

Minutes

DVD No. 445

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, July 15, 2019. Mayor Peggy Dunn presided.

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

Councilmembers Absent: James Azeltine

Staff Present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
David Ley, Public Works Director	Chief Troy Rettig, Police Department
Ross Kurz, Info. Services Director	Dawn Long, Finance Director
Mark Tepesch, Info. Services Specialist III	Chief Dave Williams, Fire Department
Nic Sanders, Human Resources Director	Mark Klein, Planning Official
Richard Coleman, Comm. Services Director	Brian Anderson, Parks Superintendent
Chris Claxton, Parks & Recreation Director	Ashley Frankel, Accounting Manager
April Bishop, Cultural Arts Coordinator	Cindy Jacobus, Assistant City Clerk
Debra Harper, City Clerk	

Others Present: Kevin Jeffries, President, Chief Executive Officer and Director of Economic Development, Leawood Chamber of Commerce

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

A motion to approve the agenda provided in the documentation packet was made by Councilmember Harrison; seconded by Councilmember Larson. 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.**

Mr. Robert Groves, 2757 W. 131st Terrace, stated he was before the Council because of his belief that the State of Kansas, despite best efforts of local legislative representatives, had let us all down and he thanked the Council for its 2019 goal of having lesbian, gay, bisexual, transgender [LGBT] non-discrimination ordinance [NDO].

He stated and his family are life-long residents and he wants the Council to do everything within its authority to ensure the City is a wonderful place for all people to live, grow and experience, not just those that look, sound and have the same education and background. For the record, he is an advocate for the City, not just for groups. Six local cities have passed NDO protection for all groups, including LGBT society; Leawood is not on this list. He stated he had canvassed door-to-door within all Wards of Leawood and obtained 89 signatures supporting adoption of such an ordinance and placement on the active docket. Having a NDOs make economic sense. His research revealed that the Northeast Johnson County Chamber endorses protection measures including LGBT, and he would be happy to work with the Leawood Chamber in this regard. Currently, 15 of the 20 largest private-sector employers in Kansas have policies that extend to these groups. These companies include Spirit AeroSystems, Sprint, Cessna, Hawker Beechcraft and General Motors. There has been no judicial harm to any municipality that have passed NDOs. Religious organizations are largely excluded; they are exempt and can practice as they wish. In March, the City of Olathe passed a “watered-down” resolution that did not address religious organizations, mediation or harm; it made enemies on all sides and could be subject to influence of groups outside of Kansas. There is to be a meeting in Olathe tomorrow, which will likely be covered by the media.

Mr. Groves stated another Governing Body goal is to consider signage at entrances to the City that might state “Welcome to Leawood”, and he requested this be applicable to everyone.

Mayor Dunn thanked Mr. Groves for the materials, petition and door-to-door comments provided, as well as emails received last week. She stated copies were distributed and Council consensus was to review as a short-term, generally one-to-two year, goal. This is the first time to discuss and even then is a non-agenda item for tonight’s meeting. If the City Attorney is asked to bring forth something in future, he would be notified. Mayor Dunn stated she had noticed in the header of Mr. Groves’ materials there were a number of things the City currently protects, and she asked the City Attorney to speak to what Leawood does indeed protect.

Ms. Bennett stated the City currently has adopted the Uniform Public Offense Code which includes a section for protection of civil rights including race, color, ancestry, national origin, age sex, physical handicap or religion. This applies specifically to public accommodations and housing. It does not apply to employment. Federal and State laws cover most of the categories relatively well, providing the courts with a great deal of power and are the best remedy. Federal law does not cover LGBT, sexual orientation and gender. The Supreme Court may argue in October and hopefully have something in May or June 2020.

Ms. Bennett confirmed to Mayor Dunn that “sex” stated in the Uniform Public Offense Code would be interpreted to include sexual orientation and gender identity.

A motion to schedule the topic on a Governing Body agenda in the next month or two, meeting date to be determined by the City Administrator and City Clerk, and with possible additional information/education materials, was made by Councilmember Harrison; seconded by Councilmember Larson.

Mr. Lambers stated due to lack of State Legislative action sooner than later and to address as quickly as possible, his plan would be to place on the agenda of the August 12, 2019 Governing Body meeting.

The motion was approved with a unanimous vote of 7-0.

Mayor Dunn noted Mr. Groves was welcome to attend the August 12, 2019 Governing Body meeting for possible action. She thanked him for his work.

4. PROCLAMATIONS – None

5. PRESENTATIONS/RECOGNITIONS – None

6. SPECIAL BUSINESS

- A. **Resolution No. 5220**, approving and authorizing the Mayor to execute Renewables Direct Participation Agreement for Kansas Customers between the City and Kansas City Power & Light [KCP&L]

Mr. Drew Robinson, Manager-Renewables, Kansas City Power & Light and Westar Energy, 1200 Main Street, Kansas City, Missouri stated Ms. Rebecca Galati, Customer Solutions Manager and Leawood’s direct advocate/representative was present.

Mr. Robinson gave a presentation about KCP&L’s new offering to aggregate customer interest to procure renewable energy from wind or solar power. Customers want to be greener and potentially save money. A long-term solution called “KCP&L-KS Renewables Direct” was developed with focus on economic products, long-term price certainty, reduced risk, additionality and simplicity. Customers do not wish to pay a great deal more to go green. Rates can fluctuate, but historically increase, and customers must be able to budget. It is not beneficial for customer to assume a large amount of risk without understanding. Additionality is where program enrollment by Leawood and others is helping expand KCP&L’s energy portfolio with new resources. Simplicity, rather than complexity, was desired to facilitate comprehension of the program.

To move the program forward, KCP&L Kansas customers using 200 kW, excluding net metering, unmetered accounts and street light usage, are eligible to participate. Typically, gasoline stations use 200 kW. There were 22 Westar customers meeting the 200 kW requirement. An aggregate from all participants of 100 MW to 200 MW is needed. KCP&L has enrolled 14 and has not hit the required 100 MW threshold from eligible customers agreeing to participate, so the program is not guaranteed. To seek additional agreements, presentations will continue.

Mr. Robinson gave a brief summary of agreement terms, displayed a typical energy bill, and reviewed five-year historic ECA cost, potential savings charts and additional items to consider. Agreements offer 5, 10, 15 and 20 year terms, with 20 year term costing slightly less as it waives the administration charge. The administration charge is KCP&L’s cost to find and recover customers. Agreement offer offset percentages of 1% to 100%. Aggregate accounts will be rolled-up and individual account snapshots provided. Renewable Participant Charge [RPC] to produce wind power substitutes for ECA rate no more than \$0.02 per kWh, and hopefully less, for every kWh generated by the wind facility. If there is no wind, the ECA rate would apply. ECA rate fluctuates monthly, with a three-month price forecast has been provided. ECA is a way for KCP&L to recover cost to generate or buy energy wholesale in the marketplace. Renewable Energy Certificates [RECs] would be transferred to the participant or retired by KCP&L on your behalf; documentation would be provided. Agreements have a 90-day termination clause. As shown in the chart, based on the contract Leawood is considering the potential savings for the City are about \$3,500 annually for 1.5 MW or 1,500 kW.

Additional items to consider are the program is a quick avenue to achieve clean energy goals and complements recycling, LEED Certification and LED lighting. There is the possibility to save 1% to 2%, based on wind facility performance and fluctuating ECA rates. There will be some months when the City will pay more, when the ECA is lower than the RPC. Some seasons of the year are better for wind than others and it is anticipated that program subscribers will be pre-credited. To stabilize budget impacting, pre-crediting would spread the benefits over all monthly bills. There would be an annual billing true-up with utility buy-back or credit as needed, or the subscriber asked to pay for more expensive ECA cost, with hopes of having a fairly predictable budget overall.

Mr. Robinson confirmed to Mayor Dunn that other participants are Johnson County Government, Johnson County Community College, cities of Prairie Village, Shawnee, Mission, Overland Park, Merriam, Lenexa, and five corporate customers.

Councilmember Harrison inquired if there were pending decisions from other municipalities. Mr. Robinson stated Leawood was the last Johnson County municipality that would qualify for enrollment. He stated enrolled cities have signed agreements for varying terms and offsets. Overland Park chose to offset 50%, and Mission and Prairie Village chose to offset 100%. Prairie Village term is 20 years and Mission term is 10 years.

Councilmember Sipple, Chair of Leawood's Sustainability Advisory Board, stated he and the citizen Board are very interested in the program. He asked when renewable energy would be available. Mr. Robinson estimated, based on minimum participation and ability to find wind turbine and develop a commercial contract, about 18 to 24 months, or 2021 at earliest.

Mr. Robinson confirmed to Councilmember Sipple the City would be taking the risk, though the program was structured to reduce risk. Based on updated 12-month data, the City's "Qualifying Energy Use" was slightly over 5 Million kWh. Mayor Dunn noted the chart provided in the agenda packet showing 4,952,241 kWh was a version previously provided to Mr. Lambers. Mr. Robinson pointed out that street lights are major uses for cities, but not to the broader KCP&L territory, and street lights have complex billing. LED lighting is not a factor. These might be considered in the future version or program.

Councilmember Sipple inquired if some cities had declined and for what reason(s). Mr. Robinson stated that the City of Louisburg declined to participate; reason unknown as he was unable to meet with them.

Councilmember Larson questioned how additional subscribers would be found to reach minimum requirement of 100 MW. Mr. Robinson stated that currently there is only 70 MW so additional customers to enroll are needed. Some wind farms generate as little as 50 MW to 100 MW, and the program could start small to get participants a portion of wind energy. He plans to continue presentations, providing program facts and walking potential participants through the process.

Councilmember Filla inquired how long it might take to find additional corporate customers. Mr. Robinson stated he was uncertain. Discussions had occurred, and some companies support and some do not; some have sustainability goals, but watch costs; and some wish to go green regardless of cost. Renewable energy "RE100" international list companies have publicly-stated sustainability goals and those in the area are being approached.

Councilmember Filla pointed out estimated savings are based on current pricing and she questioned if KCP&L had included a 10-year forecast and anticipated increase in electricity cost. The Midwest does enjoy lower cost as compared to the Eastern and Western States. She opined there is a bit of risk and a lot of upside. Mr. Robinson stated cost is tied to the fuel portion of the program. Councilmember Filla thanked Mr. Robinson for the initiative and creativity.

Councilmember Rawlings questioned if wind farms are ready to go or would be available in 18 months to 24 months. Mr. Robinson stated KCP&L has a list of wind facilities that could be “shovel ready” in a few weeks. Some wind facility developers do not have their permits. He stated there is push back in Kansas in regard to setback of the facilities from businesses and homes, and this has slowed additional development. Mr. Robinson confirmed the City has the option to terminate the agreement. Mayor Dunn was thankful there would be no wind turbines in Leawood.

Mr. Robinson confirmed to Councilmember Rawlings that coal is KCP&L’s primary source for energy. Customers are pushing for renewables and about 30% of their energy platform is wind 30%. With the Wolf Creek Nuclear Plant, 50% of energy is carbon-free. A large amount of coal generation was shut-down in January.

Councilmember Cain noted there are “No Wind” signs seen south of Louisburg and she asked the distance to the closest wind facility. Mr. Robinson stated the closest wind facility is north of Kansas City, approximately 60 miles away in Osborn, Missouri. There is a wind facility approximately 80 miles away in Waverly, Kansas. The proposed locations under review are within this radius. He reminded that KCP&L and Westar Energy merged to form a company called EVERGY, with broad branding announcement change to occur in about one month.

Councilmember Sipple questioned if 100 MW is contracted and wind farm construction moves forward, would the current contracts be maintained or would new contracts be anticipated. Mr. Robinson stated a Letter of Understanding restating and providing final costs would be anticipated. The program operates and must comply with Kansas Corporation Commission [KCC] tariffs. Any these changes to these would need to apply to all contracts. Letter notice would be provided.

Mr. Lambers confirmed to Councilmember Filla that Staff recommends a 10-year contract. Mayor Dunn stated the recommended offset rate would be 100%.

A motion to approve Agenda Item 6.A. was made by Councilmember Filla; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 7-0.

Mayor Dunn thanked Mr. Robinson and Ms. Galati, and the City looks forward to the program reaching 100 MW.

- 6.B. **Resolution No. 5221**, approving and authorizing the Mayor to execute a Real Estate Sale Contract between the City of Leawood, Kansas and Susan F. Grogan, Trustee of the Susan F. Grogan Trust and other necessary documents, for the purchase of real estate for a total cost of \$457,000.00, for property located at 9619 Lee Boulevard

Ms. Bennett stated the contract would allow purchase of real estate directly south of the former Police Station. This would be a contingent contract and there would be a thorough title search to ensure appropriate for City use. Anticipated close would be in about three to six months, allowing for title search and to give owner time to relocate.

Mayor Dunn pointed out the resolution was to begin due diligence, not for purchase at this time.

A motion to approve Agenda Item 6.A. was made by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 7-0.

7. CONSENT AGENDA

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

- A. Accept Appropriation Ordinance Nos. 2019-26 and 2019-27
- B. Accept minutes of the July 1, 2019 Governing Body meeting
- C. Accept minutes of the June 11, 2019 Parks & Recreation Advisory Board meeting
- D. Accept minutes of the February 27, 2019 Stormwater Management Committee meeting
- E. Approve Renewal of Cereal Malt Beverage [CMB] License for RA Sushi Bar Restaurant, located at 11638 Ash
- F. Approve Renewal of Cereal Malt Beverage [CMB] License for Gordon Biersch Brewery Restaurant, located at 11652 Ash
- G. Approve purchase in the amount of \$15,795.00 from Foley Industries, for [1] 2019 Skyjack 3226 Electric Scissor Lift
- H. Approve 2nd and Final Pay Request to Beemer Construction Company, Inc., pertaining to the removal and replacement of irrigation lift station and intake for Ironhorse Golf Course, located at 15400 Mission Road
- I. **Resolution No. 5222**, approving and authorizing the Mayor to execute an Interlocal Agreement between the City and Board of County Commissioners of Johnson County, Kansas, pertaining to the Patrician Woods Stormwater Management Improvement Project, TM-04-006 [Project # 77018]
- J. **Resolution No. 5223**, approving and authorizing the Mayor to execute a Right-of-Way Agreement between the City of Leawood and the City of Overland Park, Kansas, pertaining to Traffic Signal Poles located at Lee Boulevard and Mission Road [Project # 72081]
- K. **Resolution No. 5224**, accepting a Storm Sewer Easement from Virginia M. Scarce, Trustee of the Virginia M. Scarce Living Trust and Robert W. Scarce, Trustee of the Robert W. Scarce Living Trust, for property located at 8422 Reinhardt Lane, Lot 29, the Cloisters Subdivision, pertaining to the Prairie Village Storm Water Improvement Project [SMAC Project # DB-11-014]
- L. **Resolution No. 5225**, accepting a Temporary Construction Easement from Virginia M. Scarce, Trustee of the Virginia M. Scarce Living Trust and Robert W. Scarce, Trustee of the Robert W. Scarce Living Trust, for property located at 8422 Reinhardt Lane, Lot 29, the Cloisters Subdivision, pertaining to the Prairie Village Storm Water Improvement Project [SMAC Project # DB-11-014]
- M. **Resolution No. 5226**, accepting a Temporary Construction Easement from Timothy R. and Brooke E. Schwob, for property located at 8409 Wenonga, Lot 78, the Cloisters Subdivision, pertaining to the Prairie Village Storm Water Improvement Project [SMAC Project # DB-11-014]
- N. **Resolution No. 5227**, accepting a Temporary Construction Easement from Katherine R. Watkins, Trustee of the Katherine R. Watkins Revocable Trust, for property located at 8426 Reinhardt Lane, Lot 30, the Cloisters Subdivision, pertaining to the Prairie Village Storm Water Improvement Project [SMAC Project # DB-11-014]

- O. **Resolution No. 5228**, accepting a Permanent Storm Sewer Easement from Katherine R. Watkins, Trustee of the Katherine R. Watkins Revocable Trust, for property located at 8426 Reinhardt Lane, Lot 30, the Cloisters Subdivision, pertaining to the Prairie Village Storm Water Improvement Project [SMAC Project # DB-11-014]
- P. Police Department Monthly Report
- Q. Fire Department Monthly Report
- R. Municipal Court Monthly Report

Councilmember Sipple requested Consent Agenda Item 7.A. be pulled.
 Councilmember Harrison requested Consent Agenda Item 7.K. be pulled.
 Councilmember Filla requested Consent Agenda Item 7.P. be pulled.

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

7.A. Accept Appropriation Ordinance Nos. 2019-26 and 2019-27

Councilmember Sipple would recuse from voting as his wife was listed as a payee. She is a contract employee to 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 a 6-0, with recusal by Councilmember Sipple for reason stated.

7.K. **Resolution No. 5224**, accepting a Storm Sewer Easement from Virginia M. Scarce, Trustee of the Virginia M. Scarce Living Trust and Robert W. Scarce, Trustee of the Robert W. Scarce Living Trust, for property located at 8422 Reinhardt Lane, Lot 29, the Cloisters Subdivision, pertaining to the Prairie Village Storm Water Improvement Project [SMAC Project # DB-11-014]

Councilmember Harrison requested additional information on the project and how often Leawood works on projects with other cities.

Mr. Ley stated this is a joint Prairie Village and Leawood stormwater project through the Johnson County Stormwater Management Advisory Council [SMAC]. To address home flooding and large areas of ponding water, a portion of storm sewer will be replaced in Leawood's The Cloisters subdivision, then going into Prairie Village, and then back into Leawood. The City has worked on SMAC projects with Overland Park and Prairie Village; with Prairie Village on a project about eight years ago.

Councilmember Filla thanked Public Works for their hard work and patience; Mayor Dunn agreed.

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

7.P. Police Department Monthly Report

Councilmember Filla invited Chief Rettig to share highlights of the new Records Management System [RMS].

Chief Rettig stated the new RMS had been a large project, ongoing for quite some time and requiring two years of background work. Leawood is one of the last area cities to use the system. Shawnee will begin live-use in August. Lenexa's decision on whether to use the system is pending. Wichita is discussing possible use. Kansas City, Missouri, has decided to use the system. Information-sharing with Colorado is being discussed. This is his third RMS system transition.

Councilmember Filla complimented all involved, noting that no one likes change, especially in regard to information technology systems.

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

8. MAYOR'S REPORT

- A. Congratulations and appreciation to Parks & Recreation Director Chris Claxton and her team for an exceptional July 4th Celebration. Thanks also to our Police, Fire and Public Works Departments who assisted with the event. There were thousands in attendance, and we were most fortunate not to be affected by rain that occurred in neighboring communities.
- B. Thank you to Councilmember Julie Cain for organizing the City's new banners' dedication. Designer Zach Newton was present and provided descriptive details about each of the five banners on display.
- C. Thanks to City Administrator Scott Lambers and Parks & Recreation Director Chris Claxton for organizing a great lunch for the Israeli Scouts who are part of the Tzofim Friendship Caravan traveling across the United States this summer, from California to New York in four months. Councilmembers and Gezer Region Sister City Committee Chair Andrew Osman and Vice Chair Mary Larson as well as Councilmember Lisa Harrison were also in attendance.
- D. Congratulations to the Leawood Stage Company Board and Chair Michael Blinn, Cultural Arts Coordinator April Bishop and members of the cast, crew and orchestra on the terrific production of "Kiss Me Kate." The talent is amazing, and it's truly an entertaining show. There are three more opportunities to see it: July 18, 19 and 20 at 8:00 P.M. at the Ironwoods Park Amphitheater. Councilmember James Azeltine does an awesome job as "Man #2", better known as a gangster in the show!

9. COUNCILMEMBERS' REPORT – None

10. CITY ADMINISTRATOR REPORT – None

11. STAFF REPORT

Finance Director Dawn Long Introduction of Ashley Frankel, Accounting Manager

Ms. Long stated Ms. Frankel started as Accounting Manager with the City a few months ago, having an excellent education and great experience coming from Commerce Bank. Ms. Frankel is handling Accounts Payable and assisting Ms. Long.

Ms. Frankel stated she was happy to be with the City. Mayor Dunn thanked her for attending the meeting.

COMMITTEE RECOMMENDATIONS

12. ARTS COUNCIL

[from the May 21, 2019 Arts Council meeting]

- A. Accept recommendation of Relocation of 'Women of the World' [Artist: Kwan Wu] to Justice Center

Ms. Bishop referred to agenda packet documentation. Both the Leawood Arts Council and the Arts in Public Places Initiative recommend that after renovation, the piece be installed on a raised pedestal in the center of the circular grass area in front of the Justice Center. Installation on a new base would slightly increase the sculpture being seen by traffic on Town Center Drive. Currently as you travel on Town Center Drive, most of the benches already installed around the circle are viewable. The piece would also be seen by Justice Center visitors.

Chief Rettig confirmed he was aware and supports the recommendation

Councilmember Rawlings asked for details of the renovation process. Ms. Bishop stated the artist has a foundry and the artist is currently out of the United States. The City has not heard back from either and will contact another foundry if responses are not received within the next few weeks. The globe has some rusting and needs to be sandblasted and refinished. The faces are in bronze, thin and cracking; they need work. The hands and overall structure is in good shape, but currently sits on a pedestal with tiles that are falling off. Tiles will not be used on the new base.

Councilmember Sipple asked for an estimated installation date. Ms. Bishop stated she would be pleased to advise maybe late 2019, but installation is dependent on foundry work and weather. The base will need to go through the City's Planning process. Minimum estimate for this small piece would be 6 months.

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

- B. Accept recommendation of installation of Sky Writing I

Ms. Bishop referred to agenda packet documentation, which included color photographs. The sculpture is currently on display at the Overland Park Arboretum, and if approved as an art on loan piece, it would be the City's first kinetic sculpture. The artist lives in Colorado and has agreed to move the piece to Leawood after the close of the arboretum exhibition, and to attend and be part of the installation. Earliest installation date, with an artist reception, would be October.

Ms. Bishop displayed the color photographs, stating the wing-like piece is about 10 ft. tall, has four hinges and rotates and turns with the wind. The piece is painted an iridescent blue color. Its pedestal is part of the piece and legs would fasten to concrete.

Councilmember Sipple pointed out the kinetic structure at Union Station had some trouble in high winds, and he asked who would insure the art on loan sculpture. Ms. Bishop stated the Union Station piece had numerous loose elements; the proposed art on loan piece should not be damaged by wind unless there was a tornado. The City would insure for the value of the piece, \$40,000, not just the \$2,500 lease.

Ms. Bennett stated the additional cost to the City to insure the small piece would be nominal.

Ms. Bishop confirmed to Councilmember Rawlings the paint used on the piece is similar to the paint used on the Blanco pieces in City Park, and expected to last about 20 years.

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

Mr. Michael Shirley, 11505 Juniper Drive, Arts in Public Places Initiative Chair [APPI], stated he was pleasantly overwhelmed with 21 emails and nine telephone calls with positive comments about the “Walking Woman” art piece. The piece is wonderful, but the project was handled by the former APPI Chair, Anne Blessing. Mayor Dunn thanked Mr. Shirley for recognizing Ms. Blessing.

Councilmember Rawlings inquired about sod the Walking Woman sculpture. Ms. Bishop stated there had been too much rain to cut sod. In the interim, Parks & Recreation Staff have continued to level the site and address ponding in low spots. Temperatures have risen too high to sod, but once temperatures improve sod will be installed.

13. STORMWATER MANAGEMENT COMMITTEE

[from the June 26, 2019 Stormwater Management Committee meeting]

- A. Recommendation the City take no action regarding Patrician Woods SMAC Project and to not reimburse for any of the donated easements

Councilmember Filla, Stormwater Management Committee Vice Chair, stated volunteer committee members, some with professional knowledge in this regard, and City Staff support the recommendation. The recommendation was made because the property owners who dedicated easements will benefit from the project.

A motion to approve Agenda Item 13.A. was made by Councilmember Filla; seconded by Councilmember Harrison. The motion was approved with a unanimous vote of 7-0.

- B. Committee endorses and supports City’s new policy of offering a value of the taking to all affected properties within the sixty [60] day time frame as identified in the policy

Councilmember Filla stated the Stormwater Management Committee wanted to take a proactive stance on a new policy. Other cities assess easement values upfront, make offers, and then take appropriate action, with all properties owners treated the same. Cost of handling easements per recommended policy should be offset by time savings for Staff and keeping a project on schedule.

Mr. Lambers agreed with Mayor Dunn that Governing Body action would be needed since this was a policy change. Mayor Dunn pointed out the change would be opposite of how easements were historically handled. In the past, the City did not move forward with a project if all easements were not dedicated. She expressed the desire for Public Works to develop and utilize a ranking policy for projects based on whether all easements were dedicated or not. If policy was just to wait 60 days, all property owners would likely wait for their offer to be paid and would never dedicate easements.

Mr. Ley stated Public Works is looking to develop a ranking system over the next six months. The ranking system would also consider whether residents may have already attempted to remedy issues using their own funds.

Councilmember Filla pointed out there are times when a majority of residents desire the project and it is necessary to avoid delay.

Councilmember Sipple asked for timing of the Patrician Woods SMAC Stormwater Project. Mr. Ley stated the project was underway and hoped to be complete in three months. Five property owners donated easements. Easements were also needed from two other property owners whose upstream properties were not impacted by flooding. One of these owners agreed to price and the other easement was obtained through condemnation. It was critical to install the storm sewer inlet per design and that property owner wanted a high-dollar amount since they would see the inlet on their property. Also, the Aintree Manor Home Owners Association held up the project as they did not want to dedicate easement. The project was slightly redesigned to avoid the HOA property. Two property owners benefitted financially in regard to easements and five property owners who dedicated easements benefit from the storm sewers.

Mr. Ley confirmed to Councilmember Cain that Item 3. in the Staff Review memorandum does not require the City to automatically do the project; Public Works would rank and prioritize projects.

Mr. Ley pointed out the future potential issue of obtaining temporary easements for corrugated metal storm pipe replacements; the City has permanent easements only. Typically, reimbursements to all property owners increase project cost about 4% to 5%. There would be an impact if the project were to receive SMAC funding.

Mr. Lambers stated the City needs 60-days rather than 180-days in regard to easements.

Mayor Dunn stated she was glad Mr. Ley and his Staff would prioritize projects as this was a troublesome development. The history of the City is to require dedication. Councilmember Filla stated the committee is 100% behind the process; project delays are unacceptable.

A motion to accept the committee endorsement was made by Councilmember Filla; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 7-0.

14. PLANNING COMMISSION

[from the June 25, 2019 Planning Commission meeting]

- A. Resolution approving a Final Plan and Final Plat for Regents Park Multi-family Subdivision, located south of 135th Street and west of Kenneth Road (PC Case 33-19)-
[CONTINUED TO THE AUGUST 12, 2019 GOVERNING BODY MEETING]

- B. **Ordinance No. 2951**, approving a Revised Preliminary Plan and Special Use Permit for Parkway Plaza – Kiddi Kollege Office/Daycare Addition, located south of 134th Street and east of Briar Street (PC Case 41-19) [ROLL CALL VOTE]

Mr. Jeff Schroeder, Scharhag Architects, 6247 Brookside Boulevard, Kansas City, Missouri, presented on behalf of the Applicant. He stated Kiddi Kollege daycare had been at the site for many years, provided a great resource and had been a good neighbor. Kiddi Kollege has expanded three other facilities in Johnson County and would like to use the majority of the proposed Leawood addition used for their Corporate Office location. The appearance of the building would be identical to the existing Kiddi Kollege daycare, using the same materials for roof, walls, siding and windows. The Applicant is in agreement to all Staff stipulations.

Mr. Schroeder confirmed to Councilmember Filla that consolidated and moving the Corporate Office would bring jobs to Leawood.

Mayor Dunn offered congratulations on successful operation.

A motion to pass Agenda Item 14.B. was made by Councilmember Rawlings; seconded by Councilmember Cain. The motion was approved with a unanimous roll call vote of 7-0.

- 14.C. **Resolution No. 5229**, approving a Revised Final Plan for Town Center Plaza – Chase Bank, located north of 119th Street and east of Nall Avenue (PC Case 59-19)

Mr. Bruce LaSurs, Core States Group, 6500 Chippewa Street, Suite 200, St. Louis, Missouri, representing Chase Bank, thanked the Planning Commission for their work and the Council for the opportunity to present a reduction in the number of windows in the existing upper panes of the corner towers of the building from 32 divisions to three divisions. The proposed reduction of window divisions would enhance the vertical nature of the towers, increase daylight for customers and staff, and facilitate rebranding the former grocery store to Chase Bank. The building is a contemporary, not a historic commercial structure, and the investment is considered appropriate to improve the property and an element for project success. There is agreement to all prior stipulations.

Councilmember Filla asked if the second tenant had been determined. Mr. LaSurs stated this had not been finalized, but may be another division of Chase Bank that supports regional training and banking. The team is preparing to propose additional improvements to tenant space, as an amendment to the current building permit.

Councilmember Sipple requested an estimated move in date for Chase Bank. Mr. LaSurs stated he did not know the exact date, but the bank may open in 2019. Branch planning is working to support multiple openings at the end of the year.

Councilmember Osman stated he was not present at the Council meeting when a portion of this plan was presented. He stated that Chase is a great bank and organization, and the proposed use will bring more executives to the area. He dissents because the location is a “main-on-main street property” at 119th Street and Roe, where a long-term tenant providing tax revenue was lost. In this opinion, this is not the highest and best use. It is disappointing the property owner and brokerage firm could not locate a different business at the location.

A motion to approve Agenda Item 14.C. was made by Councilmember Larson; seconded by Councilmember Sipple. The motion was approved with a vote of 6-1; Nay vote from Councilmember Osman for reason stated.

Mayor Dunn thanked Mr. LaSurs and wished the project good luck.

14.D. **Ordinance No. 2952**, amending Sections 16-4-7.3 and 16-4-7.5, of the Leawood Development Ordinance [LDO] respectively entitled “Landscaping Requirements – Other Districts” and “Landscape Plan Requirements” and repealing existing Sections 16-4-7.3 and 16-4-7.5 and other sections in conflict herewith (PC Case 48-19) [ROLL CALL VOTE]

Mr. Klein stated the proposed amendment for new development landscaping consists of three parts: the rate at which street trees are planted in the right-of-way, the rate at which ornamental trees are planted in the right-of-way, and replacement of existing trees larger than 12 inch caliper. Single and two-family dwellings are excluded, but not multi-tenant and commercial.

The rate of planting for street trees in the right-of-way would change from one tree per 35 lineal ft. to 40 lineal ft., which would agree with the new street tree policy for large street trees and allows room for street tree growth. The rate of planting for ornamental trees in the right-of-way would change from one ornamental tree per 12 lineal ft. to 20 lineal ft. Over the years developers have indicated great difficulty planting the required number of trees and shrubs in the right-to-way, especially with setbacks and an adjacent parking lot.

In regard to replacement trees, currently the LDO requires 12 inch caliper trees to be replaced on a one-to-one caliper inch ratio. Although there has not been many of these situations, where there is a number of very large trees on a property, it becomes difficult to meet landscape requirements for new development and also replace 12 inch caliper trees on a one-to-one inch caliper ratio. Parks & Recreation Staff would determine replacement tree planting feasibility for developments with 132 caliper inches of existing trees larger than 12 inch caliper, and if all trees cannot be accommodated, the Governing Body could provide exception to replace at 50% rather than at a one-to-one inch caliper ratio. A large number of trees would still be planted and more caliper inches of growth should occur over years.

Mr. Klein stated the proposed amendment would also provide for caliper measurement to be taken with caliper tape, measured 4.5 ft. above ground level, and caliper of multi-stemmed trees calculated by measuring and combining the caliper of all stems.

Ms. Bennett confirmed to Mayor Dunn that if approved the amendment would be effective after publication a week from tomorrow; this would not be retroactive. Ms. Bennett stated there are two cases following on the agenda that rely on acceptance of the proposed amendment and are dated after publication of this amendment, if approved.

Councilmember Filla thanked everyone for the teamwork. She inquired if requiring or allowing banking of calipers of trees to plant elsewhere, if diversity of tree species was discussed and the need for diversity codified. Mr. Klein stated banking had been reviewed, but developers were concerned the banked trees would be planted elsewhere and not improve their property. Planning works with Parks Superintendent Brian Anderson and his Staff on tree species diversity. If a group of same-species trees are requested, there is typically a good reason for doing so. Developers have been open to planting a variety of trees. Mr. Coleman stated there was no need to codify at this time and agreed to Councilmember Filla's request to revisit as appropriate.

Councilmember Cain asked if the exception could be handled administratively if threshold was met, rather than come before the Council and possibly cause a delay. Mr. Coleman stated not all of circumstances for deviation could be known and applicant could present reasons to the Council. Final landscaping plans come before the Governing Body for approval. Mayor Dunn stated it would be best to use an ordinance which would come before the Governing Body rather than a policy.

Councilmember Harrison pointed out there are thousands of wild-growing trees along 135th Street and she asked if each tree would be measured. She stated she did not want to complicate development. Mr. Coleman stated this was one reason for the proposed amendment. Some of the trees are not high-quality. Developers are asked to provide a tree survey of their site. The proposed amendment should provide opportunity and make development easier.

Councilmember Osman expressed concern that removal of numerous large caliper and bad trees, and planting a variety of new smaller, faster growing caliper trees on a two acre office building site could result in an inconsistent look to the landscaping in five years. He pointed out last year the City reduced caliper requirement to 2 inches, as 2 inch caliper trees can be healthier and grow faster than a 4 inch caliper tree. Mr. Coleman stated the City's goal is to make aesthetically pleasing and landscape architects would selectively place trees where they grow best. A developer has the option to plant fewer, larger caliper trees to meet replacement ratio.

Councilmember Osman stated his hope that if adopted, that Staff would be able to interrupt and bring forth plans to the Council. Mayor Dunn and Mr. Coleman confirmed plans would come back to Council.

Ms. Bennett stated the one-to-one ratio has been a requirement for many years. The ordinance would be a living ordinance, with opportunity for revision if issues are encountered.

Mr. Anderson stated in regard to species availability, a broader variety is available in smaller caliper trees. The one-to-one ratio has been a requirement for many years. The goal is to keep as many larger trees as possible, crediting developers if they retain, and also making the overall process easier.

A motion to pass Agenda Item 14.D. was made by Councilmember Filla; seconded by Councilmember Harrison. The motion was approved with a unanimous roll call vote of 7-0.

Mayor Dunn thanked Mr. Klein and Mr. Coleman for their work.

- 14.E. **Resolution No. 5230**, approving a Final Plan and Final Plat for Three Hallbrook Place – Office Building, located south of College Boulevard and west of State Line Road (PC Case 61-19)

Mr. David Rezac, VanTrust Real Estate, 4900 Main Street, Suite 400, Kansas City, Missouri, stated he was joined by Ms. Brittany Schwartz, Design Builder with Burns & McDonnell, Mr. Judd Claussen, Civil Engineer with Phelps Engineering, and Mr. Scott Bingham, Landscape Designer with BBN Architects.

Mr. Rezac gave a brief overview and presented corner view renderings of the proposed building. He stated the site is an approximately 8.5 acre parcel with State Line Road to the east, College Boulevard to the north, Overbrook Road to the west, and an adjacent Hallbrook parcel to the south.

The four-story, approximately 120,000 sq. ft. building would be situated on the high end of the site to create presence and holds the primary intersection corner. There would be 467 cars surface-parked. Per the Leawood Development Ordinance, the project will be landscaped with many new trees, shrubs and ground cover to fit seamlessly into the Hallbrook development. There will be an entry plaza with landscaped seating, specialty paving and lighting to enhance the pedestrian experience. The proposed building would have clean lines, subtle scale and would complement the rest of Hallbrook. Pre-lease activity would start after Final Development Plan/Plat [FDP] approval is received, with hope to locate a tenant and begin construction in Spring 2020, which would allow completion by Summer 2021. Applicant is agreeable to all stipulations.

Mr. Rezac confirmed to Mayor Dunn his understanding the development would fall under the revised LDO landscaping plan ordinance just adopted. He confirmed to Councilmember Osman the center of the site contains a large “scrub tree”, and the perimeter of the development would be robustly enhanced with lower caliper trees as the parcel has several 36 inch diameter trees.

Mayor Dunn questioned if the building would be clearly visible through perimeter trees placed along State Line Road. Mr. Rezac displayed the approved landscaping plan in comparison to artist renderings. There should be good visibility of the building.

Mr. Rezac confirmed to Councilmember Filla that no pervious pavers were being used on the project, but these products are improving and would be kept in mind for the future. Mr. Klein confirmed to Councilmember Sipple brick pavers would not be used for pedestrian demarcation, but rather colored concrete. Mr. Rezac stated his belief this would be red, the same color used for One Hallbrook and Two Hallbrook.

Councilmember Osman noted the 0.5 acre to 0.75 acre detention area in the lower area of the site plan and asked if there would be additional stormwater inlets along Overbrook Road. Mr. Rezac stated the existing storm detention had been planned to include the addition of the proposed building; there would be no other additions for stormwater. He confirmed to Mayor Dunn this is a dry detention basin, which might fill during a rain event and slowly release into the public stormwater system.

Councilmember Harrison inquired if consideration had been given to a walking trail, looped around the complex, similar to the trail new Burns & McDonnell facility at 95th Street and State Line Road. There is a trend of encouraging employee wellness. Mr. Rezac stated the site is very tight and only required sidewalks are included; City Park is close by to the north and west. Councilmember Larson stated Hallbrook office employees frequently walk through the neighborhood.

Mayor Dunn noted the proposed building appears to have far less masonry than the One Hallbrook and Two Hallbrook buildings. Mr. Rezac agreed, stating the proposed building has a more modern, contemporary look. Earth tones used on the proposed building are masonry components, in the same family used on the existing two buildings.

Councilmember Cain stated the proposed building was a beautiful, quality project. She had previously worked in One Hallbrook for many years.

Councilmember Sipple opined the building would be a great additional to the corner, and he thanked Mr. Rezac for this work.

Mr. Rezac stated he would be happy to receive names of any potential tenants. Mayor Dunn pointed out Mr. Kevin Jeffries, Leawood Chamber of Commerce, was in attendance.

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

Mayor Dunn thanked Mr. Rezac and wished the project luck.

14.F. **Resolution No. 5231**, approving a Revised Final Landscape Plan for Homestead of Leawood Assisted Living Facility, located south of 127th Street and west of State Line Road (PC 62-19)

Mr. Matt Henderson, McAfee Henderson Solutions, 15700 College Boulevard, Lenexa, stated the purpose of the proposed revised Final Landscape Plan was to align with adoption of the Leawood Development Ordinance, Agenda Item 14.D., in regard to street trees along the right-of-way.

Mr. Klein stated the previous landscaping plan included ornamental trees planted one per 12 lineal ft. around the circular drive. The developer expressed concern as to whether the trees would survive.

Mr. Henderson confirmed to Councilmember Cain that City Staff had advised of the proposed landscaping ordinance amendment, which should help the health of the trees.

Councilmember Filla thanked Mr. Henderson for his work and tree diversity. She stated she could not read the very small font used to indicate tree species. She asked for larger print type and additional plan pages as needed to read the information. She asked if native species were encouraged because these are typically drought and storm tolerant. Mr. Coleman confirmed the Planning Department encourages the use of native species.

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

15. OLD BUSINESS – None

16. OTHER BUSINESS

- A. Schedule Governing Body meeting on August 12, 2019 at 7:00 P.M.

Mayor Dunn pointed out the August 19, 2019, Governing Body meeting was cancelled and there would be no Work session, as shown on Page 5 of the agenda.

A motion to approve Agenda Item 16.A. was made by Councilmember Filla; seconded by Councilmember Larson. The motion was approved with a unanimous vote of 7-0.

17. NEW BUSINESS

ADJOURN

There being no further business, the meeting was adjourned at 9:02 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk