

Minutes

DVD No. 429

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, November 19, 2018. Mayor Peggy Dunn presided.

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

Councilmembers Absent: None

Staff Present: 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
April Bishop, Cultural Arts Coordinator	Dawn Long, Finance Director
Nic Sanders, Human Resources Director	Mark Klein, Planning Official
Richard Coleman, Comm. Dev. Director	Cindy Jacobus, Assistant City Clerk
Debra Harper, City Clerk	

Others Present: None

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

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

3. CITIZEN COMMENTS – None

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

4. PROCLAMATIONS – None

5. PRESENTATIONS/RECOGNITIONS Presentation of National Historic Trails in Greater Kansas City, by Marlene Nagel, MARC Comm. Development Director

Ms. Marlene Nagel shared background and details of the project as presented in the Executive Summary, Conceptual Strategy Plan, dated October 2018. The plan was prepared by working with 10 cities in the Kansas City area for development of retracement of historic trails.

National Historic Trails [NHTs] are designated by the U.S. Congress, who works with the National Parks Service. There are currently 19 NHTs in the United States, four of which cross greater Kansas City. The Conceptual Strategy Plan addresses three of the four NHTs in the area. These NHTs are the Santa Fe, Oregon and California. These NHTs have jumping off points at Missouri River landings in Sugar Creek and Kansas City, Missouri, and passing through numerous metro cities including Leawood, as shown on the Project Area Map provided in the plan.

The project started in 2016 by work between the National Parks Service, local governments and area historic trails association. MARC [Mid-America Regional Council] began working with the National Parks Service based in Santa Fe, New Mexico, to align trails throughout cities that would have interpretive elements, features and identification signage to connect residents to their historic significance. The National Parks Service felt Kansas City area was unique because of the high number of opportunities to experience NHTs in the National Trails System. NHTs should be distinct and recognizable from purely recreational trails.

Ms. Nagel presented two options for consideration by the City. The first option would be a trail west on 123rd Street to Mission Road, then west along Tomahawk Creek Greenway to Nall Avenue. Possible features on this trail would be Tomahawk Greenway, Tomahawk Park and I-Lan Park. The second option would be a trail west on 123rd to Mission Road, then south on Mission Road to 133rd Street. Possible features on this trail would be Mission Trail Elementary School and Gezer Park. MARC's next step is adoption of the NHT plan as part of the regional greenway plan, "MetroGreen." Local cities are asked to consider adoption of the plan or include recommendations as part of a city's comprehensive or land use plans.

Mayor Dunn asked if Mr. Henry Fortunato had been involved in the plan before his passing. Ms. Nagel stated Mr. Fortunato had worked on MetroGreen, but he had not been involved in the NHT plan.

Councilmember Filla asked Ms. Nagel for clarification of the City's next steps. Ms. Nagel stated Leawood is free to select the option desired, and MARC would be pleased to work with City Staff to determine best route, appropriate signage and interpretive features.

Councilmember Filla stated she would like equal consideration of both options by the City. Mr. Lambers concurred stating it would be an opportunity to take advantage of growing interest. He sharing details of dining in stone house museum restaurant serving food of the 1850s/1860s situated along a historic trail. The restaurant served buffalo and elk, along with a history lesson. He stated the Parks & Recreation Advisory Board would be sufficient to handle, creating a sub-Task Force if they deem necessary.

Mr. Lambers confirmed the City's adoption could be part of a future review and update of the City's Comprehensive Plan, likely in a separate section within that plan. Mayor Dunn pointed out the Planning Department has the necessary documentation and Community Development Director Mr. Coleman could work with the Parks & Recreation Department as appropriate. No motion or referral would be needed.

Mayor Dunn stated MARC does many great things for the area, and she expressed appreciation to Ms. Nagel for the presentation.

6. SPECIAL BUSINESS

Ordinance authorizing and providing for the acquisition of lands or interests therein by condemnation for the 143rd Street Improvement Project between Windsor Lane and Kenneth Road [Project # 80129] **[ROLL CALL VOTE]** – *CONTINUED TO THE DECEMBER 3, 2018 GOVERNING BODY MEETING*

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. 2018-44 and 2018-45
- B. Accept minutes of the November 5, 2018 Governing Body meeting
- C. Accept minutes of the October 9, 2018 Park and Recreation Advisory Board
- D. Approve renewal of Cereal Malt Beverage License for Cosentino Price Chopper, located at 3700 W. 95th Street
- E. Approve renewal of Cereal Malt Beverage License for Walgreens Co., located at 4701 Town Center Drive
- F. Approve renewal of Cereal Malt Beverage License for Walgreens Co., located at 5230 W. 151st Street
- G. Approve renewal of Cereal Malt Beverage License for Breakout KC, located at 11535 Ash
- H. Approve renewal of Cereal Malt Beverage License for Mr. Gyros Greek Food & Pastries, located at 11707 Roe Avenue, Suite # C
- I. Approve Cereal Malt Beverage License for Trader Joe's, located at 4201 W. 119th Street
- J. Approve 6th and Final Pay Request in the amount of \$2,856.00 to GBA Builders LLC, pertaining to the College Boulevard Retaining Wall, between Brookwood and Indian Creek Bridge, [Project # 80602]
- K. Approve Change Order No. 4, in the amount of \$33,273.74, to Kissick Construction, pertaining to the installation of Walking Woman art piece, located on the east side of Tomahawk Creek Parkway, near the entrance to the soccer fields [southeast of the Justice Center]
- L. **Resolution No. 5083**, approving and authorizing the Mayor to execute a Corporate Purchase Agreement for an amount not to exceed \$18,000.00, between the City and Garmin USA, Inc., for the purchase of Garmin fitness devices
- M. **Resolution No. 5084**, approving and authorizing the Mayor to execute an Auction Engagement Agreement and Addendum between the City and Purple Wave, Inc., pertaining to the auction sale of surplus property

- N. **Resolution No. 5085**, accepting a Permanent Storm Sewer Easement from Grantor Helen M. Wendlandt, Trustee, for property located at 3517 W. 92nd Street, pertaining to the 2017 Residential Street Reconstruction Project [Project # 80217]
- O. **Resolution No. 5086**, accepting a Permanent Storm Sewer Easement from Grantor Amy Jo Paddock, for property located at 3523 W. 92nd Street, pertaining to the 2017 Residential Street Reconstruction Project [Project # 80217]
- P. **Resolution No. 5087**, accepting a Permanent Storm Sewer Easement from Grantors Timothy S. Kellerman and Nancy J. Kellerman, for property located at 3404 W. 92nd Terrace, pertaining to the 2017 Residential Street Reconstruction Project [Project # 80217]
- Q. **Resolution No. 5088**, accepting a Permanent Storm Sewer Easement from Grantors Jeffrey Mark Danda and Krittika Chochai, for property located at 9218 Wenonga, pertaining to the 2017 Residential Street Reconstruction Project [Project # 80217]
- R. **Resolution No. 5089**, accepting a Permanent Storm Sewer Easement from Grantor Garner Family Irrevocable Trust, for property located at 3524 W. 92nd Terrace, pertaining to the 2017 Residential Street Reconstruction Project [Project # 80217]
- S. **Resolution No. 5090**, accepting a Permanent Storm Sewer Easement from Grantors Mason E. Goodman and Andrea L. Goodman, for property located at 9225 Pawnee Lane, pertaining to the 2017 Residential Street Reconstruction Project [Project # 80217]
- T. **Resolution No. 5091**, accepting a Permanent Storm Sewer Easement from Grantors Richard B. Cray, III, and Ashley S. Cray, for property located at 3408 W. 92nd Terrace, pertaining to the 2017 Residential Street Reconstruction Project [Project # 80217]
- U. **Resolution No. 5092**, accepting a Permanent Utility Easement from Grantor Leabrooke Townhomes LLC, for property located at 14521 Meadow Lane, Leabrooke Town Manor Villas Subdivision, Lots 19 & 20, Tract B
- V. **Resolution No. 5093**, approving a Final Plan for Nall Valley Shops – Burg & Barrel Patio, located north of 151st Street and east of Nall Avenue. (PC Case 118-18) [*from the October 23, 2018 Planning Commission meeting*]
- W. Police Department Monthly Report
- X. Fire Department Monthly Report
- Y. Municipal Court Monthly Report

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

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

- 7.A. Accept Appropriation Ordinance Nos. 2018-44 and 2018-45

Councilmember Sipple stated recusal from voting because his wife's name is listed as a payee. She provides contract services to the Parks & Recreation Department.

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

8. MAYOR'S REPORT

- A. My thanks to Tony Nichols, Special Events Supervisor in our Parks & Recreation Department, and Director Chris Claxton along with her team for organizing the 21st Annual Holiday Lighting Ceremony just prior to this meeting. Nearly all Councilmembers and Department Heads, and the City Administrator were in attendance to hear songs of the season sung by choirs from Prairie Star Elementary, Nativity Parish Children's Choir and the Leawood Stage Company, with Councilmember Azeltine performing with his daughter. It was a very festive celebration.
- B. Attended a Veteran's Day Assembly hosted by Leawood Middle School along with Deputy Police Chief Kevin Cauley and Captains Dale Finger and Brad Robbins. The colors were presented by our City of Leawood Color Guard, and the key-note speaker was Leawood resident and Parks & Recreation Advisory Board member Gary Swanson, who has quite a history of involvement with Veterans. He did an excellent job.
- C. Congratulations to Police Corporal Eric Butler and Officer Phil Goff on the culmination of one of the largest classes of our Citizen Policy Academy. There were 30 graduates, and another class is planned for Spring 2019. All had rave reviews about their experience. Thanks to Chief Troy Rettig for promoting the academy.
- D. My thanks to Human Resources Director Nic Sanders for organizing a great kick-off for the 2018 United Way Campaign for the City of Leawood employees. Councilmembers James Azeltine and Chuck Sipple joined me as well as a United Way representative and a CASA of Wyandotte & Johnson County presenter. The campaign will go through November 30, 2018 and participation is all on-line.
- E. Attended the Johnson & Wyandotte Counties Council of Mayors meeting hosted by Lenexa Mayor Mike Boehm. Guests were the legislators and newly-elected delegation members for all Johnson and Wyandotte counties to discuss issues viewed as priorities for municipalities in the upcoming legislative session. The issues included local control; elections remain "non-partisan"; tax lid; guns at City Hall and Courts; school funding and the Supreme Court; and regional transportation – Tworks.
- F. Congratulations to all victorious candidates in the recent County, State and Federal elections. We owe our appreciation to those public servants who will not be returning to their seats, but who have represented us well for many years.
- G. Great features on our Leawood Police and Fire Departments, and Rotary Club in the November issue of *Leawood Lifestyle* magazine. Please don't miss it!
- H. Happy Thanksgiving to one and all!

9. COUNCILMEMBERS' REPORT

- A. **Councilmember Osman** – Referral to Public Works Committee; Request for Traffic Calming Device on 97th Street between Lee Boulevard and State Line

Councilmember Osman stated a request to review street traffic had been received and the request had met all criteria to move to the next stage, which is referral to the Public Works Committee for review. Mr. Ley confirmed the topic could be addressed at the Public Works Committee meeting scheduled to start at 7:30 A.M. on Wednesday, December 5, 2018. He would ensure interested parties are notified of the meeting.

A motion to approve Agenda Item 9.A. was made by Councilmember Osman; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

- B. **Councilmember Azeltine** – Referral to Stormwater Management Committee; Request for Selection of Consultant for Stormwater Management Project known as Waterford Subdivision Stormwater Improvements TM-04-007 [SMAC Project] [Project #77017]

Councilmember Azeltine stated the referral is for selection of a consultant to complete the design of the Waterford Storm Sewer project. It is planned for the Stormwater Management Committee to review ratings, rank and propose a list a consultants to receive a Request for Qualifications [RFQ] at their meeting scheduled to start at 7:30 A.M. on Wednesday, November 28, 2018. The committee meeting at the end of January 2019 would be used to review responses and select the consultant firm.

A motion to approve Agenda Item 9.B. was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

- C. **Councilmember Cain** – Update on Leawood Banner Project

Councilmember Cain shared a graphic presenting the three remaining designs in a total of five pole banners created by Zach Newton, an artist with Hallmark. She stated the colors of the banners on the electronic display and in the paper meeting documentation packet were not a true depiction; actual banner colors are more muted. All 150 mounting brackets in the City would be replaced. She thanked Councilmembers for comments received to-date on the banner designs and she welcomed their comments on the designs and for bracket locations. Comments should be sent to her by e-mail or telephone. She stated a modification suggested by Mayor Dunn had been quickly made by Mr. Newton.

Councilmember Filla suggested there could be interest in a future additional banner for historic districts. Mayor Dunn noted signage is already present in historic areas.

10. CITY ADMINISTRATOR REPORT – None

11. STAFF REPORT – None

COMMITTEE RECOMMENDATIONS

12. PLANNING COMMISSION

[from the October 23, 2018 Planning Commission meeting]

- A. **Ordinance No. 2911**, approving a Preliminary Plan, Final Plan, and Final Plat for Town Center Plaza – Lot 4 Redevelopment, located north of 119th Street and east of Nall Avenue. (PC Case 114-18) [ROLL CALL VOTE]

Mr. David Olson, 3501 West 147th Street, stated he represented the current property owner, OTB Town Center, LLC, and Shake Shack, and he provided background and details of the project. Several months ago, the OTB Operators contacted the ownership group, indicating they wanted to terminate operation. At that time, the ownership group looked for redevelopment opportunities. The proposal includes complete site and building demolition and ground-up build of two new facilities. One portion of the plan includes construction of a multi-tenant retail building. Exterior building materials would be very complimentary to surrounding structures. The ownership group is proud to bring the second Shake Shack of Kansas City to Town Center, the first in Kansas, as well as excited to bring two nationally-known tenants to the multi-tenant building. The entrance for Shake Shack would be positioned closest to Town Center for prominence. The team has worked with City Staff, reviewed their recommendations and are in complete agreement.

Mr. Olson confirmed to Councilmember Cain the two nationally-known tenants already have a presence in Kansas.

Councilmember Cain asked for explanation of pedestrian access going from the Arhaus, to the Bristol and then to the proposed buildings. She noted the placement of the buildings was closer to 119th Street, in alignment with Arhaus. Mr. Olson stated pedestrian connection would be provided from 119th Street to Town Center back to Rosewood Street, connecting to the east entrance on 119th Street and extending over to Arhaus.

Councilmember Cain stated appreciation for willingness to provide long-desired pedestrian access for walkability; Mayor Dunn agreed.

Mayor Dunn stated she has not eaten at Shake Shack on the Country Club Plaza, but their on-line menu appears delicious and should be popular.

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

- B. **Ordinance No. 2912**, approving a Preliminary Plan and Preliminary Plat for Three Hallbrook Place – Office Building – located south of College Boulevard and west of State Line Road. (PC Case 116-18) [ROLL CALL VOTE]

Mr. David Rezac, Van Trust Real Estate, 4900 Main, Suite 400, Kansas City, Missouri, provided brief details of the proposed development, to be located south of College Boulevard, north of Hallbrook property, east of Overbrook and west of State Line Road.

Van Trust has partnered with Hallbrook Office Center, Burns & McDonnell-Architect, Phelps Engineering-Civil, and BBN Architects-Landscaping Design for this exciting development of an 8.46 acre parcel, east of Overbrook and north of Hallbrook property. The site contains a small 0.83 acre retention basin in the southwest corner. A four-story, 119,853 sq. ft. building having clean lines and perfect proportions to compliment the One Hallbrook and Two Hallbrook buildings is proposed, situated on the high side of the property at a primary intersection corner. There would be 469 space surface parking stalls. Landscaping would be per the Leawood Development Ordinance to fit seamlessly into the Hallbrook development. Entry would be all along the west side of the building, proceeding to the northwest corner. The entrance plaza would contain 3,600 sq. ft., be landscaped, and have pedestrian seating areas, specialty lighting and paving. Mr. Rezac pointed out the entrance plaza area on an aerial view of the project. Project schedule is to have permitting complete by mid-Summer 2019 and construction complete by Fall 2020. No tenants have been identified for the buildings. The team is agreeable to all stipulations.

Mayor Dunn questioned the square footage of the Ascend Learning building, as a comparison to the size of the proposed building. Mr. Rezac stated he was not aware of the size of the Ascend building, but Hallbrook Two building is similar-sized and is about 110,000 sq. ft.

Councilmember Cain pointed out and stated agreement with Planning Commissioner David Coleman’s comment in the Planning Commission minutes that the One Hallbrook building is a “crown jewel” in Leawood.

A motion to pass Agenda Item 12.B. was made by Councilmember Cain; seconded by Councilmember Larson. The ordinance was passed with a unanimous roll call vote of 8-0.

- C. **Ordinance No. 2913**, amending Section 16-2-5.3 of the Leawood Development Ordinance entitled “R-1 (Planned Single Family Low Density Residential District) (15,000 Sq. Feet Per Dwelling)” and repealing existing Section 16-2-5.3 and other sections in conflict herewith. (PC Case 113-18) [ROLL CALL VOTE]

Mr. Klein stated existing R-1 district buildings having a 15 ft. side yard setback can have house additions built that do not encroach into the setback without exception or variance. The Leawood Development Ordinance [LDO] has another requirement for buildings with side yard setbacks less than 15 ft. to 10 ft. regarding house additions. The setback for addition to such buildings must match. For example, for an existing building with a side yard setback of 12 ft., the addition must have a 12 ft. setback and also be continuous with the building. The proposed amendment would remove the continuous requirement, but would not allow additional encroachment. Even an addition with a larger setback would need a variance. Another issue in the current ordinance is that if an existing building is closer than 10 ft., an addition cannot be sought without going before the Board of Zoning Appeals [BZA] for a variance. The proposed amendment would provide for less burden by exception as opposed to full variance, but maintain maximum setback. No setback would be less than 10 ft.

Mayor Dunn stated the BZA had struggled with this in the past and she praised the proactive proposed LDO amendment.

Councilmember Azeltine asked for the difference between an exception and variance. Mr. Klein stated a variance has five factors that must be met, two of which are difficult to meet. These two factors are the property lot must be of a unique shape than in the City and the hardship cannot be caused by the application. Under the proposed amendment this would be an exception, granted as long as the application was not negative to neighbors. An exception is not as high a standard as a variance.

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

13. OLD BUSINESS – None

14. OTHER BUSINESS – None

15. NEW BUSINESS

Ordinance No. 2914, appropriating the amounts set up in each fund in the budget for fiscal year 2019, providing for the payment of all claims and charges against the accounts provided for therein; and approving and ratifying the payment of all claims against the accounts [ROLL CALL VOTE]

Mayor Dunn pointed out the proposed ordinance was similar to those presented for many years.

A motion to pass Agenda Item 15. was made by Councilmember Azeltine; seconded by Councilmember Rawlings. The ordinance was passed with a unanimous roll call vote of 8-0.

Mayor Dunn wished everyone a very Happy Thanksgiving.

ADJOURN

There being no further business, the meeting was adjourned at 8:12 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk