Council Members Present: Chuck Sipple, James Azeltine, Jim Rawlings, Mary Larson, and Lisa Harrison.

Councilmember present via Zoom: Debra Filla, Andrew Osman, and Julie Cain.

Councilmembers Absent: None

Staff Present: Scott Lambers, City Administrator
Dawn Long, Finance Director
Chief Troy Rettig, Police Department
Chris Claxton, Parks and Rec Director
David Ley, Public Works Director
Kelly Varner, City Clerk
Patty Bennett, City Attorney
Ross Kurz, Info. Services Director
Colin Fitzgerald, Fire Chief
Nic Sanders, HR Director
Mark Tepesch, Info. Services Specialist III
Stacie Stromberg, Assistant City Clerk

Staff Present via Zoom: Richard Coleman, Planning Director and Mark Klein, City Planning

Others Present via Zoom: Kevin Jeffries, Leawood Chamber of Commerce; Kelsey Sundet, BRR Architecture; Chris Pantaenius, Onspring Technology; Ben Moore, Ben Moore Studio, LLC; Matt Schlicht, Engineering Solutions; Chris Hafner, Davidson Architecture and Engineering; and Kathleen Warman, Warman Architects

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn stated the agenda has been amended with a continuance of Item 12G and under Committee Recommendations Planning Commission should be Item 12, Old Business should be Item 13 and New Business should be Item 14.

A motion to approve the agenda as amended was made by Councilmember Rawlings, seconded by Councilmember Harrison. Motion was approved with a unanimous roll-call vote of 8-0.

3. CITY CLERK STATEMENT

The City Clerk read the Clerk Statement: To reduce the likelihood of the spread of COVID-19 and to comply with social distancing recommendations, this meeting of the Leawood Governing Body is being conducted remotely using the Zoom media format and some of the members of the Governing Body are appearing remotely. The meeting is being livestreamed on [YouTube] and the public can access the livestream by going to www.leawood.org/. The public is strongly encouraged to access this meeting electronically, however, City Hall is open and persons with items on the agenda may, if necessary, attend the Governing Body meeting in person. Staff will strictly enforce social distancing measures.
Public comments on non-agenda items will not be accepted during this meeting. Public comments on agenda items not requiring a public hearing may not be accepted. As always, public comment on any agenda item can be submitted in advance. Written public comments received at least 24 hours prior to the meeting have been distributed to members of the Governing Body prior to the meeting. Public comments should be directed to LeawoodPublicCommentGB@leawood.org.

4. PROCLAMATIONS - None

5. PRESENTATIONS/RECOGNITIONS - None

6. SPECIAL BUSINESS
   A. Consideration and possible decision regarding the City’s 2020, 4th of July Celebration

   Mayor Dunn thanked Chris Claxton, Parks and Rec for arranging a special viewing of a sample of fireworks. Ms. Claxton gave a summary of Councilmembers’ feedback after a test of a sample of firework shells of various, smaller sizes.

   Councilmember Rawlings stated Brookwood was not a good viewing location. Mayor Dunn stated she was at Hallbrook One, where the parking lots lights were very bright and there was no sound.

   Councilmember Azeltine stated he was in the north parking lot of Town Center Plaza but could barely see over the tree line.

   Councilmember Sipple stated he was north and east of Hallbrook Country Club and had trouble with parking lot lights being too bright, but could see all the fireworks.

   Councilmember Larson suggested opening City Park for walking only.

   Councilmember Harrison stated she would like to exhaust all options to keep the celebration and wondered about parking, allowing music to be simulcast through a radio station, and work with Hallbrook to turn off parking lot lights during the display. She also suggested working with neighboring cities to pool funds to purchase larger shells.

   Mayor Dunn stated parking is not allowed on the grass at City Park because of the sprinkler system. The parking lot for the soccer fields is also inside the safety zone. Other lots are not big enough for the amount of cars.

   Ms. Claxton said the City of Overland Park is still planning to have their celebration at Corporate Woods. Prairie Village has cancelled. Ms. Claxton did not feel residents of Prairie Village would be able to see the display in Leawood.

   Councilmember Rawlings stated he would oppose a fireworks display for this year’s 4th of July. He wanted to hear from the Police and Fire Departments.

   Councilmember Filla stated it is unclear if the road into the park from Mission Rd is under construction allowing pedestrians and bikers. Ms. Claxton said she spoke to Public Works regarding the JOCO Wastewater construction project. She felt there will be a lower attendance because of no shuttle service.

The next regular meeting of the Leawood Governing Body will be
Monday, June 15, 2020
Councilmember Azeltine agreed with Councilmember Filla to consider allowing people to walk and bike into the viewing area and allow only handicap passes in the swimming pool lot. He felt the event would be popular since other cities have cancelled, but overall attendance would be down.

Councilmember Sipple asked Ms. Claxton what the all-in costs are, in addition to the fireworks cost including police and fire staff. Ms. Claxton said all Rec staff is always present but would refer to the Chiefs for their staff needs.

Councilmember Larson stated there are a lot of businesses that have parking along Tomahawk Creek Parkway and wondered if local businesses would cooperate with the city for parking.

Troy Rettig, Chief of Police, stated the celebration is always labor intensive but the police department will make it work. He said they do not police social distancing.

Fire Chief Colin Fitzgerald stated his concern is access for transportation vehicles in case of an emergency when there is more foot traffic and street parking.

Councilmember Azeltine asked if that is not already an issue.

Councilmember Rawlings stated he would like to know more from Parks & Rec, Fire, and Police.

Councilmember Cain stated it is important to show unity and the celebration is very positive but urges the council to consider a Labor Day event instead.

Councilmember Sipple stated parking at commercial locations usually comes with a lot of paperwork involved.

Councilmember Azeltine stated he believes people were already parking in commercial lots He stated he believes there would be fewer people in attendance. He felt it would be a nice thing to do for the community.

Councilmember Filla commented if Mission Road will be open and what the distance is to the fireworks area. The Mayor said is it about a mile. Ms. Claxton stated access to Mission Road will be closed in 3 weeks due to construction.

Councilmember Filla said social distancing on the trails would be impossible to do. Ms. Claxton stated there are 290 parking spot in the safe zone that would be available.

David Ley, Public Works, stated JOCO Wastewater will start work in 3 weeks on access for construction vehicles off Mission Road. The road will be gone by July 4th. Emergency access would only be along 103rd & Lee Blvd.

Fire Chief Fitzgerald stated the neighborhood parking is a concern for fire and police for very large vehicles but shouldn’t be a concern if people adhere to the no parking signs and are cooperative.

Mayor Dunn stated this discussion can be brought up again in 2 weeks.
Councilmember Sipple wants to know what Parks & Rec wants to do. Ms. Claxton stated her concerns are: that no social distancing will be observed, the congestion of parking and walking through the neighborhoods, and managing ingress and egress for PD and FD.

Chief Rettig stated they would increase man power for public safety based on turnout but is concerned about parking at north side of park.

Councilmember Osman stated he was the biggest advocate of the celebration, but was disappointed in the visibility in the many different areas. He considered the elevation of the park and felt attendance will be large due to the fact that other cities have cancelled. He asked if the shells could be shot off behind Camelot Court. The Mayor said the radius is too great.

Councilmember Filla made a motion to cancel fireworks for the 4th of July and to discuss for a Labor Day celebration.

Mayor Dunn asked David Ley if Lee Blvd would be open off Mission Road. Mr. Ley stated the plan is to be open before Labor Day, weather permitting.

A motion to approve the cancellation of the 4th of July fireworks and continue discussion for a Labor Day fireworks display was made by Councilmember Filla, seconded by Councilmember Sipple.

Councilmember Harrison asked Ms. Claxton if she has previous attendance numbers. Ms. Claxton explained the difficulty in counting attendees but stated it has been anywhere from 3,000 to 10,000 with festivities throughout the entire day.

Motion was approved with a roll call vote of 6-2. Councilmembers Larson and Harrison voted nay.

Scott Lambers, City Administrator, suggested to continue the discussion to the second meeting in August. Mayor Dunn stated she would like the first meeting of August and it could be continued to the following meeting if necessary.

B. Public Hearing
Consideration of the 2021-2025 Capital Improvement Program [C.I.P.] for the City of Leawood.

Mayor Dunn opened the public hearing; no one was seen or heard to speak.

A motion to close the public hearing was made by Councilmember Azeltine, seconded by Councilmember Sipple. Motion was approved with a unanimous roll-call vote of 8-0.

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. 2020-18 and 2020-19
B. Accept minutes of the May 18, 2020 Governing Body meeting
C. Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of $27,479.27 between the City and Blue Valley Public Safety,
The next regular meeting of the Leawood Governing Body will be Monday, June 15, 2020.

Inc., for the purchase and installation of a replacement storm siren, located at 9609 Lee Boulevard (FD)

D. Resolution approving and authorizing the Mayor to execute an Engineering Services Agreement in the amount of $109,630.00 between the City and HDR, Inc. pertaining to the Mission Road Lighting Project [Project 82082] (PW)

E. Resolution approving a Revised Landscape Plan for Homestead of Leawood, located south of 127th Street and west of State Line Road (PC Case 16-20) (PC)

F. Resolution approving a Revised Final Plat for Welcreek Estates, Second Plat, located north of 141st Street and west of Canterbury Street (PC Case 17-20) (PC)

G. Resolution approving a Revised Final Sign Plan for Camelot Court - Revised Sign Criteria, located north of 119th Street and east of Roe Avenue (PC Case 43-20) (PC)

H. Resolution approving and authorizing the Mayor to execute an Agreement in an annual amount not to exceed $18,193.92, between the City and Centurylink Communications, LLC, for a 3-year term, pertaining to increased high speed internet access (IT)

I. Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement for an annual amount not to exceed $35,000.00, between the City and Rainbow Fireworks, Inc., for a 3-year term, providing for fireworks display services for the city (PR)

J. Approve 5th and Final Payment in the amount of $8,172.91 to Kissick Construction Company pertaining to the Lee Boulevard Improvements Project, 95th to 103rd Phase 1 [Project #72066] (PW)

L. Approve an expenditure in the amount of $47,894.96 to Professional Turf Products for the Purchase of Toro Groundsmaster 4300-D rough mower for Ironhorse Golf Course (PR)

Councilmember Azeltine requested to pull Item 7K.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Larson, seconded by Councilmember Sipple. Motion was approved with a unanimous roll-call vote of 8-0.

7K. Approve 2nd and Final Payment in the amount of $2,700.00 to Richards Construction Company pertaining to the Cell Tower and House Demo Project [Project 80158] (PW)

Councilmember Azeltine asked Mr. Ley if the police trailer was gone and for clarification on the term “force account.” Mr. Ley stated the term is used in case of overruns of quantities so the contractor can continue work with staff approval without coming back to the council.

A motion to approve was made by Councilmember Azeltine, seconded by Councilmember Harrison. Motion was approved with a unanimous roll-call vote of 8-0.

Councilmember Osman stated he would like to discuss 7I on the consent agenda that was not pulled regarding the contract with Rainbow Fireworks.

Mayor Dunn stated the contract can be used for 2021 with only 5 days’ notice.

Councilmember Osman questioned the deposit. Ms. Claxton stated per the agreement, the deposit is still valid for next year. Mayor Dunn asked if the deposit can be made for Labor Day. Ms. Claxton said she will check but believed it can be used.
8. MAYOR’S REPORT

A. The Mayor had an excellent tour of the Police Department Command Post and thanks Chief Rettig and his leadership team.

B. My thanks to all who served as fireworks spotters this past week to view parking locations. It was interesting to have confirmation of the best possible sites that can be shared with the public on July 4th.

C. I would like to read a letter that I received this week from Jerry Chang, Director General, Taipei Economic and Cultural Office in Denver. The letter reads, “…My office would like to donate 5,000 surgical masks to your great city. While the whole world is in a fight against the coronavirus pandemic, Taiwan is standing together with your great city. It is also our pleasure to share these medical supplies with our sister city…” It was most generous.

D. The Mayor would like to remind the council of the Budget and Finance Committee Meeting on Monday, June 8th. A light dinner will be ready at 5:30 p.m. with the meeting to begin at 6:00 p.m.

9. COUNCILMEMBERS’ REPORT - None

10. CITY ADMINISTRATOR REPORT - None

11. STAFF REPORT
   David Ley, Director of Public Works – Possible consideration of referral to the Stormwater Committee

David Ley, Public Works, addressed the Governing Body. He stated receiving a request from property owners around the north pond of the seven ponds to have their desilting of their pond referred to the Stormwater Committee. He explained the location of the ponds and stated the City does not fund private improvements on private property. Staff requested the referral be denied.

Councilmember Sipple asked if the issue was heavy rains causing overflow into properties.

Mr. Ley stated part of the issue is he was told this pond has not been desilted in over 40 years.

Councilmember Sipple asked if property owners been injured because of the overflow. Mr. Ley stated no.

Councilmember Larson acknowledged the previous litigation between the property owners and the City and asked if public improvements have negatively impacted the private property.

Mr. Ley stated the law suit was found to be in the City’s favor.

Councilmember Larson stated according to the law suit, the property owners did not provide a monetary damage summary.
Patty Bennett, City Attorney, stated the judge found that it is a natural channel and it could not be monetized. The court found in favor on the City on the inverse condemnation. On the tort claim it was a statutory issue in which the City was not given notice.

Councilmember Larson stated she would like to know more about the history since it pre-dates her time on the council.

Councilmember Azeltine stated the ponds have been there for 66 years, on private land, and have already been litigated.

Mr. Ley stated staff have met with the property owners several times.

Councilmember Harrison asked when the last time the pond was desilted. Mr. Ley stated a property owner informed him a couple years ago that it has not been done since he moved in in the late 1970s. Councilmember Harrison expressed the maintenance had been put off the better part of 35 years.

Councilmember Azeltine stated this is not the only neighborhood in Leawood that has lakes. He warned about involvement for the future.

Councilmember Sipple asked Mr. Ley if the request is only for the south pond and what amount of money is involved. Mr. Ley stated it is for the north pond. He was not given an estimate of the cost to desilt the pond.

Councilmember Filla stated she remembered Mr. Ley’s predecessor had stated lake 1 was doing exactly what it should by filtering out the silt. She continued stating the development from the north had already occurred and if property owners would like to open the lake to public use, asking the city to partner with them, they would say no, but if they said yes that would be a different referral to accept. Councilmember Filla stated the property owners have not done their maintenance.

Councilmember Rawlings asked Mr. Ley what exactly the property owners wants the city to do.

Mr. Ley stated their requests are to desilt the pond at the city’s expense and re-route the storm sewers around all their lakes, which would be in excess of $3 million for new storm sewer lines for just the Manor Road storm sewers. He stated it would very difficult to remove the storm sewers from Meadow without taking out some homes. They also requested the city to build some type of treatment system to pull out the debris before it reaches their pond.

Councilmember Rawlings asked if the Storm Sewer Committee has authority over this request.

Mayor Dunn stated it is Mr. Ley’s recommendation to deny the referral.

Councilmember Larson asked if the pond owners knew this item would be on the agenda. Mr. Ley stated he did not inform them.

Mr. Lambers stated he supports Mr. Ley’s recommendation.

Councilmember Rawlings stated part of the responsibility of having a pond is the cost of maintenance.
A motion to deny the referral to the Stormwater Committee for Item 11 was made by Councilmember Filla, seconded by Councilmember Sipple.

Councilmember Cain asked if the pond owners needed notice. Mr. Lambers stated it is the policy for the Governing Body to make a decision before the committee. Councilmember Cain questioned the procedure of notice. Mayor Dunn stated the Legal Department has been in contact with the property owners but they still made the request.

Councilmember Osman stated the topic before them was whether this should be referred to a committee or the council.

Motion was approved with a roll-call vote of 7-1. Councilmember Larson voted nay.

**COMMITTEE RECOMMENDATIONS**

12. PLANNING COMMISSION

*From the October 22, 2019 Planning Commission Meeting*

A. 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, January 21, 2020, March 2, 2020, March 16, 2020 and May 4, 2020 Governing Body Meetings]*

Richard Coleman, Planning Department, addressed the Governing Body via Zoom. He stated manufactured stone research was completed by staff. Staff added sections to the approved materials list for clarification. Staff followed ESTM guidelines, the Manufactured Veneer Association, the International Masonry Manufacturer and other sources.

Councilmember Azeltine asked about the third-party inspector. Mr. Coleman stated it is usually a licensed engineer in the state of Kansas with experience.

Councilmember Sipple stated this is manufactured stone for commercial properties but wanted to know if there is a list of buildings that can be monitored.

Mayor Dunn stated the goal of the ordinance is to improve the standards.

Councilmember Sipple stated he fully supports the improvements to the standards.

Kevin Jeffries, Leawood Chamber of Commerce, addressed the Governing Body via Zoom. He commended staff for including the manufactured stone and inspection process. He asked about roofing materials on multi-family structures.

Mr. Coleman stated the roofing material standards are not addressed in this ordinance.

A motion to approve Item 12A was made by Councilmember Rawlings, seconded by Councilmember Harrison. Motion was approved with a unanimous roll-call vote of 8-0.

Mayor Dunn thanks staff for their due diligence.

The next regular meeting of the Leawood Governing Body will be Monday, June 15, 2020.
Kelsey Sundet, BRR Architecture, addressed the Governing Body via Zoom. She stated her appreciation to staff for working with the applicants during COVID-19. Ms. Sundet stated Onspring is currently headquartered in Overland Park and 80% of their staff are residents of Johnson County. She stated the preliminary plan is a 2-phase project and gave an overview of the development plan. The phased project is to allow flexibility in client needs as their staff grows. Phase 2 the preliminary plan would start as Phase 1 enters the final plan. A landscape plan was submitted in the plan.

Mayor Dunn thanked Ms. Sundet for her presentation and that the City of Leawood will look forward to welcoming new corporate citizens.

Councilmember Sipple asked when Phase 1 to move in will take place. Ms. Sundet stated they will start the permit process at the end of the 3rd quarter, 2020 and expect to move in at the beginning of spring 2022.

Councilmember Harrison asked Ms. Sundet if sustainability choices were done with intent of design. Ms. Sundet stated the building industry codes have caught up with what a LEED certification requirements were approximately 10 years ago. The client is a tech company and are very interested in having an efficient, smart building, in addition to including electric car charging stations.

Councilmember Harrison stated a concern about a possible design change in Phase 2.

Councilmember Azeltine thanked staff for working with challenges.

Councilmember Cain welcomed Onspring to Leawood, asked why they chose Leawood, and of the orientation of the building. Ms. Sundet and Mr. Chris Pantaenius, President of Onspring, replied they wanted a site to allow them to create an interesting building, bring in clients from out of town, to attract the best and brightest employees, enjoy shopping, restaurants, and the walkability aspect.

Mayor Dunn thanked them for their community involvement.

Councilmember Filla thanked Mr. Pantaenius for his comments about Leawood. She asked Ms. Sundet about landscaping.

Ms. Sundet explained the plan and that they worked with city staff and Olsson Engineering to do more than what is required.

A motion to approve Item 12B was made by Councilmember Rawlings, seconded by Councilmember Sipple. Motion was approved with a unanimous roll-call vote of 8-0.
C. Ordinance approving a Preliminary Plan and Final Plan for Bi-State/Centennial Park – Advanced Hormone Therapy & Aesthetics Medical Spa, located south of 143rd Street and east of Kenneth Road (PC Case 10-20)

Applicant Ben Moore, Ben Moore Studio, addressed the Governing Body via Zoom. Mr. Moore explained the site location, design plan, and landscaping. He stated his appreciation for staff working with them to break ground this fall.

Councilmember Sipple congratulated Mr. Moore on his design. He asked why the building was designed at a 45-degree angle on the site. Mr. Moore said they worked with city staff to make that decision.

Councilmember Cain asked how many employees will be at this facility. Mr. Moore stated approximately 4 -8, but depended on demand.

Councilmember Larson asked if 12 parking spaces would be adequate. Mr. Moore stated this facility does not have many exam rooms and it is not a business where there is a lot of quick, in-and-out visits.

Councilmember Harrison asked if this is a surgical center. Mr. Moore replied it is run by a medical doctor, but no surgical procedures will be done there.

**A motion to approve Item 12C was made by Councilmember Cain, seconded by Councilmember Larson. Motion was approved with a unanimous roll-call vote of 8-0.**

D. Ordinance approving a Preliminary Plan for Parkway Plaza – Weber Carpet, located north of 135th Street and east of Briar Street (PC Case 22-20)

Applicant, Matt Schlicht of Engineering Solutions, addressed the Governing Body via Zoom. Mr. Schlicht explained the project is to increase the size of an originally approved building.

Mr. Klein stated city staff worked with the applicant on this preliminary plan and elevation and have made a lot of progress.

**A motion to approve Item 12D was made by Councilmember Rawlings, seconded by Councilmember Azeltine. Motion was approved with a unanimous roll-call vote of 8-0.**

E. 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)

Applicant Chris Hafner of Davidson Architecture and Engineering, addressed the Governing Body via Zoom. Mr. Hafner explained that the plan was brought to the council earlier but were asked by staff to wait until McDonald’s got their digital display approved.

Mayor Dunn stated she appreciated the sensitivity to illumination where the neighbors are in close proximity.

Councilmember Sipple asked if the new signs for McDonald were installed or just approved. Mr. Hafner stated he believes they are yet to be installed but they were approved.
A motion to approve Item 12E was made by Councilmember Harrison, seconded by Councilmember Sipple. Motion was approved with a unanimous roll-call vote of 8-0.

F. Resolution approving a Final Plan for D-1 Athletic Training Facility, located south of 103rd Street and west of State Line Road (PC Case 33-20)

Applicant Kathleen Warman, Warman Architects, addressed the Governing Body via Zoom. Ms. Warman explained the project is for use of an athletic training facility in the former US Toy building. They have worked closely with city staff to resolve the issues of the building being located partially in a flood plain.

Mayor Dunn stated the council is excited to see the facility utilized.

Councilmember Cain asked Ms. Warman if this facility is for practice and not games or tournaments. Ms. Warman stated this is primarily for youth sports practice and training, although for many different types of sports.

Councilmember Cain gave her welcome and expressed her thanks for choosing that location.

Councilmember Sipple asked how many employees are expected to be there. Ms. Warman was not sure but stated it is going to be used for coaches and trainers with their teams or one-on-one training.

Councilmember Sipple asked if they will be independent contractors and Ms. Warman confirmed there will be.

Mayor Dunn asked how soon they expect the facility to be open. Ms. Warman stated her client is anxious to get started on the permit process this summer and looking for a late fall or early winter occupancy.

Councilmember Harrison stated the confusion of different business names on various documents and how it could be a problem for those using a voice mapping system to find the location. Ms. Warman stated the signage and name will come back to city staff for discussion and she would take Councilmember Harrison’s comments back to her client.

A motion to approve Item 12F was made by Councilmember Sipple, seconded by Councilmember Larson. Motion was approved with a unanimous roll-call vote of 8-0.

[From the January 28, 2020 Planning Commission Meeting]

G. Ordinance approving Planning Commission’s recommendation of denial of request for Revised Preliminary Plan for a Mixed Use and Medium Density Residential Development, located south of 135th Street and west of Kenneth Road (PC case 04-20) [ROLL CALL VOTE] [Continued from May 4, 2020, May 18, 2020 and the June 1, 2020 Governing Body Meetings]

13. OLD BUSINESS – None

14. OTHER BUSINESS - None
15. NEW BUSINESS
Schedule Governing Body meeting on June 15, 2020 at 7:00 P.M.

A motion to approve Item 15 was made by Councilmember Harrison, seconded by Councilmember Cain.

Councilmember Harrison asked if a schedule for the next 3 months could be sent to the council. Mayor Dunn stated Ms. Varner will send it.

Motion was approved with a unanimous roll-call vote of 8-0.

ADJOURN

Meeting was adjourned at 9:48 PM