

Minutes

DVD No. 450

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, 7:30 P.M. on Monday, October 21, 2019. Mayor Peggy Dunn presided.

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

Councilmembers Absent: None

Staff Present: Patty Bennett, City Attorney	Mark Klein, Planning Official
David Ley, Public Works Director	Chief Troy Rettig, Police Department
Chris Claxton, Parks & Recreation Director	Dawn Long, Finance Director
Mark Tepesch, Info. Services Specialist III	Ross Kurz, Info. Services Director
Nic Sanders, Human Resources Director	Chief Dave Williams, Fire Department
April Bishop, Cultural Arts Coordinator	Kelly Varner, Future City Clerk
Debra Harper, City Clerk	Cindy Jacobus, Assistant City Clerk

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

- 1. PLEDGE OF ALLEGIANCE**
- 2. APPROVAL OF AGENDA**

Mayor Dunn reminded that Agenda Item 12.B. regarding Ranch Mart signage had been continued to the January 6, 2020 Governing Body meeting.

A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Sipple. 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

World Polio Day-Leawood, October 24, 2019

Mayor Dunn read the proclamation into the record and presented to Rotarian and local “End Polio Now” Chair Jim Arnett. She thanked him for his advocacy of an important effort, which was followed by a round of applause.

Mr. Arnett thanked the Mayor and distributed “End Polio Now” lapel pins and invitations to “Pints for Polio” event. “End Polio Now” is a worldwide effort of all Rotarians, and the Leawood Rotary is sponsoring the “Pints for Polio” fundraiser at Martin City Pizza & Tap on October 22, 2019. As stated in the proclamation, the Bill and Melinda Gates Foundation will fund two-to-one matching donations. Several local Rotarians are in attendance with a wonderful banner and flag that perhaps the City may display this week. Mayor Dunn invited Mr. Arnett to leave the flag with the City Clerk.

Mr. Arnett asked Leawood Rotarians to come forward and Mayor Dunn introduced Rick Robinson, President; Chuck Udell, Immediate Past President; Bill Crowe, President-Elect; Councilmembers/Rotarians Lisa Harrison, Chuck Sipple and Jim Rawlings; and Information Services Director/Rotarian Ross Kurz to come forward. Group photographs were taken with a large “End Polio Now” banner.

Mayor Dunn thanked all Rotarians for their terrific work which touches many lives.

5. PRESENTATIONS/RECOGNITIONS County Update by Commissioner Fast

Johnson County Board Commissioner Becky Fast, District No. 1, thanked the Governing Body for the opportunity to present. Periodic updates are hoped to further a strong relationship between the Board and local elected officials. She represents most of Leawood, with District 3 Commissioner Steve Klika representing Leawood south of 135th Street.

Highlights of Commissioner Fast’s presentation as follows:

Budget

1. Residents say the County receives a large amount of property tax money. The County receives the taxes and then distributes. Schools receive the most funding, 56.33%.
2. The County has three County mill levies: Parks, Library and General Government.
3. The Fiscal Year 2020 Approved Budget is over \$1 Billion, which is the largest budget of any county in Kansas.
4. One-third of budget goes to public safety, one-third to infrastructure and a large portion is reserves.
5. Reserves of 26% in the Fiscal Year 2020 Approved Budget provide for an Aaa credit rating and allows the County to borrow money more easily.
6. Anticipated revenue is primarily from taxes, 33%, followed by charges for services, 19%, and some sales tax.

Major Projects

1. Courthouse, which was topped this Summer, is a beautifully-designed landmark.
2. Lenexa Library opened in June.
3. Working with Merriam on a new Antioch Library.
4. Began feasibility study with Prairie Village on a new Corinth branch Library.

Major Projects - Continued

5. Leawood is a leader in a “City/County Partnership” having City Hall next to a County Library; this is envision for Corinth.
6. Meadowbrook opened in the Summer and is very busy.

CARS Program

1. Funded by gasoline tax and also County mill levy.
2. 50% of CARS funding goes towards cities’ eligible construction costs.
3. Provides for a valuable relationship with cities.
4. Leawood’s Lee Boulevard is an exciting project.
5. Next year the County rather than the Kansas Department of Transportation [KDOT] will provide another two-years of CARS funding to widen I-35 to alleviate traffic congestion that begins at 75th Street and backs up almost to Missouri. KDOT does not have the funding.

Stormwater Management

1. Moving emphasis to a watershed program rather than city-by-city stormwater projects, as water has no boundaries.
2. There will be city-based funding as well.
3. Northern area of County has numerous clay pipes that need to be replaced.
4. Stormwater inspection study will be conducted to identify areas of need.
5. Prairie Village and Mission need flood mitigation. Flooding stopped in Prairie Village benefits Leawood.
6. Leawood has four funded projects.
7. Other Kansas counties are envious of the dedicated sales tax, for planned 2019 expenditure of over \$18 Million.

Wastewater Management

1. Tomahawk Wastewater Treatment Plan expansion is on budget and on schedule.
2. Elevation of road will be raised to provide for better access during flooding.
3. Expansion could be built for same price that would have been paid to Kansas City, Missouri, for treatment over the next 20 years.
4. Johnson County is fortunate to have separate storm and sewer pipe systems.
5. Kansas City, Missouri, has only one combined system and they have been ordered by Federal Consent Decree to separate systems.
6. Kansas City, Missouri, treatment bills have tripled.
7. Nelson Wastewater Treatment Plant located in northern Johnson County is the County’s oldest, built in the late 1940s, and no longer meets some air quality standards. Improvements at the plant are next on the schedule.

Solid Waste Management

1. Compliments to the Leawood Sustainability Advisory Board [SAB], who inspired, passionate and committed. Thanks to Councilmember/SAB Chair Chuck Sipple for his leadership.
2. Commissioner Fast is liaison to the County’s Solid Waste Committee.
3. Currently, yard waste is mulched and this is saving landfill space.
4. County’s five-year, 2020-2025, management plan has passed.

Solid Waste Management - Continued

5. Focus on saving space in landfills, commercial hauler licensing, encourage commercial to recycle more as two-thirds of waste is from restaurants and apartments, and food waste diversion.

Vulnerable Populations

1. Aging population will double in next 20 years. By 2030, 26% of population will be over age 60.
2. Growing mental health concern; there is a suicide every four days in the County.
3. Six new mental health responder positions were created. Thanks to Leawood for working with Prairie Village on a shared responder position.
4. County is still down 65 positions in mental health due to economic recession and State cutbacks.
5. There is a growing public need and the County is only able to meet 50% of current need.
6. The County does not have a youth mental health center. The County only has 24-hour adult mental health services through RSI Crisis Stabilization.
7. Jail population continues to grow and 40% is due to substance abuse and mental health.
8. County has had the same \$50 per day jail fee for the last 20 years and is raising the fee paid by cities.
9. It costs the County \$157 per day to house an inmate.

Appraisal Challenges

1. “Dark Store Theory/Hypothetical Lease” property tax appeal by Walmart and other large retailers. This is also happening in the City of Manhattan and Sedgwick County, as well as nationwide.
2. Many of the cases are in the Kansas Courts and Board of Tax Appeals [BOTA], but not all cases are expected to go through the BOTA
3. Some state supreme courts have not upheld as a valid method. Appraisers have not learned to appraise accordingly.
4. David “Beau” Boisvert was just announced as the new Johnson County Appraiser. He was a long-term appraiser in Phoenix and Scottsdale, Arizona. Appraisers with large suburban experience are a challenge to find.
5. County Board Chairman Ed Eilert has been solely focused on the issue with the new Appraiser and is concerned smaller business and apartments could join the “Dark Store Theory”.
6. BOTA potential revenue loss in regard to “Dark Store Theory” for Appraisal Years 2011 – 2019 is estimated at \$82 Million, with largest impact on school districts, \$29 Million.

Sales Tax Update

1. Sales taxes have been down, but September was way up in almost all Johnson County cities.
2. County is working with KDOT to ensure uniform assessment and collection of internet tax.

Councilmember Azeltine requested timeline for roll-out of new Johnson County Stormwater Management Advisory Council [SMAC] guidelines, the percentages for general government and debt that comprise the total reserves, and if the Kansas legislature might take action on “Dark Store Theory”. Commissioner Fast stated the guidelines for the SMAC pilot program should be available next year. Mayor Dunn pointed out Leawood’s Director of Public Works is on the SMAC Board. Commissioner Fast stated the reserves of 26% or \$260 Million of the \$1 Billion budget is general. The County is attempting to educate the legislature on the “Dark Store Theory”, but no bills have been brought forward. Lobbying begins next year.

Commissioner Fast confirmed to Mayor Dunn that funding of widening of I-35 at 75th Street would be 90% Federal and 10% CARS. About \$1 Million per year for two years would come from CARS, flowing through KDOT.

Commissioner Fast confirmed to Councilmember Harrison that the County plans to determine the need in regard to housing. Commissioner Fast expressed thanks that Leawood, other cities and United Community Services [UCS] were joining with the County. An RFP for inventory and marketing study of all price points are needed and will be performed. The County is in charge of unincorporated area, and it is beneficial to collaborate with cities. The County’s Evergreen nursing facility on Sunset Drive in Olathe is to be demolished and the need for affordable senior housing is increasing.

Mayor Dunn stated UCS is working on a study. Though not the same topic of affordable housing, City Administrator Scott Lambers recently attended a summit on homeless shelter held at the County Administration Building spearheaded by retired Kansas Judge Kevin Moriarty. Commissioner Fast stated she was unable to attend that summit. She stated the Mid-America Regional Council [MARC] hosted a first-tier city Regional Housing Summit, but Leawood is not a first-tier city.

Councilmember Filla questioned why the County’s Evergreen Facility needs to be torn down, pointing out the site was originally the Johnson County poorhouse. Commissioner Fast stated the building has many health and safety issues. The facility is only a nursing home and the County is working to develop a new overall continuum of senior living.

Mayor Dunn thanked Commissioner Fast for representing Leawood and her hard work on challenges that address the best interests of everyone. She stated no complaints had been received to-date on the Tomahawk Wastewater Treatment Plant expansion project.

6. SPECIAL BUSINESS

- A. **Resolution No. 5263**, approving and authorizing the Mayor to execute a Subsidy Agreement between the City and Ring, LLC, in an amount not to exceed \$15,000.00, pertaining to a Subsidy Program for Leawood Residents to purchase Ring products [Project # 76051]

Chief Rettig stated this was a formal next step as a result of information presented and discussed at the September 3, 2019 Governing Body meeting. Ring has been hesitant to solidify plans until the agreement was executed by the City. It is estimated the program could begin in December.

Mayor Dunn reminded of recent rating of Leawood by two separate agencies as the safest city in Kansas. This initiative demonstrates the Police Department is not just comfortable resting on its laurels. Chief Rettig expressed interest in how the program may be used throughout the country in the future.

Chief Rettig confirmed to Councilmember Sipple at this time the program would only be for single-family homes, not apartments, and that various methods of distributing information about the program could be used such as social media, media attention, joint press release with Ring, notification of Home Owners Association Presidents and the City's website. Mayor Dunn pointed out the numerous general television ads about Ring.

Chief Rettig expressed belief the subsidy offer for 300 systems would be quickly claimed, on a first-come, first serve basis. Based on latest discussions, Ring will come to the Justice Center with products and participants would purchase and leave with Ring equipment that day. There are various system products and prices, and the City would pay \$50 per household, Ring would match \$50 and rest of system cost would be paid by the program participant.

A motion to approve Agenda Item 6.A. was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.

- B. Approve Budget Amendment in the amount of \$15,000, for RING Doorbell/Spotlight Rebate Program [Project # 76051]

A motion to approve Agenda Item 6.B. was made by Councilmember Rawlings; seconded by Councilmember Larson. The motion was approved with a unanimous vote of 8-0.

Mayor Dunn thanked Chief Rettig for leadership on the initiative.

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. 2019-40 and 2019-41
- B. Accept minutes of the October 7, 2019 Governing Body meeting
- C. Accept minutes of the September 10, 2019 Parks and Recreation Advisory Board meeting
- D. Accept minutes of the September 4, 2019 Public Works Committee meeting
- E. Approve Change Order No. 1 in the amount of \$70,000 to G-B Construction LLC, pertaining to the 2019 Residential Street Reconstruction, Phase II [Project # 80219]
- F. Approve 4th and Final Pay Request in the amount of \$500.00 to McAnany Construction, pertaining to the 2019 Residential Thin Asphalt Overlay Project [Project # 70026]
- G. Approve 7th and Final Pay Request in the amount of \$9,965.00 to O'Donnell & Sons Construction, pertaining to the 2018 Thin Lift Overlay Program [Project Nos. # 70024, 72029, 72030 & 72031]
- H. Approve purchase in the amount of \$28,238.18 from Professional Turf Products pertaining to Ironhorse Golf Course equipment
- I. Approve Revised Kansas Department of Transportation [KDOT] Bureau of Local Projects 'Project Programming Request' for the Program Year 2022, Funding Program STP [Surface Transportation Program] for Mission Road Improvement Project from 133rd Street to 143rd Street [Project # 80175]

- J. Approve Change Order No. 1 in the amount of \$1,798.34 to US Engineering, Co., pertaining to the replacement of HVAC Equipment located at Fire Station No. 2, 12701 Mission Road, [Project # 74046] and Fire Station No. 3, 14801 Mission Road [Project # 74081]
- K. **Resolution No. 5264**, approving a Revised Final Plat for Carriage Crossing – Replat of Tract C and Lot 2 – located south of 130th Terrace and west of Roe Avenue. (PC Case 79-19) *[from the September 24, 2019 Planning Commission meeting]*
- L. **Resolution No. 5265**, approving a Revised Final Plat for the Enclave at Highland Villas, 6th Plat, located south of 143rd Street and east of Nall Avenue (PC Case 94-19) *from the September 24, 2019 Planning Commission meeting]*
- M. Police Department Monthly Report
- N. Fire Department Monthly Report
- O. Municipal Court Monthly Report

Councilmember Cain requested Consent Agenda Item 7.K. be pulled.

Mayor Dunn requested Consent Agenda Item 7.M. be pulled for comment.

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

- 7.K. **Resolution No. 5264**, approving a Revised Final Plat for Carriage Crossing – Replat of Tract C and Lot 2 – located south of 130th Terrace and west of Roe Avenue. (PC Case 79-19) *[from the September 24, 2019 Planning Commission meeting]*

Councilmember Cain noted a new home owner had bought property with an existing sport court and pool deck with rear setback issues of which the City was not aware. Mr. Klein said issues were identified during fence permit application and check of property lines. The existing fence and pool deck go beyond property lines, and the current owner purchased the property in 2017 and installed a sport court. The City has been unable to determine if permits were pulled. Aerials of the property document a timeline of issues beginning in 2000. The owner has cut back the sport court providing for a 10 ft. separation. Carriage Crossing had agreed to deed over property to expand the lot to meet other setbacks, even before submittal of applications to the City. The sport court application will come before the Governing Body in the future, as lot lines must be approved first.

Councilmember Cain stated addressing the issue has been beneficial to the current home owner and Carriage Crossing.

A motion to approve Consent Agenda Item 7.K. was made by Councilmember Cain; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

- 7.M. Police Department Monthly Report

Mayor Dunn congratulated Captain Brad Robbins, stating she was delighted he had been at the FBI National Academy in Quantico, Virginia. Academy appointments are very competitive for top law enforcement executives in the country and abroad.

Councilmember Filla added her congratulations as well, pointing out the City has a history of employee promotions and continuing professional accreditation, and strongly supports leaves of absence in this regard.

Chief Rettig agreed to pass along congratulatory wishes to Captain Robbins.

A motion to approve Consent Agenda Item 7.M. was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

8. MAYOR'S REPORT

- A. My thanks to Councilmember Mary Larson for representing the City of Leawood as our voting delegate at the League of Kansas Municipalities Conference that was held in Overland Park. Thanks also to Councilmember Lisa Harrison for attending a portion of the conference.
- B. As a member of the JCCC Foundation, I attended a ribbon cutting and dedication celebrating the Hugh L. Libby Career and Technical Education Center. Encourage all to tour this beautiful addition to the JCCC campus.
- C. There were two Leawood Chamber ribbon cuttings during the past two weeks. I was joined by Councilmember Mary Larson at the first one for American Century Investments for their newly expanded/renovated site at Town Center Plaza. Former Washington Redskins quarterback and two-time Pro Bowler Joe Theismann was on hand and literally “quarterbacked” this most festive celebration. Councilmembers Chuck Sipple and Mary Larson both joined me for the second ribbon cutting at Helzberg Diamonds’ new location along 119th Street in Town Center Plaza. We wish them both much success and appreciate their reinvestment in our community.
- D. Several chapters of the Daughters of the American Revolution joined together to clean up the Linwood Pioneer Cemetery on 95th Street near Mission Road by Ranch Mart: Sagamore, Prairie Rose, Shawnee Mission, Mission Hills, Quivira Crossing and Three Trails West. Several people from Leawood also assisted including Councilmember Lisa Harrison, Clara Van Draska, April Bishop and Cathie Regnier, whose family owns the cemetery. The first burial in the cemetery took place in 1869. The Leawood Historic Commission and the Leawood Foundation are pleased to support the volunteer effort. The transformation is amazing!
- E. Congratulations to Leawood Arts Council Chair Anne Blessing, her Council and Cultural Arts Coordinator April Bishop on a very successful “Fall Into Art” Reception and Exhibition. There were nearly 70 artists with pieces displayed including Dustin Branick from our Parks & Recreation Department and Calvin Burgess who was formerly with our Public Works Department.
- F. Councilmember James Azeltine and his wife, Debbie, I-Lan Sister City Committee member, along with Councilmember Chuck Sipple and his wife, Kay, joined me at the Reception celebrating the 108th National Day of the Republic of China/Taiwan and the 40th Anniversary of the Taiwan Relations Act. This event was held at Vista 154 and hosted by Vivian Swafford, President and Founder of the Taiwan-America Friendship Association. Kansas House of Representatives Majority Leader Daniel Hawkins from Wichita was in attendance.

9. COUNCILMEMBERS' REPORT – None

10. CITY ADMINISTRATOR REPORT – None

11. STAFF REPORT

City Clerk Deb Harper

Introduction of future City Clerk, Kelly Varner

Ms. Harper introduced future City Clerk Kelly Varner, stating Ms. Varner has 10 years of municipal experience with Kansas City, Missouri, where she was Chief Deputy Clerk. Ms. Varner started Monday, October 14, 2019. She is a warm and kind person, having many existing tools. Training is underway. Swear-in is planned at the December 2, 2019 Governing Body meeting, effective December 7, 2019. Ms. Harper's last day with the City is planned for December 6, 2019.

Mayor Dunn welcomed Ms. Varner, stating she has large shoes to fill. The Governing Body will take time to honor and show appreciation for Ms. Harper at the December 2, 2019 meeting. Ms. Varner stated she is looking forward to being a part of the City of Leawood.

Councilmember Osman stated an important part of the training should be reminder to Governing Body members to speak into the microphone.

COMMITTEE RECOMMENDATIONS

12. PLANNING COMMISSION

[from the August 27, 2019 Planning Commission meeting]

- A. **Resolution No. 5266**, approving a Final Plan for Parkway Plaza - Kiddi Kollege Office/Daycare Addition, located south of 134th Street and east of Briar Street. (PC Case 86-19) –*CONTINUED FROM THE SEPTEMBER 16, 2019 GOVERNING BODY MEETING*

Mr. Jeff Schroeder, Scharhag Architects, 6247 Brookside Boulevard, Suite 204, Kansas City, Missouri, thanked the Council for their consideration and City Staff for their collaboration. The proposed addition would house the corporate headquarter and provide additional space for daycare. Kiddi Kollege currently has five daycares in the area: two in Olathe, one in Overland Park, one in Lenexa and the existing facility in Leawood. Building materials used for the expansion would be the same as the existing facility. All stipulations are agreeable, except for small distinction/rewording of Stipulation 12, in regard to Fire Department Memo Exhibit B.

Mr. Schroeder stated Exhibit B was not part of the Planning Commission hearing and requires a safe room in the building expansion. He stated belief this is not required by the building code, and pointed out the existing building has this type of room.

Mr. Schroeder confirmed to Mayor Dunn this requirement had been part of the Preliminary Plan stipulations. He has discussed with Fire Marshal Gene Hunter and Fire Chief Dave Williams without complete agreement. Today, Plans Reviewer Rolland Grigsby researched building codes and the codes do not seem to require the room, but the room is required since the Planning Commission approved with Stipulation 12.

Mr. Klein stated the room is shown on Plan A101 submitted to the Planning Commission, so it was understood there would be a room. Initial plan were for just office space and now a portion of the expansion is daycare, so there is split use. He stated this is his first notice that Mr. Schroeder had not received a copy of Exhibit B. As confirmed by Building Official Travis Torrez this afternoon, the City typically meets International Code Council [ICC] 500 codes. The City is in the process of adopting of the 2018 ICC Code, planned to occur early next year. The 2018 ICC Code requires safe rooms, but has an exemption for daycare. The City would likely remove this exemption.

Mr. Schroeder confirmed to Mayor Dunn that he was the architect who had drawn the safe room in the new building plan. Mr. Klein confirmed to Mayor Dunn that Fire Marshal Gene Hunter is aware of the safe room in the existing building.

Councilmember Sipple asked for the number of children and adults to be on-site, if the existing and expansion buildings would be joined, and the plan to be followed in for safe room use. Mr. Schroeder estimated there are currently 124 children, and the back-half of the building expansion would serve about 24 to 36 more children and about 15 adults in the office. The buildings would not be joined, requiring a trip outside. Occupants in the expansion would be notified and move to the existing building safe room. All occupants should fit in the existing safe room. Mr. Schroeder reiterated safe room requirement is not part of current regulations. There is no price on lives, but installation of a safe room in the new building to meet yet-to-be-adopted ICC Code would be very expensive. The property owner was hoping to use the existing safe room for both buildings.

Councilmember Sipple asked how Brookwood Elementary School and Barstow Campus handled this and if there was a precedent in other buildings in the City that cater to children without the rooms. Mr. Klein stated Brookwood provided a storm shelter that included using a portion of gymnasium, which did not meet all ICC 500 requirements. Barstow Campus had comments similar to Mr. Schroeder; they did not want to provide a safe room. Resolution was reached by stipulation stating “Project shall provide storm shelter constructed in accordance with ICC 500 or as deemed appropriate by the Building Official”. In regard to precedent, even under 2018 ICC Code the City intends to adopt, daycare but not schools would be exempt. Building Official Travis Torrez has recommended the daycare exemption be removed to provide Governing Body review and approval case-by-case.

Councilmember Larson asked about difference between an interior room and a safe room built to code. Mr. Klein stated some requirements of a safe room would be reinforced walls and windows to reduce penetration of flying debris, and an accessible restroom with sink and stool within the room.

Councilmember Harrison stated in her personal experience schools typically used windowless restrooms as shelter areas. Mr. Schroeder stated these restrooms are usually constructed with concrete block walls, but without further reinforcement and not up to ICC Code.

Ms. Bennett pointed out Fire Marshal Hunter’s memo only references having a safe room and not ICC Code. The room was on the plans for the new building. Target is for City Staff to have code draft to Council in January 2020, effective April 2020.

Mr. Schroeder stated he would be agreeable to wording of the Barstow stipulation or, based on his erroneous interpretation of Fire Marshal Hunter’s comments, no changes to Stipulation 12 would be needed if intent is only to have a safe room.

Ms. Bennett confirmed to Mayor Dunn there was no need to edit Stipulation 12; ICC 500 is not referenced. Barstow specially referenced ICC 500, so stipulation was modified. Before any action in regard to ICC 500 in January 2020 and effective date, the Building Official would ensure that plans are as safe as possible.

Mr. Schroeder stated plans had already been submitted for building permit, which is hoped could be issued in two to three weeks.

Councilmember Azeltine suggested if added expense for a safe room is problematic for applicants, it would be beneficial to have examples of cost differential for safe room as compared to other possible safety measures.

A motion to approve Agenda Item 12.A. was made by Councilmember Cain; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.

- 12.B. Resolution approving a Revised Final Sign Plan for Ranch Mart Shopping Center – Revised Sign Criteria, located north of 95th Street and east of Mission Road. (PC Case 76-19) –*CONTINUED FROM THE SEPTEMBER 16, 2019 AND OCTOBER 7, 2019 GOVERNING BODY MEETINGS—CONTINUED TO THE JANUARY 6, 2020 GOVERNING BODY MEETING*

[from the September 24, 2019 Planning Commission meeting]

- 12.C. **Resolution No. 5267**, approving a Revised Final Plan for Town Center Plaza – Tempur-pedic – Awnings and Modifications to the Sign Criteria for Town Center Plaza, located north of 117th Street and east of Nall Avenue. (PC Case 93-19)

Ms. Ann Hoins, President, Young Sign Company, 326 Choctaw Street, Leavenworth extended a personal greeting to Mayor Dunn. She stated her company had been contracted to create the proposed new awnings and sign. The solid blue awnings would be made from Sunbrella fabric. The wall sign would be halo-illuminated and have a 3 inch return in a color matching the face of the sign, which is unusual for Town Center Plaza.

Mr. Klein confirmed to Councilmember Cain that Planning Commission Recommendation 2. would amend the general signage criteria for all of Town Center Plaza. Amending a development’s overall signage criteria to match a change requested by a tenant, was brought forth to the Governing Body a few months ago. Town Center Plaza is supportive of this change, per their letter included in the meeting documentation.

Ms. Hoins stated signage needs to be progressive and move forward with technology.

Councilmember Sipple asked when the store would open. Ms. Hoins stated the date was unknown to her, but perhaps the store would open for the upcoming holiday season.

A motion to approve Agenda Item 12.C. was made by Councilmember Larson; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 8-0.

- 12.D. **Ordinance No. 2963**, amending Sections 16-4-3.6 and 16-4-3.7, of the Leawood Development Ordinance [LDO] respectively entitled “Conditions” and “Special Uses Designated” and repealing existing Sections 16-4-3.6 and 16-4-3.7 and other sections in conflict herewith. (PC Case 89-19) [ROLL CALL VOTE]

Mr. Klein stated the proposed amendment would codify Staff’s proactive work with applicants in regard to Special Uses in residential districts. Currently, the Leawood Development Ordinance [LDO] states that Special Use Permits [SUPs] must meet underlying district and development plan requirements. Independent living and assisted living facilities, schools and churches are allowed in residential districts with an SUP, but residential districts do not address items such as parking setbacks and lighting,

buffering and trash enclosures that are a part of these uses. Residential height restriction of 35 ft. would continue. The ability to request deviations would not change.

Mr. Klein confirmed to Councilmember Sipple the amendment would not have impacted other development within the last six months, including the trash enclosure at Ranch Mart in a SD-CR district and which did not require an SUP, or the repurposed Hy-Vee store on State Line Road.

Councilmember Azeltine inquired if there are R-1 districts within the City that have independent and/or assisted living facilities. Mr. Klein stated he was not aware of any, but there are some in other types of residential districts. Examples given were “Main Stream Rehab” Health Care Resort at 143rd Street and Nall, and Homestead, former Sterling House, at 127th Street and State Line Road.

A motion to pass Agenda Item 12.D. was made by Councilmember Filla; seconded by Councilmember Larson. The motion was approved with a unanimous roll call vote of 8-0.

13. OLD BUSINESS – None

14. OTHER BUSINESS

A. Schedule Governing Body meeting on November 4, 2019 at 7:30 P.M.

Mayor Dunn reminded a Work Session with the Leawood Chamber of Commerce was scheduled to begin at 6:00 P.M., and possibility of an Executive Session that night as well.

A motion to approve Agenda Item 14.A. was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.

15. NEW BUSINESS – None

ADJOURN

There being no further business, the meeting was adjourned at 8:51 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk