

**Regular Meeting****THE LEAWOOD CITY COUNCIL****March 2, 2020****Minutes**

**Councilmembers Present:** Julie Cain, Debra Filla, Andrew Osman, James Azeltine (via phone) and Lisa Harrison.

**Councilmembers Absent:** Chuck Sipple, Jim Rawlings, Mary Larson

<b>Staff Present:</b> Scott Lambers, City Administrator	Patty Bennett, City Attorney
Dawn Long, Finance Director	Mark Tepesch, Info. Services Specialist III
Richard Coleman, Planning Director	Chief Troy Rettig, Police Department
Dave Williams, Fire Chief	Chris Claxton, Parks and Rec Director
Nic Sanders, HR Director	Kelly Varner, City Clerk
David Ley, Public Works Director	Ashley Tomasic, Assistant City Attorney

**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 that Item 7G on the Consent Agenda was replaced with one of the near-term goals (Item 10) being separated into two goals.

**A motion to approve the amended agenda was made by Councilmember Filla, seconded by Councilmember Cain.**

Mr. Lambers stated that two items were requested to be removed.

Ms. Varner replied that Item Nos. LL and MM were pulled from this agenda.

**Motion was approved with a unanimous vote of 5-0.**

**3. CITIZEN COMMENTS - None**

**4. PROCLAMATIONS**

**5. PRESENTATIONS/RECOGNITIONS**

Chief Dave Williams, Fire Chief, retiring after 7 years of service.

Mayor Dunn presented a crystal token of appreciation to Chief Williams in recognition of dedicated service as Fire Chief from August 6, 2012 to March 5, 2020. She pointed out that Chief Williams accomplished a great deal in his seven-year tenure, including international accreditation and ISO-1 rating. She credited his leadership, work ethic, and group of colleagues.

Mr. Williams introduced his family and thanked the City of Leawood for the opportunity to serve and for all the support he received from everyone. He expressed support of Colin Fitzgerald, the proposed Interim Fire Chief, pointing out his participation and leadership in the Fire Department's certification efforts.

2020 Kansas Arbor Day poster contest participants: Heba Boullaouz, Phoebe Zmijewski, Ella Gray, Jasper Kim, Stella Shumate and Will McMonagle

Councilmember Harrison, Chairman of Leawood's Tree Task Force, recognized the students for their efforts in the 2020 Kansas Arbor Day poster contest. She stated that copies of the six posters are on display at the Leawood Library. The posters were required to include why Kansans need trees. She was grateful for the level of interest in the contest. First place overall was awarded to Heba Boullaouz; first place from her school was awarded to Phoebe Zmijewski; honorable mention was awarded to Ella Gray, Stella Shumate, and Will McMonagle. She expressed appreciation for the support from the teachers and administration at the schools.

## **6. SPECIAL BUSINESS**

- A. Approve the City Administrator's recommendation of appointment of Colin Fitzgerald as Interim Fire Chief effective March 6, 2020.

**Motion to approve Item 6A was made by Councilmember Filla, seconded by Councilmember Osman.**

Mr. Lambers stated that the appointment is necessary because the current Fire Chief will be gone before the next City Council meeting, and he wanted to ensure that each item received its due attention. The appointment of Colin Fitzgerald as Fire Chief will be on the agenda for the March 16, 2020 Governing Body meeting.

**Motion was approved with a unanimous vote of 5-0.**

- B. Ordinance amending Chapter 5, Article 5 of the Code of the City of Leawood, 2000, pertaining to Massage Establishments and Massage Therapists and repealing existing Article 5 of Chapter 5, and other sections in conflict herewith ***Continued from February 3, 2020, Governing Body meeting.*** [ROLL CALL VOTE]

Ms. Tomasic stated that the Legal Department worked with Community Development, the Police Department, and members of the community to draft the ordinance.

Councilmember Harrison asked for a summary of the major changes in the ordinance. While she supported the need for change, she expressed that a local business owner expressed concerns, and she wanted to better understand the changes.

Ms. Tomasic stated that the most substantial changes were noted in the memo. Mr. Dusterhoff with Massage Heights consulted with other massage establishment owners and offered input to the City regarding the ordinance. His major issue was the educational requirement. They have been changed to a more streamlined process. The issue had been that massage schools changed curriculum, but Leawood's

code wasn't adjusting. The adjustments allow for number of hours or a test, which should alleviate concerns. The ordinance is patterned off Lenexa's code.

Councilmember Harrison asked about a bullet point requiring massage therapists to notify the City of any change in employment within ten days.

Ms. Tomasic stated that requirement are so the City can update records.

Councilmember Harrison asked if that was standard for the industry.

Ms. Tomasic stated that it is a practice in neighboring cities.

Councilmember Cain expressed gratitude for the interface with the business owners.

Ms. Tomasic stated that it was a helpful element of the process.

**A to approve Item 6B was made by Councilmember Filla; seconded by Councilmember Cain.**

Mayor Dunn echoed the compliments and appreciation.

**Motion was approved with a unanimous roll call vote of 5-0.**

## **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. 2019-55, 2020-5, 2020-6, 2020-7 and 2020-8
- B. Accept minutes of the February 3, 2020 Governing Body meeting
- C. Accept minutes of the November 15, 2019 Sustainability Advisory Board meeting
- D. Accept minutes of the January 10, 2020 Sustainability Advisory Board meeting
- E. Accept minutes of the October 2, 2019 Bike/Walk Leawood Committee meeting
- F. Accept minutes of the February 3, 2020 I-Lan Sister City Committee meeting
- G. Approve 2020 Governing Body Goals & Objectives
- H. Approve renewal of Cereal Malt Beverage [CMB] License for Blade & Timber, located at 5203 W. 117<sup>th</sup> Street (CC)
- I. Approve renewal of Cereal Malt Beverage [CMB] License for CVS/Pharmacy #8237, located at 5001 W. 135<sup>th</sup> Street (CC)
- J. Approve renewal of Cereal Malt Beverage [CMB] License for CVS/Pharmacy #8588, located at 11729 Roe Avenue (CC)
- K. Resolution calling for the Pre-Budget Public Hearing to be heard Monday, April 6, 2020, at 7:30 P.M., or as soon thereafter as may be heard on the 2021 Fiscal Budget for the City of Leawood, Kansas (F)
- N. Resolution approving a Revised Final Plat for Stone Ledge Subdivision, Second Plat, located south of 154<sup>th</sup> Street and east of Nall Avenue (PC Case 05-20) (P)
- O. Resolution approving a Final Plan for Park Place pertaining to changes to the façade of a tenant space - Engel & Volkers, located north of 117<sup>th</sup> Street and east of Nall Avenue (PC Case 07-20) (P)

- P. Resolution approving and authorizing the Mayor to execute an Agreement between the City and Heartland Customer Solutions, LLC for the installation of fiber optic cable in the right of way near 14206 Overbrook Road in Leawood, Kansas (PW)
- Q. Resolution accepting Kansas Special Warranty Deed from Leawood Country Club Partners, LLC, pertaining to Dedication of Property for Park Purposes located near the Estates of Old Leawood [Village of Leawood] (PW)
- R. Resolution approving and authorizing the Mayor to execute a Limited Maintenance Agreement between the City and the Village of Leawood Homes Association pertaining to maintenance of certain improvements located in the dedicated park area (PW)
- S. Resolution declaring it necessary to appropriate private property for the use of the City of Leawood for the Leawood South Stormwater Project, located in Leawood, Johnson County, Kansas, in accordance with K.S.A. § 26-201 [SMAC #TM-04-008 Project #80256] (PW)
- T. Resolution accepting a Temporary Construction Easement from Grantors John D. Wininger and Kathy F. Wininger as Co-Trustees of the John D. Wininger Trust and Kathy F. Wininger and John D. Wininger as Co-Trustees of the Kathy F. Wininger Trust, for property located at 12617 Wenonga Lane, pertaining to the Leawood South Stormwater Project [Project #80256] (PW)
- U. Resolution accepting a Temporary Construction Easement from Grantors Robert O. Schock and Carla J. Schock, for property located at 12703 Wenonga Lane, pertaining to the Leawood South Stormwater Project [Project #80256] (PW)
- V. Resolution accepting a Permanent Drainage Easement from Grantors Robert O. Schock and Carla J. Schock, for property located at 12703 Wenonga Lane, pertaining to the Leawood South Stormwater Improvements Project [Project #80256] (PW)
- X. Resolution accepting a Temporary Construction Easement from Grantors Ryan J. Gildea and Courtney C. Gildea, for property located at 12704 Wenonga Lane, pertaining to the Leawood South Stormwater Project [Project #80256] (PW)
- Y. Resolution accepting a Permanent Drainage Easement from Grantors Mark H. Holland and Merry Grace Holland as Trustees of The Holland Trust, for property located at 12714 Wenonga Lane, pertaining to the Leawood South Stormwater Project [Project #80256] (PW)
- Z. Resolution accepting a Temporary Construction Easement from Grantors Mark H. Holland and Merry Grace Holland as Trustees of The Holland Trust, for property located at 12714 Wenonga Lane, pertaining to the Leawood South Stormwater Project [Project #80256] (PW)
- AA. Resolution accepting a Temporary Construction Easement from Grantors Harold T. Gauert and Nancy J. Gauert, Co-Trustees of the Gauert Family Trust, for property located at 12600 Wenonga Lane, pertaining to the Leawood South Stormwater Project [Project #80256] (PW)
- BB. Resolution accepting a Temporary Construction Easement from Grantor Randy L. Brooks, Trustee of the Randy L. Brooks Trust, for property located at 12719 Sagamore Road, pertaining to the Leawood South Stormwater Project [Project #80256] (PW)
- CC. Resolution accepting a Temporary Construction Easement from Grantors Patrick Clay Murray and Lindsey Rae Murray, for property located at 12721 Sagamore Road, pertaining to the Leawood South Stormwater Project [Project #80256] (PW)
- DD. Resolution accepting a Permanent Drainage Easement from Grantor Marie B. Rakiec, for property located at 12725 Sagamore Road, pertaining to the Leawood South Stormwater Project [Project #80256] (PW)

- EE. Resolution accepting a Temporary Construction Easement from Grantors James Winfield Hansen and Amy M. Hansen, for property located at 12613 Wenonga Lane, pertaining to the Leawood South Stormwater Project [Project #80256] (PW)
- FF. Resolution accepting a Permanent Drainage Easement from Grantors James Winfield Hansen and Amy M. Hansen, for property located at 12613 Wenonga Lane, pertaining to the Leawood South Stormwater Project [Project #80256] (PW)
- GG. Resolution accepting a Permanent Drainage Easement from Grantors Paul A. Orrick and Anne M. Orrick, Co-Trustees of Orrick Living Trust, for property located at 12703 Cherokee Lane, pertaining to the Leawood South Stormwater Project [Project #80256] (PW)
- HH. Resolution accepting a Temporary Construction Easement from Grantors Paul A. Orrick and Anne M. Orrick, Co-Trustees of Orrick Living Trust, for property located at 12703 Cherokee Lane, pertaining to the Leawood South Stormwater Project [Project #80256] (PW)
- II. Resolution accepting a Temporary Construction Easement from Grantors Kristen Baehr and Justin Baehr, for property located at 12706 Cherokee Lane, pertaining to the Leawood South Stormwater Project [Project #80256] (PW)
- JJ. Resolution accepting a Temporary Construction Easement from Grantors Mary C. Nagy, Trustee of Mary C. Nagy Trust and Richard J. Mundis Trustee of Richard J. Mundis Trust, for property located at 12615 Wenonga Lane, pertaining to the Leawood South Stormwater Project [Project #80256] (PW)
- KK. Resolution approving and authorizing the Mayor to execute Amendment No. 5 to the Engineering Services Agreement between the City and McClure Engineering Company, F/K/A Shafer, Kline & Warren, Inc., dated April 3, 2017, as amended on May 7, 2018, July 1, 2019, August 12, 2019, and September 16, 2019 in the amount of \$10,689.35, pertaining to the Leawood South Stormwater Project [SMAC# TM-04-008 Project #80256] (PW)
- \* LL. Resolution accepting new GASB-34 Public Infrastructure in accordance with GASB-34 Guidelines of Reporting Inventory of Assets for property located on Mohawk Road, Pawnee Lane, and Cherokee Lane, south of 89<sup>th</sup> Street to 91<sup>st</sup> Street and east of Mission Road, and along 91<sup>st</sup> Street between Mohawk Road and Pawnee Lane in the Leawood Subdivision pertaining to the 2019 Residential Reconstruction Project, Phase 1 [Project #80219] (PW) [**PULLED**]
- \* MM. Resolution accepting new GASB-34 Public Infrastructure in accordance with GASB-34 Guidelines of Reporting Inventory of Assets for property located on portions of 126<sup>th</sup> Terrace and Delmar Streets in the Patrician Woods Subdivision pertaining to the 2019 Patrician Woods Stormwater Improvement Project [Project #77018] (PW) [**PULLED**]
- NN. Resolution approving and authorizing the Mayor to execute a contract change order in the amount of \$37,589.00 between the City and Dondlinger and Sons Construction Company for the Roe Avenue Wall Replacement Project [Project #72088] (PW)
- OO. Request to approve 6th and Final Pay Request to Wiedenmann Inc., for work performed on the Patrician Woods Stormwater Project, in the amount of \$13,376.76 [Project #77018] (PW)
- PP. Approve payment in the amount of \$15,635.52 to Hexagon Safety & Infrastructure for 2020 annual maintenance, pertaining to computer aided dispatch software and accompanying software products used in patrol cars (LPD)
- QQ. Police Department Monthly Report
- RR. Fire Department Monthly Report

SS. Municipal Court Monthly Report

Councilmember Cain pulled Item 7L.

Councilmember Harrison pulled Item 7M.

Councilmember Filla pulled Item 7W.

**A motion to approve the remainder of the Consent Agenda was made by Councilmember Cain, seconded by Councilmember Harrison. Motion was approved with a unanimous vote of 5-0.**

- L. Resolution approving a Final Landscape Plan for Leawood Estates – Lot 9 & Partial Lot 8 – Residential Emergency Generator, located north of 95<sup>th</sup> Street and east of High Drive (PC Case 02-20) (P)

Councilmember Cain stated that she saw requirements about noise and distance compliance. She asked if any notice is given to surrounding neighbors.

Mr. Coleman stated that there have not been many complaints about the generators because they must be located within a certain distance of the house. They come before the Governing Body when they are much larger.

Councilmember Cain speculated that they would not make much more noise than a pool pump or something similar.

Mr. Coleman stated that it is hopefully less than that because the sound ordinance is still in place.

Councilmember Cain asked if these are a constant noise or if they are used on an as-needed basis.

Mr. Coleman replied that they are emergency generators and are used when power goes out. Many come on periodically to run a test for 15 minutes.

**A motion to approve Item 7L was made by Councilmember Cain, seconded by Councilmember Filla. Motion was approved with a unanimous vote of 5-0.**

- M. Resolution approving a Revised Final Plat for Hallbrook East Village, Second Plat, located south of 112<sup>th</sup> Street and west of State Line Road (PC Case 03-20) (P)

Councilmember Harrison asked if the two proposed homes will be larger or the same size as surrounding homes.

Mr. Coleman stated that the homes are not much larger than homes in the area but that they have a larger yard.

Councilmember Harrison was curious about the motivation behind the change.

Mr. Coleman replied that the future owner of the home requested a larger lot.

Councilmember Harrison asked if some of the homes shared driveways.

Mr. Coleman replied that some do.

**A motion to approve Item 7M was made by Councilmember Harrison, seconded by Councilmember Cain. Motion was approved with a unanimous vote of 5-0.**

- W. Resolution accepting a Permanent Drainage Easement from Grantors Ryan J. Gildea and Courtney C. Gildea, for property located at 12704 Wenonga Lane, pertaining to the Leawood South Stormwater Project [Project #80256] (PW)

Councilmember Filla wondered, with all the construction and permanent drainage easements, what was the impetus for this.

Mr. Ley stated that a condemnation letter went out when the City began paying for the easements. Easements were returned to 5-10 people, and they signed easements with the new value being paid by the City.

Councilmember Filla was encouraged that the new process is working well.

Mr. Ley stated that construction is on schedule for January.

**A motion to approve Item 7W was made by Councilmember Filla, seconded by Councilmember Harrison. Motion was approved with a unanimous vote of 5-0.**

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

- A. Bonner Springs Mayor Jeff Harrington hosted the February Johnson & Wyandotte Counties Council of Mayors meeting. The guest speaker was League of Kansas Municipalities Executive Director Erik Sartorius. He discussed the legislative Property Tax changes and other bills under consideration this session.
- B. Participated in the Lunar New Year celebration hosted by The Chinese School of Greater Kansas City at the invitation of I-Lan Sister City Committee member Diana Sun.
- C. Thank you to Presiding Officer Councilmember Julie Cain for standing in for me during my absence at the Leawood Chamber ribbon cutting ceremony for Burg & Barrel restaurant. This new addition to the community is located at the Nall Valley Shops at 151<sup>st</sup> & Nall.
- D. Congratulations to Fire Chief Dave Williams and his leadership team for the upcoming debut of their citizens Fire Academy on April 22, which runs for eight weeks. There is only room for 20 individuals, so early sign-up is encouraged.

## **9. COUNCILMEMBERS' REPORT - None**

## **10. CITY ADMINISTRATOR REPORT**

Mr. Lambers stated that the evening was an example of a rare occasion of not having enough people to have a meeting. He expressed gratitude to Councilmember Azeltine for participating by phone, even when ill. He did not know the logic behind the fact that the Mayor does not count toward a quorum, but

he felt it should be sufficient. He proposed the wording of the ordinance be changed from “City Council” to “Governing Body” so that, if the situation should arise again, the Mayor can participate in the quorum.

Ms. Bennett stated that while the body can change the ordinance, she wanted to look at the statutes to ensure there is not a conflict. She mentioned that the statute she reviewed requires a majority of Councilmembers Elect to pass any ordinance, which would be five. No ordinances could be passed with four and the Mayor. Resolutions and other business could be considered.

Mr. Lambers stated that it would allow continuation of the meeting because it would be difficult to let people know the meeting needed to be canceled at the last minute if the situation arose.

Mayor Dunn pointed out that the evening’s circumstance was incredibly unusual and that absences were rare.

## **11. STAFF REPORT - None**

### ***COMMITTEE RECOMMENDATIONS***

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

##### **[From the January 28, 2020 Planning Commission]**

- A. Ordinance amending Sections 16-4-6.9, 16-4-6.10, 16-4-6.13, and 16-4-6.14 of the Leawood Development Ordinance pertaining to signs allowed in SD-CR, SD-NCR, and MXD Districts, and repealing existing Sections 16-4-6.9, 16-4-6.10, 16-4-6.13, and 16-4-6.14 and other sections in conflict herewith (PC Case 112-19) [ROLL CALL VOTE]

Mr. Klein stated that the amendment is to allow digital display menu boards for drive-throughs by allowing an exception and providing general regulations. It also corrects the tables by adding more standards. Since the Planning Commission meeting, the addition of a pre-order menu was added, so approval of the ordinance will require an override. The menu boards cannot have animation and are limited to four changes per day. The ordinance allows a maximum of 12 square feet for menu confirmation. The boards themselves will be limited to 30 square feet, including the base. The preorder boards will be limited to 15 square feet, also including the base. Both boards would be allowed in each drive-through for a maximum of two. There are also limitations on lighting to be limited to a range of 500-2,500 nits. The signs have a sensor to allow for dimming or brightening, depending on the ambient light.

Mayor Dunn stated that, because the ordinance requires six votes to override the Planning Commission, she could be the sixth vote.

Councilmember Osman stated that he did not have many issues but wondered if businesses other than McDonald’s or Starbucks were consulted.

Mr. Coleman replied that McDonald’s is the largest in the area and is also the national trendsetter for drive-through changes.

Councilmember Osman stated that his issue was the potential to have to revisit the subject for minor tweaks in the future. He wanted to classify 16-4-6.10(e), which prohibits text or graphic animation,

scrolling, or continuous movement. He spoke about businesses such as Sonic, which doesn't change on a routine basis, and it has a shift in the graphics.

Mr. Coleman stated that the goal was to avoid that.

Councilmember Osman asked what would happen if other companies requested an ordinance change to allow something like that.

Mr. Coleman replied that there is no way to anticipate what company may come in with a drive-through in Leawood. Because there are three drive-through restaurants in Leawood and McDonald's has two of them, that was used as the standard. In the future, a drive-through that couldn't conform could come before the Governing Body at that time. He didn't expect to have many more come to Leawood. McDonald's is a leader in the industry.

Councilmember Osman stated that his is supportive of the ordinance as it stands but wondered what allowances could be made in the future if a business couldn't conform.

Mr. Coleman said that the changes could come forth as a proposal and that a councilmember could suggest it.

Councilmember Harrison asked if Mr. Jeffries had heard from business owners about the signage issue.

Kevin Jeffries, Leawood Chamber and Economic Development Council, 13451 Briar, Leawood, appeared before the Governing Body and stated that he has worked with staff and that the research was thorough. He complimented staff for being responsive in the past year and a half to amend ordinances to allow for new signage issues.

**A motion to approve Item 12A was made by Councilmember Osman, seconded by Councilmember Harrison. Motion approved with a unanimous roll call vote of 6-0, including an affirmative vote from Mayor Dunn.**

Rod Richardson, Wallace Saunders Law Firm, appeared and expressed gratitude to Mr. Coleman, Ms. Bennett, and the City for working on the ordinance. He hoped the ordinance would address any future issues that could come through and stated that Michelle Freeman, sign expert, could answer any technical questions.

- B. Ordinance approving the 2019 Update to the Comprehensive Plan of the City of Leawood, Johnson County, Kansas (PC Case 06-20) [ROLL CALL VOTE]

Mr. Klein complimented Ms. Schuller and Mr. Sanchez for their work on the Comprehensive Plan update. He reviewed changes to the plan, including the addition of a lot to the south of the Fire Station on Lee Boulevard, Rezoning of the Kleinwood Office Building property, shifting of 137<sup>th</sup> Street to the north near Kenneth Road, addition of a street network in the 135<sup>th</sup> Street Corridor, addition of the RP-3 zoning north of 137<sup>th</sup> Street, Rezoning of a small piece of property intended for office space at 135<sup>th</sup> and Kenneth, addition of streets in The Hills of Leawood and Hills of Leawood Villas, and a reflection of Fire Station No. 3 property use. He stood for questions.

**A motion to approve Item 12B was made by Councilmember Osman, seconded by Councilmember Filla.**

Mayor Dunn pointed out that the edits were helpful and complimented the work done on the plan. She confirmed with Ms. Bennett that the ordinance only needed five votes.

**Motion approved with a unanimous roll call vote of 5-0.**

- C. Resolution approving the Planning Commission’s recommendation to deny a request for a Revised Preliminary Plan for 135<sup>th</sup> Street and Kenneth Road– Mixed Use and Medium Density Residential, located south of 135<sup>th</sup> Street and west of Kenneth Road (PC Case 04-20) – ***CONTINUED TO THE APRIL 6, 2020 GOVERNING BODY MEETING*** [ROLL CALL VOTE]

**[From the October 22, 2019 Planning Commission meeting]**

- D. Ordinance amending Section 16-2-10.3 of the Leawood Development Ordinance entitled “Materials and Colors’ and repealing existing Section 16-2-10.3 and other Sections in conflict herewith (PC Case 39-19) [ROLL CALL VOTE] [*Continued from December 2, 2019 and January 21, 2020 Governing Body Meetings*] *Staff requests that the Governing Body continue this case to March 16, 2020.*

**A motion to continue Item 12D to the March 16, 2020 Governing Body meeting was made by Councilmember Filla, seconded by Councilmember Cain. Motion was approved with a unanimous vote of 5-0.**

**13. OLD BUSINESS - None**

**14. OTHER BUSINESS - None**

**15. NEW BUSINESS**

- A. Ordinance Granting Evergy Company, its Grantees, Successors and Assigns, a Franchise, Prescribing the Terms Thereof and Relating Thereto and Repealing Ordinance No. 1947c [ROLL CALL VOTE]

Ms. Bennett stated that the ordinance is the update for the Evergy franchise. KCP&L expired, but the City has been working diligently so that Evergy would be the name of record for a 20-year franchise, continuing with the 5% gross receipts fee.

**A motion to approve Item 15A was made by Councilmember Cain, seconded by Councilmember Harrison. Motion was approved with a unanimous roll call vote of 5-0.**

- B. Ordinance delaying collection of the Ranch Mart North Community Improvement District Sales Tax from July 1, 2020, and providing for the collection of that Community Improvement District Sales Tax effective October 1, 2021 (Ranch Mart North CID) [ROLL CALL VOTE]

**A motion to approve Item 15B was made by Councilmember Filla, seconded by Councilmember Osman. Motion was approved with a unanimous roll call vote of 5-0.**

- C. Ordinance amending Chapter 14, Article 5 of the Code of the City of Leawood, 2000, by adding a new Sections 14-501a entitled “Towing of Vehicles from Private Property [non-city initiated]” and repealing provisions in conflict herewith [ROLL CALL VOTE]

Ms. Bennett stated that she received a letter from an attorney from Lawrence who represents several towing companies, pointing out that the ordinance does not allow for certain provisions that other cities’ ordinances in the area allow for, including towing from private property. It is not banned, but it is also not provided for. The statute adds protection for towing companies if the City has an ordinance or the County has a resolution providing for it. The proposed ordinance aligns with neighboring cities. It does not put oversight on the City’s part except to ask the tow companies to contact the Police Station when they tow from private property.

Terry Liebold, 4520 Cedar Ridge Court, Lawrence, stated that he represented several tow truck companies that had issues with private-property tows. If a car is abandoned on private property, it can be towed, but the issue is what to do with the car after that. The City has to have an ordinance similar to what is proposed to deal with the situation. He added that the tow truck companies asked if the ordinance could address an illegally parked car that interferes with traffic and allow for it to be towed if it has been in place for more than 24 hours. He offered to share proposed language.

Mayor Dunn suggested continuing the item to the March 16<sup>th</sup> meeting if wording needed to be added.

Ms. Bennett agreed.

Councilmember Cain asked who would be notified in the event of a potential tow.

Mr. Liebold replied that, under the current ordinance, the ordinance could be a sign in front of the property, such as an apartment parking lot, or on the car in a public parking lot. The Police Department would then be notified once it is towed.

Councilmember Cain asked if the Police would know where that the car was towed.

Mr. Liebold confirmed that they would. Additionally, if the tow truck company has the car for 30 days and it goes unclaimed, the company has the right to sell it at auction after notifying the owner in accordance with the Department of Revenue’s records.

Councilmember Osman appreciated Mr. Liebold’s appearance and comments and agreed that the matter should be continued. He gave an example of a parking lot reconstruction with notice going out to tenants, and the morning of construction, an abandoned car had to be dealt with. This situation was not addressed in the ordinance proposal.

Councilmember Harrison asked Chief Rettig how often cars in Leawood are being towed off private property.

Chief Rettig replied that it doesn’t happen often.

Councilmember Harrison expressed concern about apartment complexes and residences. If someone stays with a friend in an apartment complex or has a medical emergency, the car could get towed. She was concerned about situations such as these and encouraged empathy and compassion to be considered.

Chief Rettig stated that the apartment complexes are not aggressive.

Councilmember Harrison referred to news stories regarding overzealous towing and wanted to ensure that the ordinance would not encourage that.

Councilmember Azeltine asked Chief Rettig if the notice on the windshield would have a reference to the ordinance and/or statute.

Chief Rettig replied that it would.

**A motion to continue Item 15C to the March 16, 2020 Governing Body meeting was made by Councilmember Filla, seconded by Councilmember Osman.**

Mayor Dunn asked Ms. Bennett if she needed further clarification.

Ms. Bennett replied that she would address the 24-hour posted notice if there is some traffic issue as well as the issue Councilmember Osman raised.

**Motion was approved with a unanimous vote of 5-0.**

- D. Ordinance amending Chapter 1, Article 8 of the Code of the City of Leawood, 2000, by adding new Sections 1-863 through 1-866, establishing a new Leawood Ranch Mart North Community Improvement District Special Revenue Fund and repealing Ordinance No. 2976 [ROLL CALL VOTE]

Ms. Bennett stated that this ordinance is a correction of ordinance numbers.

**A motion to approve Item 15D was made by Councilmember Filla, seconded by Councilmember Cain. Motion was approved with a unanimous roll call vote of 5-0.**

- E. Schedule Governing Body meeting on March 16, 2020 at 7:00 P.M.

**A motion to approve Item 15E was made by Councilmember Filla, seconded by Councilmember Cain. Motion was approved with a unanimous vote of 5-0.**

**ADJOURN**

*Meeting was adjourned at 7:17 PM*