

Minutes

DVD No. 426

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, October 15, 2018. Mayor Peggy Dunn presided.

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

**Councilmembers Absent:** Lisa Harrison

<b>Staff Present:</b> Scott Lambers, City Administrator	Patty Bennett, City Attorney
Chris Claxton, Parks & Recreation Director	Chief Dave Williams, Fire Department
David Ley, Public Works Director	Ross Kurz, Info. Services Director
Mark Tepesch, Info. Services Specialist III	Chief Troy Rettig, Police Department
Richard Coleman, Comm. Dev. Director	Dawn Long, Finance Director
Nic Sanders, Human Resources Director	Cindy Jacobus, Assistant City Clerk
Debra Harper, City Clerk	

**Others Present:** None

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

Mayor Dunn stated the agenda had been amended to add an introduction by Public Works Director David Ley under Agenda Item 6.0 Special Business.

**A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Osman. 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 stated the three citizens who wished to speak on non-agenda items would be recognized in order of sign-in. Comments from citizens who wish to speak on a specific item agenda would be called upon when items were reached on the agenda.

Ms. Kellye Crockett, 408 E. 108<sup>th</sup> Terrace, had no comments.

Ms. Lisa Tulp, 8889 Wenonga Road, had no comments.

District 1 Commissioner Ron Shaffer, Johnson County Board of Commissioners, stated he was present for the Indian Creek Electrical Substation [Agenda Item 12.A.].

**4. PROCLAMATIONS – None**

**5. PRESENTATIONS/RECOGNITIONS – None**

**6. SPECIAL BUSINESS**

Introduction of Brian Scovill, City Engineer

Mr. Ley introduced Brian Scovill, City Engineer. Mr. Scovill has been with the City for four weeks, coming from the City of Overland Park. He has 20 years of experience with Overland Park, Platte County and the Missouri Department of Transportation, so his transition has been very quick.

Mr. Scovill thanked the Council for the opportunity to serve the community and the City. Mayor Dunn pointed out Mr. Ley had been serving as both City Engineer and Public Works Director. She would look forward to working with Mr. Scovill.

**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. 2018-39 and 2018-40
- B. Accept minutes of the October 1, 2018 Governing Body meeting
- C. Accept minutes of the September 11, 2018 Parks and Recreation Advisory Board meeting
- D. Approve Mayoral Appointment of Stefanie Kelley as Drug & Alcohol Council [DAC] Representative for a 3-year term
- E. Approve bid in the amount of \$12,701.38, from Gail's Harley-Davidson, for the purchase of 2019 Harley Davidson Police Motorcycle
- F. Approve payment in the amount of \$26,520.00 [\$53.04/ton] from Central Salt for the purchase of 500 tons of road salt for snow removal
- G. Approve Change Order No. 1 in the amount of \$520.00 to Mission Electronics, pertaining to the iPad integration of the audio/visual system at Lodge at Ironwoods Park, located at 14701 Mission Road; and Oak Room located in the Community Center at City Hall, 4800 Town Center Drive [Project # 74090]
- H. Approve Change Order No. 2 in the amount of \$98,821.43, to Kissick Construction, pertaining to the 2018 CMP Replacement Program [Project # 80255]
- I. **Resolution No. 5055**, approving and authorizing the Mayor to execute a Third Amendment to that certain Golf Facility Management Agreement dated December 21, 2009, as amended on September 2, 2014, between the City and Troon Golf, LLC, pertaining to the management of Ironhorse Golf Club, 15400 Mission Road
- J. **Resolution No. 5056**, approving and authorizing the Mayor to execute a Professional Engineering Agreement in the amount of \$27,500.00, between the City and Continental Engineers, pertaining to the design of the rebuild for the Pond perimeter located at City Park, 10601 Lee Boulevard

- K. **Resolution No. 5057**, approving and authorizing the Mayor to execute a Professional Engineering Agreement in the amount of \$288,000.00, between the City and Continental Engineers, pertaining to the 2019 Residential Street Reconstruction Project [Project # 80219]
- L. **Resolution No. 5058**, approving a Final Sign Plan for MHC Financial Services – Wall Sign, located south of College Boulevard and east of Roe Avenue (PC Case 110-18) *[from the September 25, 2018 Planning Commission meeting]*
- M. **Resolution No. 5059**, approving a Final Plan for Village of Seville – Windy City Bar and Grill – Outdoor Patios, located north of 133<sup>rd</sup> Street and west of State Line Road. (PC Case 105-18) *[from the September 25, 2018 Planning Commission meeting]*
- N. Police Department Monthly Report
- O. Fire Department Monthly Report
- P. Municipal Court Monthly Report

Councilmember Sipple requested Consent Agenda Item 7.A. be pulled.  
 Mayor Dunn requested Consent Agenda Items 7.D. and 7.N. be pulled.  
 Councilmember Filla requested Consent Agenda Item 7.G. be pulled.  
 Councilmember Osman requested Consent Agenda Item 7.I. be pulled.  
 Councilmember Cain requested Consent Agenda Item 7.M. 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. 2018-39 and 2018-40

Councilmember Sipple questioned the \$48,916.00 disbursement for continuing work on the College Boulevard Retaining Wall, assuming the project costing \$800,000 to \$900,000 was complete. Mr. Ley stated the project continues, with one change order to the contract, but no other change orders expected. Final contract payment is expected to be made in the next few weeks.

Councilmember Sipple pointed out the \$57,686.50 disbursement for the important traffic signal project at the dangerous Mission and Lee intersection. He asked if the City is paying all invoices and would then invoice the County for their share of project costs. Mr. Ley stated the City would be paying and would credit the County for their pre-ordered signals and mast arms, then bill the County for 60% of costs.

Councilmember Filla noted the multiple pages line item detail for disbursements to Commerce Bank. Ms. Long stated new software was implemented to provide vendor name for each Commerce Purchasing Card sale.

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

- 7.D. Approve Mayoral Appointment of Stefanie Kelley as Drug & Alcohol Council [DAC] Representative for a 3-year term

Mayor Dunn pulled the item to thank Ms. Kelley for filling an open seat left vacant in January by the departure of Cathy Lawless, who had served as Leawood's United Community Services DAC representative for six years. Ms. Lawless had done a wonderful job and Ms. Kelley would too. Mayor Dunn stated Ms. Kelley had been unable to attend tonight's meeting.

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

- 7.G. Approve Change Order No. 1 in the amount of \$520.00 to Mission Electronics, pertaining to the iPad integration of the audio/visual system at Lodge at Ironwoods Park, located at 14701 Mission Road; and Oak Room located in the Community Center at City Hall, 4800 Town Center Drive [Project # 74090]

Ms. Claxton confirmed to Councilmember Filla the improved audio/visual system would be ready for the Sustainability Summit scheduled for February 2019. The integration controller had been missed on the bid and the system is almost complete. It has been in use for three or four weeks and is an improvement over the previous equipment. The system offers improved visual clarity, especially at a distance, and those sitting in the corner of the space do not have to only rely on viewing the main screen.

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

- 7.I. **Resolution No. 5055**, approving and authorizing the Mayor to execute a Third Amendment to that certain Golf Facility Management Agreement dated December 21, 2009, as amended on September 2, 2014, between the City and Troon Golf, LLC, pertaining to the management of Ironhorse Golf Club, 15400 Mission Road

Mayor Dunn called upon Mr. Dick Fuller, who had signed in to speak on the topic. She pointed out that Mr. Fuller is the Ironhorse Advisory Board Chair, and she thanked him for his service.

Mr. Dick Fuller, 10309 Sagamore, thanked the Council for their support over the year. The addition of Vista 154 is amazing. Troon has managed the course since 2009 and done a phenomenal job. This year the course will have the greatest number of rounds played and the highest income in 18 years.

Councilmember Osman stated he typically supports consideration of different vendors for City contracts, especially when a vendor has been used for 10 years. From personal experience, this is not his experience in regard to Troon. Troon management, the condition of the course, testimony about the greatest number of rounds/income, and comments from City Staff about a synergistic relationship with Troon provide confidence that the City has the best company on board. He thanked Troon and City Staff for their service, especially with the challenging volume of rain and clubhouse expansion construction. The construction of the new addition has provided needed revitalization.

Mayor Dunn concurred with comments made. Although she is not a golfer she receives many compliments and no complaints about the course.

Councilmember Sipple shared that he plays a number of daily-fee courses in the Kansas City area, and Troon and Ironhorse have high reputations, being near that of private country club course. He shared the rumors that conditions of many area courses are suffering because of deferred maintenance. Troon's landscaping team does an outstanding job and the course attracts first-class golfers. He is proud to be part of Leawood's high standards.

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

7.M. **Resolution No. 5059**, approving a Final Plan for Village of Seville – Windy City Bar and Grill – Outdoor Patios, located north of 133<sup>rd</sup> Street and west of State Line Road. (PC Case 105-18)

Councilmember Cain stated she would recuse from voting on the item because of a familial relationship with the owner/applicant. She stated attendance had tripled with the move to Village of Seville and an outdoor patio was needed.

Mayor Dunn asked Mr. Coleman about the second Staff Comment [Page 4 of Staff Report] stating "With construction of the patio on the south side of the building, the potential for a future sidewalk connection to the west might be lost." Mr. Coleman stated there is currently no sidewalk at that location, but such a sidewalk would mainly be used by employees parking in the back. This was discussed by the Planning Commission, deemed insignificant, and was set aside. This is not an issue.

**A motion to approve Consent Agenda Item 7.M. was made by Councilmember Larson; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 6-0, with Councilmember Cain recusing for reason stated.**

7.N. Police Department Monthly Report

Mayor Dunn requested Chief Rettig pass along appreciation and congratulations to Sergeant Ken Whiteside who was selected as the Crisis Intervention Team Officer [CIT] of the Year by the National Alliance on Mental Health Kansas on September 25. He was chosen in recognition of his service to the State Law Enforcement CIT Council and his leadership in launching the Kansas CIT Association, serving as its first president.

Councilmember Filla noted the decrease in reported thefts from vehicles, from 46 in August to 13 in September. She inquired about the reason for the decrease and hoped the trend would continue. Chief Rettig stated the area is cooling down. Some perpetrators have been caught and some identified, but there is not enough evidence to charge. Summer is typically a busier month for this type of theft.

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

**8. MAYOR'S REPORT**

- A. Spring Hill Mayor Steve Ellis hosted the October Johnson & Wyandotte Counties Council of Mayors in his newly refurbished City Hall. The building was a former elementary school which he attended as a youth. Johnson County Board of Commissioners Chair Ed Eilert reported on the Johnson County Mental Health Agency. This agency is doing work similar to the San Antonio plan of crisis intervention teams. Seven hundred Johnson County agency personnel have received Level 1 training and Level 2 training is available. The Board's goal is to increase the co-responder program work at schools, cities and counties, and to coordinate across jurisdictions. The next Johnson County magazine will have more information on this program.
- B. I attended the Shawnee Mission Education Foundation 2018 Fall Breakfast where Superintendent Dr. Michael Fulton took the stage for the first time. Leawood resident and Executive Director Kim Hinkle did an outstanding job showcasing the excellence of the students.
- C. Scott Lambers and I joined Police Chief Troy Rettig and others from his leadership team at the Johnson County Fall Forum for MOCSA [Metropolitan Organization to Counter Sexual Assault], which exists to improve the lives of those impacted by sexual abuse and assault and to prevent sexual violence in our community. Councilmember Chuck Sipple was also in attendance.
- D. Councilmember Chuck Sipple joined me along with I-Lan Sister City Committee Chair Bette Monson at the 107<sup>th</sup> National Day of the Republic of China on Taiwan. This dinner and awards ceremony was held at Vista 154 at Ironhorse Golf Club and hosted by Vivian Swafford, Co-Founder of the Taiwan-America Friendship Association.
- E. "Into the Night Fall Festival" had great attendance numbers in spite of cool and somewhat damp weather. A total of 800 to 900 guests attended, including Councilmember Cain. Eight Parks & Recreation employees along with 15 volunteers from the Leawood Stage Company staffed the event.
- F. Reminder that "MAME", the classic Broadway musical, will be presented by the Leawood Stage Company November 1, 2 and 3 at 7:30 P.M. and November 4 at 2:00 P.M. inside the Lodge at Ironwoods Park. Councilmember Azeltine will be performing. Come see this terrific show.

**9. COUNCILMEMBERS' REPORT – None**

**10. CITY ADMINISTRATOR REPORT – None**

**11. STAFF REPORT – None**

## **COMMITTEE RECOMMENDATIONS**

### **12. PLANNING COMMISSION**

*[From the September 25, 2018 Planning Commission Meeting]*

- A. **Resolution No. 5060**, approving a Final Plan for Indian Creek Electrical Substation, located south of I-435 and east of Mission Road. (PC Case 106-18)

Ms. Tami Lorenzen, Johnson County Wastewater, 4800 Nall, Mission, stated Mr. Chris Koch with Kansas City Power & Light [KCPL] was present. Mr. Koch stated his work address, 4400 East Front Street, Kansas City, Missouri.

Ms. Lorenzen stated the electrical substation would be located within the Johnson County Wastewater Treatment Facility. The facility is bounded on the north by I-435, on the south by College Boulevard, on the west by Mission Road and on the east by Leawood City Park. She presented an aerial layout of the proposed facility. During design it was discovered that the two electrical substations that supplies power to the facility, Prairie Village and Kansas City, Missouri, would be insufficient. Using only one substation would also be insufficient, and would require improvements and additional transmission lines. Building an electrical substation on site was determined to be the lowest cost, least disruptive to residents and most reliable power supply option.

Mr. Koch presented an enlarged plan view of the electrical substation equipment layout depicting deadend poles on the east and west, and transformers in the middle. Deadend poles are used before changing line direction. The elevation view of the transmission section of the substation depicted transformers and switchgear. Bus stand heights are 16 ft. and 23 ft. Substation deadend poles and the single lightning protection mast are 90 ft., and transmission poles are 100 ft. and 110 ft. in height. All poles/mast are galvanized steel. Site model views looking from the southeast and northwest were presented, as well as ground level views of substations with similar designs built with 16 ft. and 23 ft. tall bus stands. Examples of transmission poles having horizontal line configuration and vertical line configuration were displayed. Changing from the current horizontal to vertical line configuration eliminates the three horizontal transmission poles which are replaced by one vertical transmission pole.

Mr. Koch presented the anticipated project construction schedule. Design has started and it is planned to have the substation in service by September 1, 2020. Transformers are ordered 52 weeks ahead of need, so having permits complete in advance is desired. Poles may be delivered to the site in late 2019 for installation in the Spring or early Summer 2020. Poles are a long lead-time item.

Ms. Lorenzen displayed a bar chart depicting flood data on two different rain events at the KCP&L pad site. On Monday, October 8, elevation 837 ft. was reached. There was some localized flooding on the road. She displayed a photograph taken at 7:20 A.M that day, with the proposed KCP&L substation to be where heavy equipment was parked in the distance. The overflow channel did what it was designed to do. By 4:20 P.M. the majority of flood water was gone as Indian Creek subsided. In late July 2017 there were a series of storms, which resulting in flooding of some City property. During this event, flood water height was several feet lower than the 500-year event and was lower than the substation pad site elevation of 846 ft. to 847.5 ft.

Ms. Lorenzen confirmed to Councilmember Cain the flood water was between Lee Boulevard and the substation, the level rising when Indian Creek backed up into the overflow channel.

Mr. Koch confirmed to Mayor Dunn the existing three transmission poles, estimated to be 65 ft. to 75 ft. in height and located to the east on City property, would be replaced with a new transmission pole 110 ft. in height. Ms. Lorenzen stated the proposed 110 ft. pole is shown by a red dot on the right side of the graphic image on Page 5 of the Staff Report. Three transmission poles would be removed and replaced by this one 110 ft. pole, turning the lines into the substation.

Councilmember Sipple inquired if the 110 ft. pole would require a red light beacon at the top and if the substation would be lit at night. Mr. Koch stated the Federal Aviation Administration [FAA] requires a beacon light on poles 200 ft. and red marker balls on lines at airports. The substation would probably have dusk-to-dawn sensors on the 18 ft. perimeter light poles with LED lights that will shine straight down. Councilmember Sipple asked for a comparison of a 110 ft. tall pole compared to the height of poles located east of Indian Creek near State Line Road. Mr. Koch stated he would need to research this request; Mr. Coleman stated the height of the poles referred to by Councilmember Sipple are 65 ft. to 75 ft.

Councilmember Rawlings stated neighbors to the north of I-435 had trouble with electrical outages for several years past and he inquired if the proposed electrical substation would help. Mr. Koch stated the proposed substation would be located between the Tomahawk Substation in Kansas City, Missouri, and Kenilworth Substation off Roe Boulevard, resulting in shortened distribution lines. The proposed substation would provide additional reliability and backup power to other parts of the City as needed.

Mayor Dunn asked for a comparison of equipment at the Kenilworth Substation and the proposed substation. Mr. Koch stated the Kenilworth Substation has four or five transformers and the proposed substation would only have two transformers and there is no room for further expansion.

Commissioner Shaffer declined to speak.

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

- B. **Ordinance No. 2908**, approving a Preliminary Plan and Special Use Permit for an Elementary/Middle/High School for Barstow School – Leawood Campus, located north of 123<sup>rd</sup> Street and west of State Line Road. (PC Case 107-18) [ROLL CALL VOTE]

Mayor Dunn advised the applicant presentation would be followed by Governing Body discussion and then citizen comment.

Ms. Ellen Pantaenius, Husch Blackwell LLP, 4801 Main Street, Kansas City, Missouri, presented the proposed Preliminary Plan and Special Use Permit for an ancillary location of the Barstow Campus. The former supermarket location would house STEAM [Science, Technology, Engineering, Arts and Mathematics], robotics and other educational programs. She stated the Barstow School was established in 1884 and operates on 40 acres on the Missouri side of State Line Road. The school currently has 128 employees and 700 students. The school could build on its existing campus, but desires to acquire and refurbish the proposed location in Leawood Plaza as its first expansion into Kansas. The ancillary location would accommodate 50 to 150 students, 10 to 15 teachers and a daycare center.

Ms. Pantaenius displayed photographs of the property and additional retail spaces located to the north which are not part of the development, but would benefit from the proposal. The Hy-Vee grocery store has been vacant for four years and the condition of the site is deteriorating. The property has a deed restriction that prohibits use as a grocery store, but it can be used for an educational purpose. Because of a site easement and lack of agreement by two other property owners, parking lot improvements Barstow wanted cannot be made. Existing landscaping would be kept and some additional landscaping added. The proposed use would reinvigorate the property, bringing back life and people to the center. Some of the benefits of the plan would be the removal of blight, restore the shopping center, stimulate tax revenue for other businesses in the center, increased employment, alleviate vacant property security concerns, traffic reduction and reduced parking needs compared to prior use as grocery store. STEAM students would arrive on busses and children for the daycare would be brought by parents throughout the day.

Ms. Pantaenius displayed elevations showing exterior improvements including clear windows, revised configuration of entrances from sides to the front and a skylight between the two chimney features to bring in natural light. The porte-cochere would be used as the daycare entrance. Existing north, south and west elevations remain unchanged. A proposed interior layout of the building which includes two play areas and different functional spaces for robotics, STEAM and multi-purpose programming was displayed.

Ms. Pantaenius stated attendees of the Interact Meeting held August 29, 2018, included representatives of several Home Owner Associations [HOAs] which unanimously supported Barstow's plan. The Pembroke Court HOA President provided a letter to document their support.

Mr. Shane Foster, Barstow School Headmaster, 115<sup>th</sup> and State Line Road, Kansas City, Missouri, stated he had been Headmaster and a Leawood resident for 11 years. The Barstow School is 135 years old, educating students from both sides of the Kansas-Missouri State Line. The school has been a wonderful neighbor in Missouri, and now would move to be part of the Kansas community. Currently 70% of students served are from Kansas. He and his wife used to stop at the Hy-Vee and had breakfast nearly every Sunday the café. He had been surprised to return from an extended trip to find the store had closed. In four and one-half years since that time, he wondered what could be done with the space. Barstow School is looking to expand its technical offerings, educational opportunities, and potentially open up the facility to other communities. The school did not want to lose green space by building on the existing campus. He expressed the hope the Council would support the plan.

Highlights of specific questions from the Governing Body and discussion in regard to the parking lot and property, as follows:

1. Barstow School intends to purchase the property and the parking lot that is owned by Hy-Vee. The purchase is Tract 2 of the Leawood Plaza plat.
2. A total of four roundtrip bus trips each class day are anticipated.
3. Reduced parking needs [about 40 spaces] would provide the opportunity for additional green space in the parking lot and landscaping between the building and State Line Road.
4. Barstow's original plan included a path and green space down the center of the parking lot to visually connect the building to State Line Road.

5. The easement amendment needed for the parking lot improvements met resistance from the other two property owners, and in negotiations the requirements placed on Barstow were unworkable. No other details in regard to the decision of the two other property owners is known.
6. As needed, the parking lot will be resurfaced in the future, perhaps in six months. Initial focus is work that needs to be done on the interior and exterior of the facility.
7. At this time, the Leawood Development Ordinance [LDO] is not triggered by the minimal changes to the property use.
8. Additional landscaping is not required by the LDO, but additional trees to be placed behind the building are proposed by Barstow.
9. If an application for Community Improvement District [CID] is submitted, LDO conformance would be a primary consideration factor for improvements. A CID would be for the entire shopping center. Since a CID generally involves a sales tax and the school would not generate significant revenue, any sales tax would be generated by the rest of the center.
10. A CID would require parking lot improvements which Barstow is willing to undertake at this time and at their expense, an immediate and likely future financial benefit to the other property owners.
11. Deed restriction prohibiting use as a grocery store is in force for 20 years or more. This deed restriction is imposed as part of the purchase agreement with Hy-Vee.
12. The City cannot force private easements, covenants or deed restrictions. If the occasion for communication arises, the City Administrator will express the City's disappointment in this regard. These impact future buyers as well and are contrary to redevelopment of the center.
13. A fenced play area was a safety concern due to cross-traffic both in front and behind the property. The building will have a fully enclosed interior play area and an "outdoor" play area located within the facility that has exposure to weather elements.
14. The United States Postal System mailbox in the parking lot is anticipated to remain at the site.

Mayor Dunn thanked the presenters and called upon the citizens who had signed in to speak.

Mr. Mike Price, 12120 Sagamore located in Pembroke Court to the north and west of the site. He is currently President of the Pembroke Court HOA that consists of 75 homes. The HOA is extremely pleased that Barstow intends to purchase the property and residents are excited for the project. With the deed restriction, it was felt the center would never be developed. Once informed of issues at the vacant site, the management company that controls most of the property took care of many problems including large truck parking and trash dumping. Many residents attended the Interact Meeting and the Planning Commission Meeting. Barstow has been tremendous to work with. Residents are aware that Barstow had wanted, but was unable, to improve the large parking lot mostly owned by one company. It is hoped the parking lot can be addressed in the future as parking lot appearance needs improvement and green space is needed. An insurance agency just opened in the center and it could be expected there will be food and drink businesses for students. We hope the Council will approve the project.

Mr. Jeff Schotlzer, 4714 W. 78<sup>th</sup> Terrace, had no comments.

Ms. Linda Joslin, 12224 Sagamore Road, echoed Mr. Price's comments. She heard rumors a 24-Hour Fitness considered the location and is delighted that Barstow wants to purchase the property. Barstow's use is supported as long as students do not drive to the facility in their own cars.

Mayor Dunn expressed the hope that improvements more in line with the LDO stated in the Staff Report and by Mr. Foster at the Planning Commission meeting could be made. She appreciated work done and offered any assistance the City might be able to provide in conversation with the other two property owners.

Councilmember Osman stated when there are three owners, all must abide by easements. Unfortunately, the burden was placed on Barstow. For the record, this will be remembered. Councilmember Osman stated he would recuse from voting because his children are Barstow students and have attended robotics camps.

**A motion to pass Agenda Item 12.B. was made by Councilmember Filla; seconded by Councilmember Sipple. The motion was approved with a unanimous roll call vote of 6-0; with Councilmember Osman recusing for reason stated.**

Mayor Dunn wished the project success, and thanked citizens for their attendance and support.

- C. **Ordinance No. 2909**, amending the Leawood Development Ordinance [LDO] by adding Sections 16-9-26(A) and 16-9-26(B) entitled "Automated Bank Teller – Ancillary to Bank or Financial Service" and "Automated Bank Teller – Non-Ancillary in-Wall," respectively (PC Cases 97-18 & 98-18) [ROLL CALL VOTE]

Mr. Coleman stated Agenda Items 12.C. and 12.D. were related, one for financial institutions and one for non-financial institutions. The proposed amendments for the definitions of ancillary bank teller came out of a discussion with the Leawood Chamber of Commerce and retailers. The LDO did not contain a specific category for remote tellers in the City. The proposed amendments would allow a retailer or bank to have automatic tellers separate from a main facility without a Special Use Permit.

Mr. Coleman confirmed to Councilmember Sipple the City currently has this type of teller at drive-through banks and at the UMB Bank in the 133<sup>rd</sup> Street Price Chopper. These were approved by Special Use Permit.

Mayor Dunn pointed out the Planning Commission had separate votes for each amendment. Ms. Bennett stated the Governing Body could vote separately, but if approved the amendments would be combined for publication by the City Clerk.

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

- D. **Ordinance No. 2910**, amending Section 16-2-7 of the Leawood Development Ordinance [LDO] entitled "Table of Uses" and repealing existing section 16-2-7 and other sections in conflict herewith. (PC Case 99-18) [ROLL CALL VOTE]

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

**13. OLD BUSINESS** – None

**14. OTHER BUSINESS** – None

**15. NEW BUSINESS**

Schedule a Governing Body Work Session on Tuesday, January 22, 2019 at 6:00 P.M., [MLK holiday on Monday, 01-21-19] to review CID Application for Ranchmart North Shopping Center, located at 95<sup>th</sup> & Mission Road

Mr. Lambers stated the proposed Work Session was a calendar placeholder in anticipation of a CID application. Per policy, the applicant must go through the Preliminary Plan and Preliminary Plat approval process, and then have Final Plan submitted along with the CID application. The process involves separate tracks, with the Final Plan and CID brought forth for approval at the same Governing Body meeting. A Governing Body Work Session would be scheduled for presentation and then there would be a waiting period until the Final Plan is brought forth.

Mr. Lambers confirmed to Councilmember Osman he had reviewed the calendar with the applicant, who was agreeable to the date. Mayor Dunn stated the Work Session date selected was the soonest possible; there would be no earlier date.

**A motion to approve Agenda Item 15. was made by Councilmember Filla; seconded by Councilmember Larson. The motion was approved with a unanimous vote of 7-0.**

#### **ADJOURN**

There being no further business, the meeting was adjourned at 8:59 P.M.

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Debra Harper, CMC, City Clerk

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Cindy Jacobus, Assistant City Clerk