal of Cereal Malt Beverage [CMB] License for RA Sushi Bar, located at 11638 Ash Street
- H. Approve purchase in the amount of \$26,319.10, from Croft Trailer Supply, for the purchase of a trailer for Parks & Recreation Department
- I. Approve Mayoral Appointment of Mandi Hunter to the Planning Commission to fill unexpired term until 2020
- J. **Resolution No. 4967**, approving and authorizing the Mayor to execute a Community Service Agreement between the City and Blue Valley Unified School District No. 229, pertaining to the assignment of School Resource Officers [SRO]
- K. **Resolution No. 4968**, accepting the 135<sup>th</sup> Street Community Implementation Plan
- L. **Resolution No. 4969**, approving and authorizing the Mayor to execute an Inter-local Agreement between the City of Leawood and the City of Overland Park, for the installation of signs on the 2018 North Loop Recreational Bicycle Route [Project # 71026]
- M. **Resolution No. 4970**, approving and authorizing the Mayor to execute an Inter-local Agreement in the amount of \$1,184,000.00, [Leawood's share: \$361,000.00] between the City of Leawood and the City of Prairie Village, for the Mission Road Improvement Project between 84<sup>th</sup> Street and 95<sup>th</sup> Street [CARS Project # 72074]
- N. **Resolution No. 4971**, approving and authorizing the Mayor to execute a Utility Agreement between the City and Kansas City Power & Light [KCP&L], for a reimbursable cost estimated to be \$1,497,772.00, pertaining to the Mission Road Improvement Project, from 119<sup>th</sup> Street to 127<sup>th</sup> Street [Project # 82065]
- O. **Resolution No. 4972**, accepting a Permanent Sidewalk Easement from Grantor Berkshire Homes Association, for property located at Tract C, Berkshire Subdivision, pertaining to the Mission Road Improvement Project, from 119<sup>th</sup> Street to 127<sup>th</sup> Street [Project # 72065]
- P. **Resolution No. 4973**, accepting a Permanent Sidewalk Easement from Grantor Berkshire Homes Association, for property located at Tract D, Berkshire Subdivision, pertaining to the Mission Road Improvement Project, from 119<sup>th</sup> Street to 127<sup>th</sup> Street [Project # 72065]
- Q. **Resolution No. 4974**, accepting a Permanent Utility Easement from Grantor Susan M. Lewis, for property located at 2640 W. 143<sup>rd</sup> Street, Willow Lake Estates, Lot 2, pertaining to the 143<sup>rd</sup> Street Improvement Project, from Windsor to Kenneth [Project # 80129]
- R. **Resolution No. 4975**, accepting a Temporary Construction Easement from Grantor Susan M. Lewis, for property located at 2640 W. 143<sup>rd</sup> Street, Willow Lake Estates, Lot 2, pertaining to the 143<sup>rd</sup> Street Improvement Project, from Windsor to Kenneth [Project # 80129]
- S. **Resolution No. 4976**, approving a Revised Final Plan for Brookdale Leawood (Assisted Living Facility) – Fence, located south of 127<sup>th</sup> Street and west of State Line Road. (PC Case 57-18) *[from the June 26, 2018 Planning Commission meeting]*

- T. **Resolution No. 4977**, approving a Revised Final Plan for Tomahawk Creek Condominiums – Removal of Retaining Wall, located south of 115<sup>th</sup> Street and west of Tomahawk Creek Parkway. (PC Case 69-18) *[from the June 26, 2018 Planning Commission meeting]*
- U. **Resolution No. 4978**, approving a Revised Final Plan for Pinnacle IV – Outdoor Patio Furniture, located north of 115<sup>th</sup> Street and west of Tomahawk Creek Parkway. (PC Case 75-18) *[from the June 26, 2018 Planning Commission meeting]*
- V. Police Department Monthly Report
- W. Fire Department Monthly Report
- X. Municipal Court Monthly Report

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

Councilmembers Filla requested Consent Agenda Items 7.H. and 7.K. be pulled.

Councilmember Harrison requested Consent Agenda Items 7.I. and 7.K. be pulled.

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

Mayor Dunn requested Consent Agenda Items 7.V. and 7.W. be pulled.

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

- 7.A. Accept Appropriation Ordinance Nos. 2018-26 and 2018-27

Councilmember Sipple stated he would recuse from voting because his wife's name is listed as a payee.

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

- 7.H. Approve purchase in the amount of \$26,319.10, from Croft Trailer Supply, for the purchase of a trailer for Parks & Recreation Department

Councilmember Filla asked how the aerial lift would be used and where the unit would be stored. Ms. Claxton stated the aerial lift, which must be protected from weather, was stored in the old "A" Building on City property. The lift is used for trees and by several different City crews. A large customized trailer is needed to accommodate the lift's weight and size, and provide mobility. The trailer would continue to be used to store the lift regardless of whether permanent quarters become available, freeing up storage space. The trailer would likely reside in Ironwoods Park, behind the Maintenance Building and near the location of the lift's primary user, Senior Horticulturist Dustin Branick.

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

- 7.I. Approve Mayoral Appointment of Mandi Hunter to the Planning Commission to fill unexpired term until 2020

Mayor Dunn confirmed to Councilmember Harrison that if the appointment of Ms. Hunter to the Planning Commission was approved, Ms. Hunter would no longer be a member of the Public Works

Committee. This has been discussed with Ms. Hunter. The open position on the Public Works Committee may not be filled until 2019 appointments are made in the Fall. The Public Works Committee is not required by State law to be composed of a finite number of members, unlike the Planning Commission. Unexpired terms on the Planning Commission must be filled.

Councilmember Filla stated she had encourage Ms. Hunter to pursue public work after Ms. Hunter's unsuccessful bid for the Shawnee Mission School Board. It will be beneficial to have Ms. Hunter in a more expansive role on the Planning Commission in regard to architectural issues in old Leawood.

Mayor Dunn stated Ms. Hunter is excited to join the Planning Commission. Ms. Hunter's husband owns the expanding Hunter Family Vision business, and both have been Leawood Chamber of Commerce members for 11 years.

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

7.K. **Resolution No. 4968**, accepting the 135<sup>th</sup> Street Community Implementation Plan

Councilmember Filla thanked staff for the large amount of work on the plan; Mayor Dunn concurred.

Councilmember Rawlings expressed frustration, stating the City had planned and held meetings over a long period of time. He is supportive of the plan, but the Council has not received any applications to review and discuss. He inquired if there were elements of the plan that were development roadblocks and if any proposals had been received. Mr. Lambers stated acceptance of the plan was appropriate since the City had received two Federal grants for plan preparation, which has developed over several years in accordance with Council direction. The next step would be to take portions of the plan and incorporate added detail by resolution. Three plans, not proposals, have been received from developers, none of which were consistent with the City's plan. One of these non-consistent plans is moving forward and anticipated to come before the Planning Commission in August or September and then before the Governing Body in October or November.

Councilmember Azeltine stated that he had discontinued his review of the plan because it looked very similar to a document accepted by the Governing Body three or four years prior. He asked for differences between the prior and current plans. Mr. Coleman stated the plan is conceptual and the version provides additional street and building layout detail. The plan continues to be a cafeteria of ideas the City can further develop by resolution. Mr. Lambers stated the first two recommendations he would propose for adoption would be land use ratios of 20% residential, 10% retail/restaurant and 20% commercial, with the 50% balance of use proposed by the developer, and consistent roadway configuration throughout the entire corridor.

Mr. Kevin Jeffries, Leawood Chamber of Commerce, 13451 Briar, stated had read the plan and its prior versions. The plan has many items for Governing Body discussion and deliberation. He has had discussions with Mr. Lambers and with individual Governing Body members. Mixed use is seen throughout our area, some publically subsidized. Location may be a factor. This is not the last chapter in the discussion.

Councilmember Azeltine agreed with Councilmember Rawlings. He stated additional detail is needed and his hope the City was at least one-half way through the plan process.

Councilmember Harrison suggested a motion to pull and table the item because further discussion regarding ratios is needed. She stated a landowner of 25 acres could not build residential villas without also building retail and office on the same tract. This would be limiting and impractical for developers, and would also hamper the City. She referred to an email received about development of villas on a 56-acre tract. She questioned how small parcels of land could be sub-divided, if at all, according to use ratios. She has looked extensively at the maps on Pages 10 and 11 of the plan, the plan's pages of suggestions, and attended two of the three meetings held at Ironwoods Lodge for public comments. The City should not be locked into the plan without conducting real-world current market analysis. If the ratios work, the City would have seen more interest.

At Mayor Dunn's request, Mr. Lambers spoke about the acceptance of the plan. He stated the current form of the plan is a guide to result in further detail, and acceptance and action by the Governing Body in regard to inclusion of land use ratios, road network system and pedestrian access details was needed. A Preliminary Plan for an entire tract of land from a developer would be required. City Staff would recommend denial and the developer advised if the land use ratios are not met. However, the developer would not be denied the City's planning process. The developer would have a hearing before the Planning Commission and the Governing Body would review the Planning Commission's recommendation and could remand back to the Planning Commission. For flexibility, the Governing Body could amend the plan using resolutions rather than ordinances, since the ordinance amendment process takes 90 days. Several test cases are expected.

Mr. Lambers stated the City's plan for 135<sup>th</sup> Street mixed use would not evolve all at once, but the Governing Body needs to take a firm position and put more detail for when developers do come forward. The goal is to have flexibility and also some "teeth" in the plan's groundwork to ensure some mixed use occurs via the three land use ratios. The ratios can be debated when the resolution comes forward. 135<sup>th</sup> Street is the City's last undeveloped area and tough "no" decisions may be needed to achieve mixed use, which is the best long-term interest of the City. Almost every community has some mixed use and is attempting to move away from development such as that along College Boulevard which goes dark at 7:00 P.M.

Councilmember Harrison questioned if developers would want to incur the expense of an application if denial of the application was expected.

Mayor Dunn reminded that Mission Corners, a mini Park Place mixed use development at the southeast corner of 135<sup>th</sup> Street and Mission Road, did not come to fruition because of the economic recession and its approved plan has now expired.

Councilmember Filla recalled a consultant had stated the economic recession was both good and bad news in regard to 135<sup>th</sup> Street mixed use development. The recession provided time to further embrace community development to address the national trend of incorporating housing and office space. Village-feel, walkable and bikeable communities are needed. Mr. Jeffries can play a key role in integration. The Mid-America Regional Council [MARC] supported funding for the plan, a rare occurrence. The plan should be accepted as a guideline; without guidelines developers would not stretch their imaginations.

Mayor Dunn stated the Governing Body has had several Work Sessions and there have been numerous meetings with consultants, land owners and the public. She noted Overland Park is attempting to re-imagine College Boulevard into mixed use rather than just office. This is difficult when development has already occurred. The City has 83% of 135<sup>th</sup> Street tract still to be developed. The plan should be a great help and vision for developers moving forward.

Councilmember Azeltine stated the plan would put the City on the trajectory by having a master plan for mixed use development. Based on experience, having a buffer of villas would be beneficial and might preclude intense negative reaction to apartments. He recommended maximum flexibility in the land use ratio percentages. He has been involved in this process for 14 years and there has been no progress, despite other development in the area. Leawood does not want to send the signal to developers that it would be easier to develop in another city. Leawood must do this right and the plan must be flexible. He stated support of the plan. Mr. Lambers stated interest in Overland Park's Corbin Park and Prairie Fire was because infrastructure was in place, which is not the case for Leawood's tract. Idle infrastructure is very costly.

Councilmember Sipple echoed the comments of Councilmembers Harrison and Azeltine; he wants flexibility. The City needs a general theme and goal as to what we want to accomplish, especially for early developers who would generally have more of an open slate. He expressed concern that every tract would be required to have the 20-10-20 use ratio. Over the next three years, it is desired that developers show the City their dreams, and the City be flexible and to get something going.

Councilmember Cain stated flexibility and infrastructure connectivity is absolutely vital. Driving west on 135<sup>th</sup> Street, islands of disjointed developments are difficult to navigate. She strongly supports the mixed use vision. Although the Mission Corners development did not move forward, the City had a plan that prohibited a car dealership on the west side. Leawood is the only city in the area that can boast about its thoughtful planning, will continue to serve the City well 20 to 30 years in the future. It would be absurd to imply an early developer could have reduced standards.

Councilmember Rawlings inquired how long a developer would be given to address all three land use ratios. Mr. Lambers stated that because of State legislation, Preliminary and Final Plans are approved for 10 years. Prior to this legislation, Preliminary Plans were approved for two years and Final Plans for five years. City ordinance states that as long as progress is made, plans are active. He estimated that withstanding another economic recession, a 50-acre tract should not take that long to develop. Mayor Dunn stated developers can come before the Governing Body to argue for an extension of the 10 years.

Mr. Lambers confirmed to Councilmember Rawlings each application would be reviewed case-by-case. The City's intent should be to adhere to the use ratios, with consideration of slight modification if requested. With the developer having the opportunity to choose the use for 50% of a tract, a development could consist of either 70% office or residential; a retail/restaurant sliding scale of 10% is fair. Mayor Dunn noted hotels count 50% towards residential.

Councilmember Cain suggested a summary page be added to indicate the plan is a vision, with statement that developers may bring forward their applications without regard to staff recommendation. Mr. Lambers stated that developers and their attorneys are familiar with what a staff recommendation means. The City would provide copies of the plan, a brief Executive Summary and next steps that are taken by the Governing Body resolution included. Mayor Dunn recommended the Executive Summary be no longer than two pages.

Mayor Dunn stated appreciation for the great discussion. She feels strongly about the plan and mixed use vision for the City, and time will reveal if others agree. Challenges are expected, as with any project.

Councilmember Larson expressed appreciation for the discussion and background of the plan, as she had not been part of the prior process.

**A motion to accept the plan was made by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with a vote of 6-2, with Nay vote from Councilmember Harrison for reasons stated and Nay vote from Councilmember Osman.**

Councilmember Osman stated he has been vocal at prior meetings throughout the years. He understands the vision, and the need for long-term planning and overall street network. From the start, the process was problematic and not how he would have done. He opined that Vision Metcalf might include a Lowe's at 95<sup>th</sup> and Metcalf, and include mixed use at 82<sup>nd</sup> and Metcalf. The City's plan is fair over the long-term, but he could not accept the City's plan as currently written. The plan would be just the first step and the City would need to come to some resolution in the future.

#### 7.V. Police Department Monthly Report

Mayor Dunn congratulated Officer Jesse Ryman, honored as the Police Department's Employee of the Quarter. Officer Ryman is one of the City's three motorcycle Police Officers. She acknowledged the promotion of Corporal Ken Whiteside, who joined the Police Department in 1994, to Sergeant, and the promotion of Officer Paul Day, who started in 2006, to Corporal. The promotions were made after the retirement of Sergeant Mark Hackathorn.

Councilmember Osman stated he and Councilmember Filla have received numerous telephone calls and emails in regard to the rash of burglaries and vehicle break-ins occurring in north Leawood. This activity is also happening in Prairie Village, Lenexa, Mission and other municipalities. Keys or purses left in vehicles, or leaving home lights off during the Summer can unfortunately result in opportunistic crime. The Police Department is fully aware of the situation, and also communicates and engages in with other law enforcement agencies in this regard.

Mayor Dunn requested Chief Rettig pass along Mayor Dunn's congratulations to Officer Ryman, Sergeant Whiteside and Corporal Day, and her thanks to the entire department for all their hard work.

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

#### 7.W. Fire Department Monthly Report

Mayor Dunn stated she pulled the report to publically acknowledge the Fire Department had received 60 applications during the July hiring process, and 40 of these were fully-qualified. She congratulated Chief Williams and his department.

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

## 8. MAYOR'S REPORT

- A. Tremendous thanks to all involved with our "70 Stupendous Years" celebration and July 4<sup>th</sup> festivities: Parks & Recreation Director Chris Claxton and her team, City Administrator Scott Lambers, City Clerk Debra Harper, Deputy City Clerk Cindy Jacobus and members of our Police and Fire Departments. My thanks to all of the elected officials who joined in to recognize and thank all of our volunteers during this 70<sup>th</sup> anniversary of our incorporation. The crowds of people at City Park looked larger than ever. The fireworks were truly spectacular!
- B. Congratulations to Leawood residents Kaitlin and Laurin Stotts for the successful lemonade stand they operated on July 6 with proceeds going to families of fallen Wyandotte County Sheriff's Deputies Theresa King and Patrick Rohrer. My thanks to members of our City Council and our Police Department for your support. The 9 and 7 year-old girls raised a grand total of \$1,100.
- C. I was honored to attend a luncheon hosted by Leawood residents Zahid and Zara Awan for Pakistan Ambassador Ali Siddiqui. Representative Joy Koesten and Pakistan Consul General Faisal Tirmizi were also in attendance.
- D. City of Leawood was pleased to host the Tzofim/Israeli Scouts Friendship Caravan for lunch during their tour stop in our area. My thanks to City Administrator Scott Lambers, Parks & Recreation Director Chris Claxton, Human Resources Director Nic Sanders and Fire Chief Dave Williams for helping with the arrangements. Councilmembers Jim Rawlings and Chuck Sipple, Gezer Sister City Committee Members and all Department Heads were in attendance as well as the Chief Executive of the Heart of America Council of Boy Scouts and Council President.
- E. Congratulations to Leawood Stage Company Chairman Michael Blinn and his Board of Directors for the outstanding production of "West Side Story" at the Ironwoods Park Amphitheatre this past weekend. Director Eric Van Horn, the talented cast, staff, musicians and volunteers all did an exemplary job. You have three more opportunities to see it if you missed it. The show begins at 8:00 P.M. this Thursday, Friday and Saturday, July 19, 20 and 21.

## 9. COUNCILMEMBERS' REPORT

- A. **Councilmember Lisa Harrison** - Action Center Packet Delivery

Councilmember Harrison, Vice-Chair of the Sustainability Advisory Board, proposed the following in regard to the Action Center monthly report:

- 1) Reduce paper use by duplex [two-sided] printing rather than single-side printing. The report is typically 10 pages long.
- 2) Discontinue the paper report and distribute electronic copy using Email. The report or just specific pages could be printed by recipients based on need. This is her preference.

This would help to reduce the City's carbon footprint; small changes can have a meaningful impact.

Councilmember Azeltine stated he would prefer a single rather than two-sided report, but supports electronic distribution.

Ms. Harper stated confirmed the report is generated in her department and duplex production of a paper report or electronic distribution would not be an issue. The new distribution process could begin with the July report.

Mayor Dunn stated the consensus was the report be distributed electronically and if a paper copy of a report was needed, the requestor should contact Ms. Harper.

**B. Councilmember Debra Filla - Action Center Documentation**

Councilmember Filla offered compliments for the several Action Center dispositions informing the residents to contact their Home Owners Association [HOA] and providing the telephone number; this adds value. She stated the HOA page of the City's website is a great resource to both City Staff and to residents. Old-age and new residents can be confused as to who to contact.

Mr. Lambers shared his plan to expand upon this service. Once a person telephones the Action Center that is the end of their participation; "one call and done." HOAs would be contacted by the appropriate City Department on behalf of the caller. Councilmember Azeltine offered Leawood is likely the only City that would do this.

**10. CITY ADMINISTRATOR REPORT – None**

**11. STAFF REPORT – None**

***COMMITTEE RECOMMENDATIONS***

**12. PLANNING COMMISSION**

*[from the June 26, 2018 Planning Commission meeting]*

**Ordinance No. 2898**, amending Section 16-4-1.3 of the Leawood Development Ordinance entitled "Permitted Accessory Uses, Buildings and Structures" and repealing existing Section 16-4-1.3 and other sections in conflict herewith. (PC Case 66-18) [ROLL CALL VOTE]

Mr. Klein stated the proposed amendment was the result of discussion with the Building Official and based on applications received. Currently, residential emergency generators with less than 20 kilowatts can be approved administratively and 22 kilowatt generators must be reviewed by the Planning Commission and approved by the Governing Body. This review and approval process was based on assumption of increased noise. It has come to light there is little difference between these two sizes of residential generators. Generators with more than 22 kilowatts can be significantly larger and are typically used for commercial buildings. The proposed amendment would increase the threshold for administrative approval from 20 kilowatts to 22 kilowatts, with 60 decibels maximum sound, screening and cubic foot size requirements unchanged.

Mr. Klein confirmed to Councilmember Sipple that a few generator applications go through the Planning Commission each year, but typically applications involve 20 kilowatt units and have been approved administratively.

**A motion to pass Agenda Item 12. was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with a unanimous roll call vote of 8-0.**

**13. OLD BUSINESS – None**

**14. OTHER BUSINESS – None**

**15. NEW BUSINESS**

- A. Schedule a Work Session at 6:00 P.M., on Monday, August 6, 2018, for Continued Discussion of Redevelopment Plan for 96<sup>th</sup> & Lee Boulevard

Councilmember Azeltine asked what was to be discussed, recalling the Governing Body has had four or five Work Sessions on the topic. Mr. Lambers stated detailed discussion and decisions are needed on usages to be included based on public input, as well size and cost.

Councilmember Sipple pointed out the date for the proposed Work Session shown in the table on Page 4 of the Governing Body agenda requires revision from August to August 6.

Councilmember Filla inquired if citizens were to be notified. Mr. Lambers stated this was not planned.

**A motion to approve Agenda Item 15.A. was made by Councilmember Rawlings; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 8-0.**

- B. Executive Session immediately following Regular Council Meeting, to consult with attorney regarding matters subject to the attorney-client privilege; discuss matters relating to the acquisition of real property

Ms. Bennett stated motion would be for the Governing Body to recess into Executive Session for 20 minutes to discuss matters subject to attorney-client privilege under K.S.A. §75-4319(b)(2) and to discuss possible acquisition of real property pursuant to preliminary discussion of the acquisition of real property exception under K.S.A. §75-4319(b)(6). The open Governing Body meeting would resume in Council Chambers at 9:10 P.M.

**A motion to recess into Executive Session in accordance with aforementioned Kansas statutes was made by Councilmember Harrison; seconded by Councilmember Larson. The motion was approved with a unanimous vote of 8-0.**

Mayor Dunn stated the Governing Body was recessing into Executive Session at 8:50 P.M.

Mayor Dunn opened the public meeting at 9:10 P.M., stating for the record the Governing Body had returned to regular session.

- C. **Resolution No. 4979**, approving and authorizing the Mayor to execute an assignment of real estate contract dated July 13, 2018 pertaining to the purchase of land located at 14301 Overbrook Road and 1901 W. 143<sup>rd</sup> Street in Leawood, Kansas

Councilmember Filla expressed excitement about the land acquisition to address flooding of the Parks & Recreation Facility at 103<sup>rd</sup> and State Line Road. She requested Ms. Bennett's help with appropriate motion language.

Ms. Bennett stated this would be an assignment of a real estate contract between the seller and another party offering to assign to the City. Land purchase would be \$345,000, there would be a due diligences period, and assignment cost of \$10 and other good and valuable consideration. The motion would be to approve and authorize the Mayor to execute an assignment real estate contract for property located at approximately 143<sup>rd</sup> Street.

Councilmember Cain also expressed excitement, stating the flooding had been unfortunate, but there would be synergy by having Parks & Recreation Maintenance adjacent to other City facilities. A great job had been done.

**A motion was to approve Agenda Item 15.C. by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.**

**A motion to adjourn the regular session was made by Councilmember Rawlings; seconded by Councilmember Larson. The motion was approved with a unanimous vote of 8-0.**

### **ADJOURN**

There being no further business, the meeting was adjourned at 9:12 P.M.

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Debra Harper, CMC, City Clerk

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Cindy Jacobus, Assistant City Clerk