

Minutes

DVD No. 441

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, 7:00 P.M. on Monday, May 20, 2019. Mayor Peggy Dunn presided.

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

**Councilmembers Absent:** James Azeltine

<b>Staff Present:</b> Scott Lambers, City Administrator	Marcy Knight, Assistant City Attorney
David Ley, Public Works Director	Captain Brad Robbins, Police Dept.
Richard Coleman, Community Dev. Dir.	Mark Klein, Planning Official
Chief Dave Williams, Fire Department	Ross Kurz, Info. Services Director
Chris Claxton, Parks & Recreation Director	Dawn Long, Finance Director
Nic Sanders, Human Resources Director	Debra Harper, City Clerk
Deputy Chief Colin Fitzgerald, Fire Dept.	Cindy Jacobus, Assistant City Clerk
Mark Tepesch, Info. Services Specialist III	

**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 amended to add Agenda Item 15.C. to recess into Executive Session immediately following the regular Council Meeting to discuss the acquisition of real property pursuant to the property acquisition exception at K.S.A. § 75-4319(b)(6).

**A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 5-0 [Councilmembers Filla and Osman not present].**

**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 two citizens who had signed in to speak on Agenda Item 12.A. would be called upon when that topic was reached.

**4. PROCLAMATIONS**

**National Public Works Week, May 19-25, 2019**

Mayor Dunn read the proclamation and presented to Mr. Ley. She personally thanked Mr. Ley for his tremendous leadership of the Public Works Department, stating she receives daily compliments about the great work.

**5. PRESENTATIONS/RECOGNITIONS**

**Representative Stephanie Clayton**

Mayor Dunn welcomed Representative Stephanie Clayton. Representative Clayton stated she had represented parts of Ward One and Ward Two in Leawood since 2013. This would be her first legislative update to the Council, kept brief and on high points of legislation that effected local government, as follows:

Senate Bill 105

Legislation a few years ago changed local elections from Spring to Fall, with unintended consequence of moving swear-in timing of officials to January, similar to that of the Legislature. This cause some problems with “lame duck” situations. Effective July 1, 2019, these dates can be determined locally, as appropriate.

Senate Bill 68

This bill changed franchise fees, especially regarding telecoms. The bill was strongly passed by the House 112 to 12, and unanimously by the Senate. She did not support the bill. Local municipalities expressed concern this would open the floodgates for other utilities, reducing franchise fee revenues. The League of Kansas Municipalities and municipalities will remain vigilant.

House Bill 2345

This bill would allow reduction of mill levy and the ability to raise mill levy for emergency need if mill levy would not be raised above highest levy in the past five years, without tax lid issues requiring public vote, did not come to a vote. Initially, the bill was proposed with a seven-year watermark and once reduced to five years, this caused some opposed to become neutral. The Kansas Association of Realtors, the League of Kansas Municipalities and municipalities supported this bill, which would give local government more control over their budget and opportunity for constituents to have lower property taxes. This bill had strong support in hearing. Representative Clayton sits on the Taxation Committee and this will be pushed again by Johnson County Legislators when the legislature reconvenes. She would welcome comments from municipalities.

### House Bill 2033

This tax bill is a smaller iteration of Senate Bill 22. The House Bill has several provisions effecting local government including:

1. Internet sales tax on retailers doing more than \$100,000 in business in Kansas, commonly known as the "Wayfair" provision, related to last Summer's United States Supreme Court "South Dakota v. Wayfair" ruling mandates businesses without physical presence collect and remit sales taxes on transactions in the state.
2. Significant tax decrease for large multi-national companies, which was the majority of the fiscal note for the bill.
3. Itemized deductions on Kansas taxes.

Based on legislature research of two tax brackets of the majority of her constituents, \$50,000 to \$100,000 and \$100,000 to \$250,000, the estimated annual savings for the \$50,000 to \$100,000 bracket would be \$35 and the estimated annual savings for the \$100,000 to \$250,000 bracket would be \$88. She viewed this as more fiscal risk than fiscal reward and tax relief, and she could not support the bill. Governor Kelly has vetoed this tax bill.

On May 29, the legislature is to reconvene "sine die", for last day of the 2019 session.

Just before her arrival tonight, she became aware Governor Kelly made some line-item vetoes in the budget. In quick review of notes, vetoes and reasons, as follows:

1. Extra \$51 Million transfer from the General Fund to KPERS [Kansas Public Employee Retirement System] for Fiscal Year 2020, because Governor Kelly had previously signed a bill to put in \$115 Million.
2. Extra \$1.9 Million for mental health centers, because Governor Kelly had already appropriated \$5 Million.
3. K-TRACS Program for prescription drugs because this is typically a fee program and is not appropriate to come from the General Fund.

Though some issues are emotionally charged, vetoes were logical and reasonable. Vetoes will likely be taken up on sine die and there could be strong attempts to override based on legislator attendance. It is difficult to even have a meeting quorum at this time of year. To override, a two-thirds majority veto would be needed in both the House and Senate; 27 Senate votes and 84 House votes. However, an absence is recorded as a "NO" vote. Usually legislation is finalized by the end of the session, but that is not the case this year.

Mayor Dunn thanked Representative Clayton for the update and inquired the number of votes that originally passed the tax bill. Representative Clayton stated constitutional majority of the Senate is 27 votes and the number was greater, and voting was fairly close in the House though she did not know the exact number. She stated for some legislators a "Yes" vote for tax relief was considered safe, if assumption was the bill would still not pass even by voting "Yes". Sometimes these types of dysfunctional votes occur.

Councilmember Sipple inquired if the school funding issue had been resolved at the Court level. Representative Clayton stated oral arguments were heard earlier this month and she believes the Court would pass, based on Justices' questions. Although many parties worked together, Plaintiffs are not happy with how future inflation is addressed. The Court may pass, asking for review in three or four years. Ruling could be made any time prior to the June 30, in keeping with the fiscal year and especially if changes by the legislature are needed.

Mayor Dunn has read that Missouri Legislature had its last day today and once again they "threw a bone" on the "border war" for certain counties and subject to Kansas Legislature action. She asked if this might be a topic at sine die. Representative Clayton stated in Kansas, economic incentives would be brought up through the Commerce Secretary/Committee, and this was not likely to be taken up this year. In Missouri, these decisions are made by their legislature.

Mayor Dunn expressed the hope Representative Clayton would visit again, and wished her good luck on May 29. She pointed out the Johnson & Wyandotte Counties Council of Mayors is hosting legislators at a meeting on June 5, and she hopes the Legislative session has ended by that day.

### **Introduction of French Firefighter Intern, Erwin Martin**

Deputy Fire Chief Colin Fitzgerald introduced French Firefighter Erwin Martin. Deputy Fire Chief Fitzgerald stated this is the City's ninth year to participate in the University of Bordeaux intern program. There were 14 international interns, with six sent to the United States and three of these hosted in Johnson County cities of Leawood, Overland Park and Olathe.

Firefighter Martin stated he had been working as a mental health First Responder, and was happy to be part of the intern program. He would be here 10 weeks and have the opportunity to enjoy American life, including baseball and soccer games, meeting new people and eating barbeque for nearly every lunch. He hopes to become a Battalion Chief in about one year and remain in his city of Bordeaux, located in the southwest of France.

Mayor Dunn stated Bordeaux has wonderful wine and she is happy that Firefighter Martin was having an enjoyable visit. The Leawood Fire Department continues to be chosen as a host because of the wonderful opportunities the City can offer.

Councilmember Harrison suggested a visit and tour of Dimensional Innovations in Overland Park might be of interest to Firefighter Martin. This company hopes to help in 3-D digital reprinting the spire of Notre Dame Cathedral. She was confident the company would be delighted to meet him; Deputy Chief Fitzgerald agreed.

Mayor Dunn thanked Firefighter Martin for his meeting attendance in inclement weather and attendees offered a round of applause.

### **6. SPECIAL BUSINESS – None**

## 7. CONSENT AGENDA

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted upon in a single motion. If a Councilmember requests a separate discussion on an item, it can be removed from the consent agenda for further consideration.

- A. Accept Appropriation Ordinance Nos. 2019-18 and 2019-19
- B. Accept minutes of the May 6, 2019 Governing Body meeting
- C. Accept minutes of the November 7, 2018 Bike/Walk Leawood meeting
- D. Approve Change Order No. 1, and 3<sup>rd</sup> & Final Pay Request in the amount of \$8,268.03 to Gunter Construction Company, pertaining to the 119th Street and Mission Road Retaining Wall Project [Project # 82065]
- E. Approve Change Order No. 1, in the amount of \$28,934.00, to O'Donnell & Sons Construction, pertaining to the 2018 Ironwoods Park Parking Lot Improvement Project, located at 14701 Mission Road [Project # 71025]
- F. Approve purchase in the amount of \$63,558.40, from Mayer Equipment & Supply, LLC, for [1] track-horse easement machine
- G. **Resolution No. 5185**, approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$173,031.00, between the City and J. Warren Co., Inc., pertaining to the 2019 Mission Road Street Light Project from Ranchmart to 92<sup>nd</sup> Street [Project # 82074]
- H. **Resolution No. 5186**, approving and authorizing the Mayor to execute a Patient Safety Organization Participant Agreement between the City and Center for Patient Safety, pertaining to EMS quality assurance and improvement activities within the Johnson County EMS system
- I. **Resolution No. 5187**, accepting a Temporary Construction Easement from Grantors Michael and Erica Brune, for property located at 3404 W. 85<sup>th</sup> Street, Lot 73, Leawood Lanes Subdivision, pertaining to the Prairie Village Storm Water Improvement Project [SMAC Project # DB-11-014]
- J. **Resolution No. 5188**, accepting a Temporary Construction Easement from Grantors William Patrick Donnelly, Trustee of the William Patrick Donnelly Trust and Judy M. Donnelly, Trustee of the Judy M. Donnelly Trust, for property located at 8500 Reinhardt Lane, Lot 70, Leawood Lanes Subdivision, pertaining to the Prairie Village Storm Water Improvement Project [SMAC Project # DB-11-014]
- K. **Resolution No. 5189**, accepting a Temporary Construction Easement from Grantor Kathryn J. Hollister, Trustee of the Kathryn J. Hollister Trust, for property located at 8419 Reinhardt Lane, Lot 104, The Cloisters Subdivision, pertaining to the Prairie Village Storm Water Improvement Project [SMAC Project # DB-11-014]
- L. **Resolution No. 5190**, accepting a Temporary Construction Easement from Grantor Dottie M. Abbott, Trustee of the Dottie M. Abbott Trust, for property located at 8415 Reinhardt Lane, Lot 70, The Cloisters Subdivision, pertaining to the Prairie Village Storm Water Improvement Project [SMAC Project # DB-11-014]
- M. **Resolution No. 5191**, accepting a Temporary Construction Easement from Grantors Jack D. Rowe and Paula D. Rowe, for property located at 8409 Reinhardt Lane, Lot 71, The Cloisters Subdivision, pertaining to the Prairie Village Storm Water Improvement Project [SMAC Project # DB-11-014]
- N. **Resolution No. 5192**, accepting a Temporary Construction Easement from Grantor Ruth M. Brito, for property located at 3209 W. 84<sup>th</sup> Place, Lot 32, The Cloisters Subdivision, pertaining to the Prairie Village Storm Water Improvement Project [SMAC Project # DB-11-014]

- O. **Resolution No. 5193**, accepting a Temporary Construction Easement from Grantors Bert L. Benjamin and Janice C. Benjamin, for property located at 3201 W. 84<sup>th</sup> Place, Lot 34, The Cloisters Subdivision, pertaining to the Prairie Village Storm Water Improvement Project [SMAC Project # DB-11-014]
- P. **Resolution No. 5194**, accepting a Temporary Construction Easement from Grantor Sally J. Flood, as Trustee of the Sally J. Flood Trust, for property located at 3024 W. 84<sup>th</sup> Place, Lot 100, The Cloisters Subdivision, pertaining to the Prairie Village Storm Water Improvement Project [SMAC Project # DB-11-014]
- Q. **Resolution No. 5195**, accepting a Temporary Construction Easement from Grantors Clay S. Calvert and Joan M. Calvert, for property located at 8408 Wenonga Road, Lot 76, The Cloisters Subdivision, pertaining to the Prairie Village Storm Water Improvement Project [SMAC Project # DB-11-014]
- R. **Resolution No. 5196**, accepting a Temporary Construction Easement from Grantors Bob Arther and Gail Arther, for property located at 8412 Wenonga Road, Lot 77, The Cloisters Subdivision, pertaining to the Prairie Village Storm Water Improvement Project [SMAC Project # DB-11-014]
- S. **Resolution No. 5197**, accepting a Permanent Storm Sewer Easement from Grantors Bob Arther and Gail Arther, for property located at 8412 Wenonga Road, Lot 77, The Cloisters Subdivision, pertaining to the Prairie Village Storm Water Improvement Project [SMAC Project # DB-11-014]
- T. Police Department Monthly Report
- U. Fire Department Monthly Report
- V. Municipal Court Monthly Report

Councilmember Sipple requested Consent Agenda Items 7.A. and 7.T. be pulled.

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

7.A. Accept Appropriation Ordinance Nos. 2019-18 and 2019-19

Councilmember Sipple stated he would recuse from voting because his wife's name is listed as a payee. She works as a contractor for the Parks & Recreation Department.

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

7.T. Police Department Monthly Report

Councilmember Sipple noted the number of drug possessions and shoplifting violations had increased in April compared to previous months, and he inquired if this was a trend and for reason.

Police Captain Brad Robbins stated no shoplifting gangs had been apprehended, but more businesses had moved personnel into loss prevention. Drug possessions were daytime offenders.

Councilmember Osman asked how many of the 13 drug possessions involved marijuana. Captain Robbins stated he did not have specific information, but could research and provide. He believed the majority of the possessions involved marijuana.

Councilmember Osman pointed out a recent Kansas City Star newspaper editorial article a few days ago stated municipalities and states have different fines for the possession of marijuana. He has had discussions with Police Chief Troy Rettig and Mr. Lambers in this regard. Leawood is a border City to Missouri, a state which has legalized medicinal marijuana use. Dispensary application deadline is August, with award of dispensaries in December. There are out-of-state entities looking to obtain a Kansas City, Missouri, sponsor, and some of the dispensaries are likely be located on Wornall and State Line Road. The number of drug possessions may rise. The City needs to proactively look at possession with the Courts before January, for the long-term.

Mayor Dunn noted the City's Prosecutor was in attendance and listening to the discussion.

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

## **8. MAYOR'S REPORT**

- A. My appreciation to the Leawood Historic Commission and Staff Liaison April Bishop for orchestrating a lovely Historic Plaque Dedication for the Leawood Shops at Somerset and Lee Boulevard. Built in 1951, it was one of the first shopping centers south of the Plaza. Councilmembers Andrew Osman, Debra Filla, Jim Rawlings and Mary Larson joined members of the Martin and Brisbois families who founded the center.
- B. Our sympathy to the family of Budget Manager Kathy Byard on the recent passing of her mother, Kay Byard.
- C. Condolences also to the family of Leawood resident Kip Niven, theatre director and actor, who died at age 73. In 2015 DVDs of "Jayhawkers", a movie about the University of Kansas, were distributed as gifts at my State of the City Address. Kip starred as Phog Allen in the movie.
- D. Attended a Ramadan Iftar dinner hosted by the Crescent Peace Society which was founded 22 years ago by Leawood residents. There were 200 people in attendance, and it was held in our City Hall Oak Room.
- E. Attended the 17<sup>th</sup> Annual Hadassah Nurses Council Walk for Health which was held on Mother's Day at Gezer Park. All were impressed with our beautiful park and the symbolisms within it.
- F. My thanks to Arts in Public Places Initiative Chair Michael Shirley and his committee for organizing the dedication ceremony of Sculptor Michael Stutz's "Walking Woman." Special recognition to Councilmember Jim Rawlings who served on the Selection Committee and Councilmember Julie Cain who serves as Council Liaison to APPI. Councilmembers Mary Larson, Chuck Sipple and Lisa Harrison were also in attendance.
- G. Congratulations to Director of Parks & Recreation Chris Claxton on a terrific feature in Leawood Chamber's "Look to Leawood" magazine. It's a great article on many accomplishments achieved in our community under her guidance and leadership.
- H. Congratulations also to Councilmember Julie Cain on the new streetlight banners article. These are eagerly awaited and will soon be on display.

- I. HomeSnacks.net’s ranking of “Best Place to Live in Each State for 2019” rates Leawood as best in Kansas, based on analysis of categories such as great food, quality shopping, amazing people, safe and clean neighborhoods, low crime, great jobs, worthy salaries, affordable housing, solid schools and short commute times. According to the Happiness Research Institute, most people do not like where they live and wish they lived somewhere that had more to offer. This is not the case with Leawood.

9. **COUNCILMEMBERS’ REPORT** – None

10. **CITY ADMINISTRATOR REPORT** – None

11. **STAFF REPORT** – None

### ***COMMITTEE RECOMMENDATIONS***

#### **12. PLANNING COMMISSION**

***[from the April 23, 2019 Planning Commission meeting]***

- A. **Ordinance No. 2944**, approving a Special Use Permit for an Independent Living Facility, Preliminary Plan, and Preliminary Plat for The Majestic – Independent Living Facility, located south of 137<sup>th</sup> Street and west of Mission Road. (PC Case 24-19)  
[ROLL CALL VOTE]

Mayor Dunn stated two communications received from Lawrence and Sally Rosine and Jane and Tony Ross had been distributed electronically and paper copies provided to the Council.

Applicant Mr. Doug Hoffman, EBW Development, stated there had been two years planning and several Midwest focus groups conducted on this exciting new premise for equity-based, seamless transition from condominium-to-home-care living facility. The concept has been well-received. He introduced project team members Mr. Jason Toye, Ms. Katie Martinovic and Ms. Audrey Knight with NSPJ Architects, and Mr. Jeff Skidmore with Schlagel & Associates. He stated BCCM Construction Group is the General Contractor of record.

Mr. Toye, Senior Project Manager, stated the site is on the southwest corner of 137<sup>th</sup> Street and Mission Road, on approximately 12 undeveloped acres currently used for farming. There is 20 ft. of fall across the site which was a challenge. The proposed plan is for a 233,000 sq. ft. independent living community, with no licensed care provided. The two/three story building sits on top of a structured underground parking garage. Currently, the project would be constructed in two phases. Phase 1 would be the central building section, with wings to the east and west built in Phase 2. The developer is looking at options for all construction to occur at the same time. He presented a fly-over, 360 degree graphic video, depicting the main entrance with porte-cochere, water feature, gathering spaces, access drive around back, parking garage entry, star-patterned concrete emergency service plaza, terraced south site, stocked detention pond with fishing pier, spa, fire pit and waterfall swimming pool. Building heights are stepped with land contours as the site falls, building facades pushed in and out to create courtyards and outdoor spaces, and all four-sides of the building have architecture, not just on the front.

Ms. Martinovic, Principal Landscape Architect, pointed out the Staff Report provides information on two Citizen Interact meetings. The project team visited many times, typically one-on-one and on-site, with neighbors who requested meetings. She stated at the Planning Commission two neighbors attended and spoke positively about the development. She presented a Neighborhood Outreach Timeline for the six meetings with neighbors to the south and the two Citizen Interact meetings that occurred, as well as a list of neighbor concerns and graphic resolutions. Concerns included proximity of building to residential neighborhood, height of the development, stormwater issues, lighting of the site and exterior patios, current mosquito population and traffic coming into the main access drive. The two main neighbor concerns were drainage and traffic.

Ms. Martinovic stated that after the meetings, the project team made plan changes. Information was distributed to neighbors via DropBox links, and updated plans were available as well, which addressed concerns, including building height. The revised plan was presented to the Planning Commission. The proposed plan includes the addition of evergreen trees to the 25 ft. tree preservation easement, 6 ft. stucco wall and berms built along the south to reduce lighting. A second garage entry was added to the west to reduce the number of vehicles coming to the back of the site along the south access road. Garage access would be controlled with key-fobs. Currently the entire site drains to the south neighbors and with the proposed plan much of this would be retained in the detention pond and slowly released. Drainage of small amount of area could not flow into the detention basin due to natural site topography. She stated neighbors have agreed drainage would be better with the development.

Mr. Klein confirmed to Mayor Dunn the Final Plan would provide for removal of all perimeter fencing/gate, as stated in Stipulation 7 as it relates to Comment 9 in the Staff Report. The fencing and gate would be removed, but the stucco wall would remain. A couple of areas within the development would be enclosed, such as the dog park and between the build wings.

Councilmember Cain stated the proposed plan was beautiful and 360 degree architecture is apparent. She thanked the project team for extreme collaboration with Leawood Meadows, and solid responses to concerns. The development is an interesting product that does not exist in the Midwest. She noted the units would be purchased and the inquired how future inheritance by those less than 60 years old would be handled, and if the facility would welcome visiting grandchildren. Mr. Hoffman stated the units would be resold by management to someone meeting ownership criteria and sales proceeds provided to heirs. The facility has many amenities geared towards children such as rooms with X-Box stations, large screen televisions, "Grandpa's Fishing Pond" and pool. He stated he is a member of the Rodrock Foster Children Foundation and there may be a future mentoring program. The facility would have three internally-managed restaurants with residents having \$1,000 monthly credit for food, available in their room, or at the formal restaurant, sports bar, or pool bistro. He hoped residents will want to invite extended families to visit.

Mr. Hoffman confirmed to Councilmember Cain the second garage was planned for Phase 2 and was a big concession, but Phase 1 is only 60 residents and there is a 90% chance construction will happen in one phase. Access to the garage from the south entrance road would be limited to 100 key-fobs. Councilmember Cain stated the project is interesting and the City is lucky to have the project.

Mr. Hoffman confirmed to Councilmember Sipple that owners wishing to sell would need to do so through the management's agent, and no subletting or Airbnbs would be permitted per covenants.

Councilmember Sipple stated stormwater drains towards Mission Road and there is an open ditch from 137<sup>th</sup> Street to 138<sup>th</sup> or 139<sup>th</sup> Street. He asked if that end of the ditch would be covered before a Certificate of Occupancy was issued.

Mr. Skidmore stated during initial construction the ditch would remain open. The water flows partially through the eastern part of Siena subdivision, and into the creek. The culvert at 138<sup>th</sup> Street and Mission Road is the restricting factor and the outlet from the proposed detention pond is sized for this restriction. Per the City's Capital Improvement Program, Mission Road will be expanded within five years, and there will be coordination on piping ties and discharges.

Mr. Hoffman confirmed to Councilmember Sipple the parking garages will have adjoining traffic way and there is parking under the central portion of the building. Parking spaces will be logistically assigned to facilitate elevator access.

Councilmember Filla praised the cascading building heights, 360 degree architectural view, star stamped concrete fire lane and emergency vehicle turnaround, and stocked fishing detention pond. She inquired where water needed for the detention pond would come from between rain storms, if native plants and pollinators would be used, and if having a community garden had been considered. Mr. Skidmore stated fish typically need about 10 ft. of water and the level of the detention pond would be expected to cyclically fluctuate within 1 ft. of this depth. Ms. Martinovic confirmed some native plants would be used in the traditional-style landscaping, and there would be a couple of raised vegetable planting beds to the south. She had attempted to provide each courtyard with a unique amenity.

Councilmember Filla thanked Mr. Coleman and Mr. Klein for Stipulation 17 in regard to tree inventory and replacement plan.

Mayor Dunn asked about the location of the Pickleball courts, stating these were a nice inclusion, and Councilmember Cain asked about the location of the dog park. Ms. Martinovic stated the Pickleball courts were located to the west near the putting green and the dog park was in the northeast corner of the site, behind the water feature and away from residents.

Ms. Jane Ross, 4004 W. 137<sup>th</sup> Street Terrace, stated the back of her residence directly abuts the proposed development, and she and her husband had been working with the developer in regard to concerns. They are in favor of the 6 ft. wall, keeping the old farm tree brush line which is a sanctuary for birds and animals, and installation of evergreen trees, which will block lights and sounds from the access drive to the south side garage. They appreciate the addition of a second parking garage and that 11 of 12 acres of stormwater drainage would be captured by the development. Their backyard is very muddy and it is one of the best in this regard. To reduce construction time and disruption, they would like Phase 1 and Phase 2 to be built all at once.

Mr. Tony Ross, who had signed in to speak, declined to do so stating his wife had provided comments.

Ms. Ross referred to letter from Mr. Lawrence and Mrs. Sally Rosine, whose property backs up to Mission Road. The letter expresses the same concerns raised by Councilmember Sipple about the swale on Mission Road and badly eroded ditch. If possible, the City and developer to mitigate this before Mission Road is widened.

Mayor Dunn stated the Rosine's letter had been received by the City and Mr. Ley had spoken to Mrs. Rosine about the drainage issue. Mr. Ley stated the Planning Commission's approval includes Public Works Stipulation 3) d), "The developer shall regrade a roadside stormwater ditch along Mission Road from 137<sup>th</sup> Street to the culvert inlet north of 138<sup>th</sup> Street to convey the 100 year storm." This will occur before a Certificate of Occupancy is issued for the site. In 2022, storm sewers will be installed and open ditch eliminated.

Councilmember Harrison expressed concern the 6 ft. wall and berms may hinder stormwater flowing across the site. Mr. Ley stated most of the stormwater would be captured on-site, draining north to south. Mr. Hoffman stated berm and French drains with gravel beds would assist with stormwater from the one-and-one-half acres not captured by the detention pond.

Mayor Dunn expressed appreciation for the additional meetings conducted with neighbors. She stated listening to concerns and acting makes for a far better project.

Mr. Lambers commended the applicant for willingness to comply with stormwater requirements by creating an attractive amenity. He stated this should be the standard the City should use rather than one to be across the street. Mayor Dunn thanked Mr. Lambers for the reminder.

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

Mayor Dunn wished the project team the best of luck and thanked Mr. and Mrs. Ross for their attendance and participation.

- 12.B. **Resolution No. 5198**, approving a Revised Final Sign Plan for Camden Woods Center – Revised Sign Criteria, located south of 143<sup>rd</sup> Street and west of Kenneth Road. (PC Case 30-19)

Mr. Dick Robinson, Hightech Signs, Kansas City, Kansas, stated he was present as a follow-through to proposed upgrade to signage criteria. Applicant Mr. Brad Cottam of DC Group 1, LLC, had presented to the Planning Commission, but was unable to attend tonight's meeting. Mr. Cottam purchased the property about one year ago and determined updated signage criteria was needed to encourage tenants. The property and sign criteria were developed in 2003. The space is small, having 11 tenants. Current signage criteria provides for the same font style and size for all tenants. All lettering is 12 inches and bronze-colored. City Staff were consulted and assisted in development of attractive criteria for upscale signage and illumination, which meet or exceed Leawood standards.

Councilmember Sipple stated he had viewed the shopping center earlier today and current signage is lacking. He asked if examples of proposed upgraded signage were available. Mr. Robinson stated he did not have examples with him, but the proposed criteria would allow tenants to use font, color and style of their trademark. One tenant has applied and during review, samples will be made available.

Mr. Klein confirmed to Councilmember Sipple the first floor tenant signs would have a maximum average letter height of 18 inches and the average letter height on the tower of 24 inches, with maximum of 30 inches. Signage may not exceed 85% of the width of the sign area, or 90% of the height of the sign area.

Councilmember Osman inquired about the number of tenants on the second floor. Mr. Robinson stated a real estate company will take about one-half of the floor, so likely maximum of four tenants. Mr. Klein stated a maximum of two signs would be permitted on the tower, one on each façade.

Councilmember Osman stated his only concern would be the inconsistency of signage format as tenants move in and out, over the next few years. Old former tenant signs may not be removed in a timely manner. Signage is very expensive for tenants and if a new sign was installed just six months ago, that tenant would not be inclined to replace with a new sign. It would have been ideal, but perhaps not feasible, for all signage to be updated at the same time, similar to remodels of the Camelot Court and Hawthorn Plaza.

Mayor Dunn pointed out the Governing Body would not see signage that meets criteria and were administratively approved; a report list of these signs would be provided. She agreed the proposed updated signage criteria was needed.

**A motion to approve Agenda Item 12.B. was made by Councilmember Rawlings; seconded by Councilmember Sipple. The motion was approved with a vote of 6-1. Nay vote from Councilmember Osman who would like all signage updated at the same time, but for the record does support the revised signage criteria.**

12.C. **Resolution No. 5199**, approving a Final Plan for Parkway Plaza – Advanced Cosmetic Surgery Multi-tenant Building, located south of 134<sup>th</sup> Street and west of Roe Avenue. (PC Case 31-19)

Mr. Jeff DeGasperi, DeGasperi Architects, 6240 W. 125<sup>th</sup> Street, Overland Park, stated Civil Engineer Mr. Jeff Skidmore, Schlagel & Associates, was present.

Mr. DeGasperi stated the property owner is Dr. Levi Young. Dr. Young currently has a facility in Overland Park and no cosmetic surgery procedures would be performed at the proposed 9,600 sq. ft. facility. The building would be similar to that of Romanelli Optix. The site is basically complete and the parking lot is constructed. A few parking spaces were eliminated to create green space.

Mr. DeGasperi displayed the site plan and elevations depicting circular feature near the multi-tenant unit in the northeast corner of the property, and the mansard style with hidden rooftop units, tower feature on the southwest corner and windows on all four sides of the building. The landscape plan is being developed by working with City Staff to include street trees. There is basically only a small parcel of land to be addressed. There is a detention on the north side of the property.

Councilmember Sipple asked if Dr. Young would own the entire building and have the ability to rent two east offices, each having their own door, reception area and signage. Mr. DeGasperi stated the businesses would also have rear service entrances and access to trash enclosure. Mr. Coleman confirmed ability to independently lease; agreed by Councilmember Osman.

Councilmember Sipple pointed out the roads are in bad condition and he hoped this would be addressed. He stated the building would be a nice addition to the shopping center. Mr. DeGasperi stated Dr. Young would hopefully get a chance to address road condition with shopping center management.

Councilmember Larson agreed the roads have many potholes. She pointed out a visitor to Parkway Plaza must travel a rather long route to exit the shopping center and she asked if the building would trigger road construction. Mr. Coleman stated there would be no change to the roadway system. Councilmember Larson stated this would be something to look forward to in the future.

Mr. Coleman confirmed to Mayor Dunn there is more commercial property to be developed on the west side of the center.

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

Mayor Dunn stated the City looks forward to the project.

**13. OLD BUSINESS – None**

**14. OTHER BUSINESS**

Schedule Governing Body meeting on June 3, 2019 at 7:00 P.M.

**A motion to approve Agenda Item 14. was made by Councilmember Filla; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 7-0.**

**15. NEW BUSINESS**

- A. **Resolution No. 5200**, authorizing the construction of a Parks Maintenance Building in the City of Leawood, pursuant to Charter Ordinance No. 33, and for the issuance of General Obligation Bonds or Temporary Notes of the City to pay the costs thereof; expressing the intent to reimburse costs of the project so incurred from proceeds of General Obligation Bonds; and authorizing and approving certain related matters and actions [Project # 80173]

Mr. Lambers stated the proposed resolution would address financing, by providing the ability to issue Temporary Notes and later long-term General Obligation Bonds for facility construction.

Councilmember Osman asked for the square footage of the building. Mr. Lambers construction would be phased, with the first being storage for consolidation of equipment and the second being to house Parks personnel. The City would use an architect and fees would be included in the cost.

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

- B. **Ordinance No. 2945**, establishing a Common Consumption Area and authorizing the possession and consumption of alcoholic liquor within its boundaries [Park Place CCA] [ROLL CALL VOTE]

Mr. Coleman stated in February the Council approved an ordinance allowing Common Consumption Areas (CCAs) in the City. Park Place submitted an application for a CCA that would basically be the Barkley Square Ice Skating Rink, the red boundaries shown in Exhibit A of the proposed ordinance. Per State Statute, CCA boundaries would be demarcated with red or blue paint, along with signage. Alcoholic beverages purchased by patrons of an adjacent licensed premise, for example The Ainsworth, could be brought into the CCA in a logo'd cup.

Mayor Dunn noted the proposed CCA ordinance was for Fridays and Saturdays only, and she inquired if there had been discussion of weekday evenings. Mr. Lambers stated the initial application had proposed specific dates and through work with Ms. Bennett, the application was revised to weekends. This will be a good test case to determine feasibility.

Mr. Coleman confirmed to Councilmember Osman that alcohol can only be sold and consumed in areas within demarcated licensed areas. Councilmember Osman and Mayor Dunn noted this may not have been the practice throughout the week, in the past. Mr. Lambers stated this would legalize activity.

Ms. Knight stated Kansas Alcoholic Beverage Control regulates where alcohol can be on licensed premises. This may be true of The Ainsworth patio.

**A motion to pass Agenda Item 15.B. was made by Councilmember Osman; seconded by Councilmember Larson. The motion was approved with a unanimous roll call vote of 7-0.**

- C. Executive Session immediately following the Regular Council Meeting to discuss the acquisition of real property pursuant to the property acquisition exception at K.S.A. § 75-4319(b)(6)

**A motion to recess into Executive Session for 20 minutes for stated purpose was made by Councilmember Filla; seconded by Councilmember Rawlings. The motion was approved with a unanimous vote of 7-0.**

**A motion to close the Executive Session and reconvene into open meeting was made at 9:00 P.M. by Councilmember Filla; seconded by Councilmember Rawlings. The motion was approved with a unanimous vote of 7-0.**

## **ADJOURN**

There being no further business, the meeting was adjourned at 9:00 P.M.

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Debra Harper, CMC, City Clerk

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Cindy Jacobus, Assistant City Clerk