

Minutes

DVD No. 424

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, September 17, 2018. Mayor Peggy Dunn presided.

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

Councilmembers Absent: Chuck Sipple

Staff Present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
Chris Claxton, Parks & Recreation Director	Chief Dave Williams, Fire Dept.
David Ley, Public Works Director and City Engineer	Ross Kurz, Info. Services Director
Mark Tepesch, Info. Serv. Specialist III	Mark Klein, Planning Official
Richard Coleman, Comm. Dev. Director	Deputy Kevin Cauley, Police Dept.
Debra Harper, City Clerk	Nic Sanders, Human Resources Dir.
	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 modified. Special Business Item 6.B. in regard to the 135th Street Future Street Network Plan had been former Consent Agenda Item 7.L. New Business Item 17. would be renumbered to New Business Item 17.A. with the addition of New Business Item 17.B. in regard to land purchase.

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

3. CITIZEN COMMENTS

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

Mayor Dunn welcomed Senator John Skubal and Representative Jan Kessinger.

Senator John Skubal, 6503 West 134th Terrace, Overland Park, thanked the City for use of the Leawood Council Chambers on Saturday for a Town Hall Meeting and apologized for donut toppings that were scattered on the floor of the room. He stated about 40 persons the meeting.

Senator Skubal stated the legislature had increased long-overdue school funding and additional funding mandated by the Supreme Court would be primary focus when the legislative session commences in January 2019. He thanked the City for great leaders and staff, and work done.

Representative Jan Kessinger, 12605 Walmer Street, Overland Park, stated schools are the greatest asset. He stated belief the school funding situation could be quickly remedied with an inflation factor, and then the legislative session would focus on budget and growing the Kansas economy. The citizens who attended the Town Hall Meeting want to invest in Kansas and their community. He is proud to represent Leawood.

Mr. Lambers pointed out that over the past several years the State has needed to issue Certificates of Indebtedness to balance the budget, and he asked when this would not be needed.

Senator Skubal stated the legislature thought the tax base level had been workable. The State borrowed \$500 Million from the Kansas Department of Transportation [KDOT], and this is showing in road conditions. The State fully-funded the Kansas Public Employee Retirement System [KPERS] for the first time in a long period, but the State continues to borrow. The budget is \$3 Million over projected revenues, so there is a small hope to return to a cash basis. The legislature is mandated by rule to have a 7.5% "rainy day fund", and has not been done for some time. Although the Kansas economy is on an upcycle, the situation will not be quickly resolved. Before 2012, every man, woman and child in Kansas would have owed \$350 to cover debt and that amount has now increased to over \$1,800 each from all 2.8 Million Kansans. City's balance their budgets and take care of needs, but this is not done at the State level. When the State decided to tell cities when to increase taxes and how to operate is when he left Overland Park government and ran for the Senate.

Representative Kessinger stated revenue enhancements may be needed such as taxes on internet purchases and sports betting, so that money is not taken from other funds. The sales tax on food may be cut.

Senator Skubal confirmed to Councilmember Azeltine the State continues to borrow from the Transportation Fund and he wants to see this stopped by the creation of a dedicated fund that precludes legislature access. The Transportation Council supports this. There is a forgotten promise to not use Transportation Fund money if an increased sales tax was passed. Currently, there are 3,200 deficient bridges in Kansas.

Representative Kessinger stated creative methods need to be used for a new era. Hybrid and electric vehicles do not pay fuel tax. Investment in infrastructure needs to continue. People come to Kansas for quality education, but good roads are needed to bring goods to market.

Mayor Dunn thanked Senator Skubal and Representative Kessinger for their service and willingness to listen, the greatest portion of communication, for which she is grateful. She stated local control is greatly valued and should be respected. She wished both much success in session and to Representative Kessinger in the upcoming election.

Senator Skubal stated he and Representative Kessinger are happy to take telephone calls.

4. PROCLAMATIONS

‘Live United’ Day, United Way 100th Year Celebration, September 15, 2018

Mayor Dunn read the proclamation and then presented to Mr. Jim MacDonald, Chief Investment Officer, United Way Greater Kansas City. Mayor Dunn thanked Mr. MacDonald for his attendance and his work.

Mr. MacDonald was honored to accept the proclamation on behalf of the Board and Staff Leaders of United Way. He recognized the generosity of City employees, Leawood citizens and employees of Leawood businesses who support the annual United Way campaign. The next 100 years kicks off with an initiative against chronic absenteeism in school attendance.

Mayor Dunn offered congratulations on United Way’s centennial and much deserved credit for United Way’s success.

National Suicide Prevention Awareness Month, September, 2018

Mayor Dunn read the proclamation. She pointed out for over two years a mental health professional has worked with the Leawood Police Department and other Johnson County Police Departments.

5. PRESENTATIONS/RECOGNITIONS – None

6. SPECIAL BUSINESS

- A. Discuss \$11,750.00 cost for engineer’s estimate to convert Fire Station No. 1 to open shelter; museum/meeting place

Mr. Lambers recalled the Council had directed Staff to obtain structural analysis of the Fire Station for possible shelter; museum/meeting place in advance of the Work Session scheduled for October 15. The cost estimate for engineer’s analysis was higher than anticipated and he wanted to share this with the Council and obtain affirmation. Due to expedited timing, a cost estimate was only requested from the engineer familiar with the site, working on the new Fire Station. Mayor Dunn stated she was also surprised by the cost of the estimate.

Councilmember Cain thanked Mr. Lambers for his effort to obtain structural analysis cost information which the Council could use for fact-based decisions. The cost of the estimate may be more than expected, but would be worth-while due diligence in the development of the site and preservation of history in north Leawood.

Mr. Lambers confirmed to Councilmember Rawlings the engineer would be tasked to determine if a portion or all of the existing Fire Station could be salvaged and associated costs. This information would be available at the October 15 Governing Body Work Session.

Mr. Lambers confirmed to Councilmember Osman the Ironhorse Golf Clubhouse expansion was a design/build project with an initial cost estimate of less than \$900,000 that soared to over \$2 Million. To ensure legitimate cost estimates for a project involving hundreds of thousands of dollars, a competitive bidding process would be utilized.

Councilmember Larson expressed concern the minutes of the Parks & Recreation Advisory Board documented that two consulting structural engineers had advised Ms. Claxton and Mr. Ley the removal of the Fire Station walls would compromise the structure as the roof is very heavy. The engineers advised it might be best to build a new structure rather than save the Fire Station. Because of this, she was hesitant to fund the investigative structural analysis. Mr. Lambers stated a cost estimate for new build would be obtained for comparison to the structural engineering cost estimate for rehabilitation of the Fire Station.

Mr. Lambers and Chief Williams confirmed to Councilmember Azeltine the existing Fire Station was built in 1949. Councilmember Azeltine indicated he had also noted the statements in the Parks & Recreation Advisory Board minutes. He asked why Mr. Lambers felt the engineering services cost estimate was expensive. Mr. Lambers stated the higher cost of engineer service was likely due to the nature of the structural analysis and liability to ensure a report on the structure would stand the test of time. Age means extra due diligence.

Councilmember Cain stated the consulting engineers had only looked at the concept of turning the existing Fire Station into an open air shelter by eliminating walls, which does not seem to be feasible. She stated her request for site item to Mr. Lambers had been for meeting space.

Councilmember Rawlings asked Councilmember Cain to clarify her request for meeting space in the park setting. Councilmember Cain stated she was on the Task Force to discuss this park. The Task Force had met with the Historic Commission about the Old City Hall, advising the building was small, would be relocated on a slab, and restrooms would need to be ADA-compliant. The Historic Commission was hoping to make the space more useable, having meeting space and/or restrooms. Many ideas were discussed, including potential to add on space to Old City Hall that might be used for meetings and public restrooms.

Mayor Dunn stated she had asked Ms. Claxton for cost of converting the Fire Station into the open-air shelter which had been requested by the majority of the Council, compared to cost of conversion to meeting space. The cost difference was just \$400, so most of the cost for conversion to an open-air shelter was for wall removal.

Councilmember Rawlings expressed objection to procedure of procuring a cost estimate from an engineer to save a building that may or may not be historic, has undergone additions and has a heavy tile roof. He was opposed to hiring an engineer for the cost estimate and endorsed Councilmember Larson's comments. He favored construction of a new open-air shelter and restrooms in a beautiful park.

Councilmember Filla stated the former Country Club had been a memorable center for many community events in the past. The City has spent millions to create on meeting space and beautiful parks. Old City Hall is just a small closet space, about the size of the Main Conference Room, and use for display of memorabilia and also a meeting space might even be questionable. The building would not have a basement or restrooms. The Fire Station was originally the first City Hall and is without cracks; at least minimal time should be taken to evaluate potential creative uses. Old City Hall and the Fire Station are side-by-side and have character. Restrooms could be added behind the buildings in a connected walkway or enclosure. Cost is a small rounding error when compared against the Ironhorse Golf Clubhouse expansion project that increased from \$1 Million to \$2 Million in cost. Other cities are preserving their older structures. Prairie Village's Community Center near their City Hall has electronic access. This type of entry system might allow Staff to not be present at all times.

Mayor Dunn confirmed that Councilmember Filla understood the cost estimate for engineer services does not include an addition of space.

Councilmember Filla stated frustration that information may not be available, and without, decisions would be emotionally-based.

Councilmember Osman stated four to six Governing Body Work Sessions had been held over the years on site redevelopment. Although the cost estimate was double what he had been prepared to reasonably spend, he agreed with Councilmember Filla the cost was small percentage, about 1%, of the overall cost of new Fire Station construction and towards creating a vision for a new Ward One park. Master planning sometimes requires design and engineering services, and semblance is reached at the end. Old City Hall could be a small conference room, and the Fire Station might be removed or repurposed. An in-hand estimate would be a tool in decision-making.

Based on discussion, Councilmember Azeltine stated support of the cost estimate.

Councilmember Rawlings pointed out the site would be a City Park, not just a Ward One park. He stated he would vote in the affirmative for the estimate.

Ms. Claxton confirmed to Mayor Dunn the engineer estimate would not include suggestions of how a meeting space might work or any other elaboration. The estimate would include some specifics as to what would need to be done to the building and associated cost.

A motion to approve the expenditure as outlined was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 7-0.

- B. **Resolution No. 5019**, adopting the 135th Street Future Street Network Plan in compliance with previously accepted standards for the 135th Street Corridor

Mr. Lambers stated the title of the proposed resolution should be amended to state previously accepted, rather than adopted, standards for the 135th Street Corridor. He stated the proposed resolution to adopt the street, pedestrian and bicycle network needed for a macro view of the entire site, rather than tract-to-tract, was extremely important. Next recommendations would be resolutions to adopt specific provisions of the plan to provide more force and affect for applicants. Resolutions, rather than amendments to the Leawood Development Ordinance [LDO] would be used in the application process to accept any changes, as an LDO amendment requires 90 days.

Mayor Dunn stated Mr. Lambers' concept to utilize resolutions rather than amendments was an excellent idea.

Councilmember Azeltine invited Mr. Jeffries to comment.

Mr. Kevin Jeffries, 13451 Briar, stated both connectivity and flexibility are important. A great project may come along that does not look exactly like the network grid. Developers may not always be receptive to network street placements, but the Council would have the flexibility to review applications and decide. He stated that Councilmembers Sipple and Cain have previously expressed their support of maintaining flexibility.

Councilmember Osman questioned if following a grand project that was allowed without connectivity, would subsequent developers request the same consideration. Connectivity is desirable, but some tracts may need to be adjusted against the network grid. Mr. Lambers stated this would be the purpose of flexibility, so possibilities would exist. For approval, perhaps a developer might consider a landscape berm on one side of a street rather than developer preference to build on both sides of a street. Projects that result in islands would more challenging to address.

Councilmember Harrison expressed concerns about specific street layout/connectivity in the network involving Briar and Roe north of 135th Street, between Roe and Mission north of 135th Street, between Chadwick and High, and smaller parcels south of 135th Street compared to parcels north of 135th Street.

Mr. Lambers stated missing connectivity around Briar and Roe was due to the development of Parkway Plaza in isolation. The City is trying to avoid this in the future. Mayor Dunn stated is it much easier to work with a blank slate. Between Roe and Mission is a significant green space area, with a large amount of desirable vegetation that needs to be retained. His next recommendation to bring before the Council would be a resolution to maintain adoption of green space areas. There is more land south of 135th Street, so smaller-size parcels would maximize development on either side of the street. He confirmed the network is flexible.

A motion to approve Agenda Item 6.B. with modification stated by Mr. Lambers was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 7-0.

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. 2018-33, 2018-34, 2018-35 and 2018-36
- B. Accept minutes of the August 20, 2018 Governing Body meeting
- C. Accept minutes of the August 20, 2018 Governing Body Executive Session
- D. Accept minutes of the August 14, 2018 Parks and Recreation Advisory Board meeting
- E. Accept minutes of the June 26, 2018 Arts Council meeting
- F. Accept minutes of the May 30, 2018 Stormwater Management Committee meeting
- G. Accept minutes of the May 30, 2018 I-Lan Sister City Committee meeting
- H. Accept minutes of the May 2, 2018 Public Works Committee meeting
- I. Approve renewal of Cereal Malt Beverage [CMB] License to Ranchmart Wine & Spirits, LLC, located at 3748 W. 95th Street
- J. Approve 2020 Budget Calendar

- K. **Resolution No. 5020**, designating holidays for the year 2019, in accordance with the personnel rules and regulations of the City of Leawood, Kansas
- L. **Resolution No. 5021**, approving and authorizing the Mayor to execute a Purchase Agreement in the amount of \$224,665.50, between the City and Watchguard, Inc., pertaining to the purchase of hardware, software, and services for Police Body and In-Car Camera Systems
- M. **Resolution No. 5022**, approving and authorizing the City's consent for the enlargement of the Consolidated Main Sewer District of Johnson County by the Board of County Commissioners of Johnson County, Kansas [BOCC], pursuant to Johnson County Charter Resolution No. 29-92, located at approximately 151st Street and Mission Road [Hills of Leawood, 1st Plat]
- N. **Resolution No. 5023**, approving and authorizing the Mayor to execute a Construction Agreement between the City and Kissick Construction Company, in the amount of \$1,218,698.00, pertaining to the 2018 CMP Replacement Program [Project # 80255]
- O. **Resolution No. 5024**, accepting a Temporary Construction Easement from Grantor BP Kenneth Road, LLC, for property located at 14300 Overbrook Road, Tract 22, Lot 33, Bi-State Business Park Subdivision, First Plat, pertaining to the 143rd Street Improvement Project from Windsor Lane to Kenneth Road [Project # 80129]
- P. **Resolution No. 5025**, accepting a Permanent Utility Easement from Grantor BP Kenneth Road, LLC, for property located at 14300 Overbrook Road, Tract 22, Lot 33, Bi-State Business Park Subdivision, First Plat, pertaining to the 143rd Street Improvement Project from Windsor Lane to Kenneth Road [Project # 80129]
- Q. **Resolution No. 5026**, accepting a Deed of Dedication for Right-of-Way from Grantor BP Kenneth Road, LLC, for property located at 14300 Overbrook Road, Tract 22, Lot 33, Bi-State Business Park Subdivision, First Plat, pertaining to the 143rd Street Improvement Project from Windsor Lane to Kenneth Road [Project # 80129]
- R. **Resolution No. 5027**, accepting a Temporary Construction Easement from Grantors Bernard J. Russ and Elizabeth A. Fox Russ, for property located at 3100 W. 143rd Street, Tract 10, Lot 3, Stonebridge Estates Subdivision, Replat of Lots 1 & 2, pertaining to the 143rd Street Improvement Project from Windsor Lane to Kenneth Road [Project # 80129]
- S. **Resolution No. 5028**, accepting a Temporary Construction Easement from Grantors Tim Lui and Fang Wang, for property located at 2600 W. 143rd Street, Tract 18, Lot 4, Willow Lake Estates Subdivision, pertaining to the 143rd Street Improvement Project from Windsor Lane to Kenneth Road [Project # 80129]
- T. **Resolution No. 5029**, accepting a Storm Sewer Easement from Grantors Tim Lui and Fang Wang, for property located at 2600 W. 143rd Street, Tract 18, Lot 4, Willow Lake Estates Subdivision, pertaining to the 143rd Street Improvement Project from Windsor Lane to Kenneth Road [Project # 80129]
- U. **Resolution No. 5030**, accepting a Permanent Utility Easement from Grantors Tim Lui and Fang Wang, for property located at 2600 W. 143rd Street, Tract 18, Lot 4, Willow Lake Estates Subdivision, pertaining to the 143rd Street Improvement Project from Windsor Lane to Kenneth Road [Project # 80129]
- V. **Resolution No. 5031**, accepting a Permanent Utility Easement from Grantors Marshall D. Parker and Susan E. Parker, for property located at 2660 W. 143rd Street, Tract 14, Lot 1, Willow Lake Estates Subdivision, pertaining to the 143rd Street Improvement Project from Windsor Lane to Kenneth Road [Project # 80129]

- W. **Resolution No. 5032**, accepting a Temporary Construction Easement from Grantors Marshall D. Parker and Susan E. Parker, for property located at 2660 W. 143rd Street, Tract 14, Lot 1, Willow Lake Estates Subdivision, pertaining to the 143rd Street Improvement Project from Windsor Lane to Kenneth Road [Project # 80129]
- X. **Resolution No. 5033**, accepting a Temporary Construction Easement from Grantors Alan L. and Mary E. Durham, for property located at 2500 W. 145th Street, Tract 27, Lot 1, Leabrooke Subdivision, First Plat, pertaining to the 143rd Street Improvement Project from Windsor Lane to Kenneth Road [Project # 80129]
- Y. **Resolution No. 5034**, accepting a Deed of Dedication for Right-of-Way from Grantor Kathryn L. Knopke Trustee of Kathryn L. Knopke Revocable Trust, for property located at 14208 Canterbury Court, Tract 7, Lot 5, Block 4, Charlemagne Manor Subdivision, pertaining to the 143rd Street Improvement Project from Windsor Lane to Kenneth Road [Project # 80129]
- Z. **Resolution No. 5035**, accepting a Temporary Construction Easement from Grantor Kathryn L. Knopke Trustee of Kathryn L. Knopke Revocable Trust, for property located at 14208 Canterbury Court, Tract 7, Lot 5, Block 4, Charlemagne Manor Subdivision, pertaining to the 143rd Street Improvement Project from Windsor Lane to Kenneth Road [Project # 80129]
- AA. **Resolution No. 5036**, accepting a Permanent Utility Easement from Grantors F. E. Gagnon, Trustee and Lesley K. Gagnon, Trustee, for property located at 3536 W. 92nd Terrace, Lot 1417, Leawood Subdivision, pertaining to the Mission Road Improvement Project from 84th Street to 95th Street [Project# 72074]
- BB. **Resolution No. 5037**, accepting a Permanent Sidewalk Easement from Grantors F. E. Gagnon, Trustee and Lesley K. Gagnon, Trustee, for property located at 3536 W. 92nd Terrace, Lot 1417, Leawood Subdivision, pertaining to the Mission Road Improvement Project from 84th Street to 95th Street [Project# 72074]
- CC. Police Department Monthly Report
- DD. Fire Department Monthly Report
- EE. Municipal Court Monthly Report

Mayor Dunn and Councilmember Cain requested Consent Agenda Item 7.CC. be pulled.
 Councilmember Osman requested Consent Agenda 7.N. be pulled.

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

- 7.N. **Resolution No. 5023**, approving and authorizing the Mayor to execute a Construction Agreement between the City and Kissick Construction Company, in the amount of \$1,218,698.00, pertaining to the 2018 CMP Replacement Program [Project # 80255]

Councilmember Osman inquired if the City always selects the lowest cost bidder or if other factors are considered as well as cost, and if the City pre-qualifies bidders. He shared a process recently used to review bids at a recent Public Works Committee meeting. Mr. Lambers stated the City selects the lowest and the best, with best being subjective. This important project will disrupt property and lives, and communication will be imperative, so slightly higher expenditure for a contractor with good performance is justified. The City has used a pre-qualification process, but this project does not warrant. Any contractor with sub-par performance is informed. Mayor Dunn stated a contractor with a low score on the City's performance evaluation checklist is removed from the bid list for one year, which has been helpful.

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

7.CC. Police Department Monthly Report

Mayor Dunn offered congratulations to Captain Dale Finger, to be passed along by Deputy Chief Cauley. Captain Finger received a new set of nine service stars, marking his 45 years in law enforcement. He started his career in 1973 with the KBI and spent 33 years there, before coming to Leawood in 2006. This is a remarkable achievement of dedication and commitment.

Councilmember Cain inquired if frequent crash locations are proactively monitored. Deputy Chief Cauley stated areas of high crash and traffic complaints are reviewed, but focus is traffic complaints. The Top 10 crash locations rarely change. Reduction of crashes on I-435 is difficult, except for projects such as Click-It or Ticket-It. The number of crashes within the City is minor relative to the volume of traffic.

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

8. MAYOR'S REPORT

- A. Congratulations to Councilmember Lisa Harrison as Co-Chair of a very successful Rotary 5K Labor Day Run which raised dollars for children's charities. I had the pleasure of walking in the event amongst about 300 participants including Councilmember Mary Larson. Councilmember Jim Rawlings was also there directing traffic.
- B. The Lan Yang Girls Senior High School sent another group of 10 students for an Exchange Program with Blue Valley North High School. Please see photos on screen. The girls were here for 10 days and treated to home hospitality lodging. They enjoyed a picnic dinner at I-Lan Park and demonstrated a formal tea presentation as well as a calligraphy demonstration. They gifted the City of Leawood with a lovely tea service.
- C. I attended the Greater Kansas City Chamber Public Policy Up Close Speaker Series featuring Charles Marohn, author of Strong Towns. In 2017, he was named one of the 10 most Influential Urbanists of all time by Planetizen. This event was sponsored by the Polsinelli Law Firm.
- D. I had the pleasure of serving with Independence Mayor Eileen Weir and former Kansas City Mayor Kay Barnes on a panel sponsored by the Central Exchange and American Public Square titled "Women in Politics."
- E. Police Chief Troy Rettig organized a lovely retirement reception for Detective Bill Burke who is leaving after 31 years of dedicated service. There were numerous former members of the Leawood Police Department on hand to wish him well.

9. COUNCILMEMBER'S REPORT – None

10. CITY ADMINISTRATOR REPORT

Mr. Lambers stated the Lenexa City Administrator Eric Wade has announced his retirement. He is highly qualified and this will be a loss. He plans to take one year off before deciding future plans. Mayor Dunn stated Lenexa Mayor Mike Boehm is sad to see Mr. Wade leave.

11. STAFF REPORT – None

COMMITTEE RECOMMENDATIONS

12. PLANNING COMMISSION

[from the August 28, 2018 Planning Commission Meeting]

- A. **Ordinance No. 2903**, approving a Revised Preliminary Plan, Revised Final Plan, and Revised Final Plat for Leawood Public Works Maintenance Facility Expansion, located south of 143rd Street and east of Kenneth Road. (PC Case 100-18) [ROLL CALL VOTE]

Mr. Ley displayed a map depicting five lots proposed for replat into a single lot. The existing Public Works Maintenance Building on the southwest corner would be expanded by the addition of two bays on the east side, away from residential, having two bays facing north and two bays facing south. Materials matching the existing building would be used for the expansion. The existing parking lot would be expanded to the east. In the northwest corner near the Administration Building, two ADA-compliant parking stalls would be added and the current steep stalls restriped for public use. Lights would be installed on the east end of the parking lot, new fixtures installed on existing lights and wall-pack lights would be replaced with downward-facing lights. All stipulations are agreeable.

Mayor Dunn inquired about the timeline for the project. Mr. Ley stated if approved, the contractor plans to pull the Building Permit as early as tomorrow and the project is scheduled to be complete by the end of January 2019.

A motion to pass Agenda Item 12.A. was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion was approved with a unanimous roll call vote of 7-0.

- B. **Ordinance No. 2904**, amending Section 16-9-193 of the Leawood Development Ordinance entitled "Office, General" and repealing existing Section 16-9-193 and other sections in conflict herewith. (PC Case 109-18) [ROLL CALL VOTE]

Mr. Klein stated the proposed amendment would modify definition for General Office to allow the increasing number of wholesale without inventory businesses that wish to operate in the City. This type of business basically operates as a business office. Wholesale is currently restricted to Business Park Districts.

Mr. Coleman confirmed to Councilmember Cain there would be no percentage of on-site inventory allowed. Using the internet, a business operator can see inventory located elsewhere.

Councilmember Osman thanked Staff for proposing the amendment to open up office business opportunities. Mr. Coleman advised a business of this type would be opening along College Boulevard, and the Leawood Chamber of Commerce is aware of the positive change. Mayor Dunn stated the Chamber would be marketing opportunities and promoting Chamber membership of these businesses.

A motion to pass Agenda Item 12.B. was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous roll call vote of 7-0.

13. STORMWATER MANAGEMENT COMMITTEE

[from the August 29, 2018 Stormwater Management Meeting]

- A. **Referral:** Stormwater issues for 9849 Sagamore and area properties
Recommendation: Identify this area as a project and place on City's list of Stormwater Projects;
and also
Council direct Staff to create criteria for stormwater projects and prioritization system

Councilmember Azeltine, Stormwater Management Committee Chair, stated the drainage issues at 9849 Sagamore and area properties in Leawood Estates had been discussed by the committee on August 29, 2018, and the committee recommends addition to City's Stormwater Project List. The area may qualify for Johnson County Stormwater Management Advisory Council [SMAC] and/or 1/8th cent tax funding. He recognized resident Pam Noland who greatly contributed to the discussion. Prior to discussion with the City, residents had decided to personally spend over \$40,000 to remedy.

A motion to add the area to the City's list of Stormwater Projects was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 7-0.

Councilmember Azeltine stated the Stormwater Management Committee recommends the Council direct Staff to create stormwater project criteria including possible funding such as SMAC, 1/8th cent tax, Capital Improvement Program [CIP] or cost-sharing "mini-SMAC". Project prioritization as well as other factors such as the number of properties impacted, severity, availability of funding and dedications of easements should be included. Cooperation in regard to easements could move a project to a higher priority. Mayor Dunn stated this would be an excellent criteria. Mr. Lambers stated for smaller stormwater projects that do not qualify for other funding programs, he would strive to encumber approximately \$40,000 to \$50,000 a year from stormwater funding to roll-over and create a \$100,000 pool. The funds could be accessed quickly through budget amendment rather than including in the CIP.

A motion to direct Staff to create stormwater project criteria and prioritization system was made by Councilmember Azeltine; seconded by Councilmember Larson. The motion was approved with a unanimous vote of 7-0.

Mr. Lambers confirmed to Councilmember Azeltine it would be beneficial for the Stormwater Management Committee to conduct a yearly meeting to review pay-as-you-go projects in the CIP. He suggested a December meeting date for this sole purpose, scheduled to avoid the holidays.

14. PUBLIC WORKS COMMITTEE

[from the September 5, 2018 Public Works Meeting]

- A. **Referral:** Selection of Professional Engineering companies
- Recommendation:** Continental Consulting for design of 2019 Residential Reconstruction Project; and
BHC Rhodes for 2019 Lee Boulevard Design Project

Councilmember Osman stated the Public Works Committee had reviewed proposal packages submitted by design firms using a tally-rank system, narrowing the candidates to two or three for these projects. All packages, presentations and qualifications were great. The committee recommends awarding the design of the Lee Boulevard Project to BHC Rhodes and design of the residential reconstruction project to Continental Consulting.

Ms. Bennett confirmed one motion could be used to approve both recommendations.

A motion to approve the recommendations was made by Councilmember Osman; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 7-0.

15. OLD BUSINESS – None

16. OTHER BUSINESS – None

17. NEW BUSINESS

- A. **Resolution No. 5038,** declaring it necessary to appropriate private property for the use of the City of Leawood, Kansas for the 143rd Street Improvement Project from Windsor Lane to Kenneth Road, located in Leawood, Johnson County, Kansas, in accordance with K.S.A. § 26-201 [Project # 80129]

Mr. Ley stated the City continues to work with property owners, receiving the temporary construction easement for the northwest corner of 145th Street and Kenneth Road on Friday. There are currently five right-of-ways/easements needed, and the process can take four to six month. To keep to the April 2019 construction start for the project, the City is requesting to begin the condemnation process for needed right-of-ways/easements. The City uses Donoho & Associates for appraisals and property owner meetings, following the process required for projects with federal funding.

Mr. Ley confirmed to Councilmember Harrison that a purchase of a property/home is included in the project. He stated the City continues with a property owner who had expressed concerns to Councilmembers Harrison and Sipple over a year ago in regard to traffic and property being taken Mr. Ley stated the property owner has not found a property and has hired an attorney, but does continues to talk with the City.

A motion to approve Agenda Item 17.A. was made by Councilmember Filla; seconded by Councilmember Larson. The motion was approved with a unanimous vote of 7-0.

- B. **Resolution No. 5039**, approving and authorizing the Mayor and/or City Administrator to execute necessary and customary documents to close on the purchase of land located at 14301 Overbrook and 1901 W. 143rd Street in Leawood, Kansas, as set forth in the contract assigned to the City and accepted on July 16, 2018 by Resolution 4979

Ms. Bennett stated she had been working with Mr. Ley and Mr. Lambers on title, title commitments and environmental assessment survey, all of which look good. Mr. Lambers would like to close on the property sooner than later. Mr. Lambers stated the City must own the property to start the planning process.

A motion to approve Agenda Item 17.B. was made by Councilmember Rawlings; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 7-0.

ADJOURN

There being no further business, the meeting was adjourned at 9:08 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk