

Regular Meeting**THE LEAWOOD CITY COUNCIL****March 15, 2021****Minutes**

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

Councilmembers Present via Zoom: None

Councilmembers Absent: Andrew Osman

Staff Present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
Nic Sanders, HR Director	Chris Claxton, Parks and Rec Director
Capt. Dale Finger, Police Department	Deputy Chief Jarrett Hawley, Fire Dept.
Dawn Long, Finance Director	David Ley, Public Works Director
Mark Klein, Planning Services Director	Travis Torrez, Bldg/Code Enforcement Dir
Ross Kurz, Info. Services Director	Mark Tepesch, Info. Services Specialist III
Kelly Varner, City Clerk	Stacie Stromberg, Assistant City Clerk

Staff Present via Zoom: None

Others Present via Zoom: Brian Garvey, SFS Architects; Alan Ruth and Scott Blank, New Horizon Academy; Kellye Crockett, Barstow School; Jeff Schutzler, Pluribus Architects Collaborative; Shane Foster, President, Barstow School; Ben Thompson, Gilmore & Bell; Kevin Jeffries, Leawood Chamber of Commerce and Leawood Economic Development Council; and Curt Petersen.

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF AGENDA**

A motion to approve the agenda was made by Councilmember Sipple, seconded by Councilmember Filla. Motion was approved with a unanimous roll-call vote of 7-0.

4. CITY 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/.

Public comments on non-agenda items will not be accepted during this meeting unless previously approved by the City Administrator. Public comment 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.

5. PROCLAMATIONS - None

6. PRESENTATIONS/RECOGNITIONS - None

7. SPECIAL BUSINESS – None

8. 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. 2021-8 and 2021-9
- B. Accept minutes of the February 22, 2021 Special Governing Body meeting
- C. Accept minutes of the February 22, 2021 Work Session
- D. Accept minutes of the March 1, 2021 Governing Body meeting
- E. Accept minutes of the March 1, 2021 Work Session
- F. Accept minutes of the December 2, 2020 Bike/Walk Committee meeting
- G. Accept minutes of the November 19, 2020 Ironhorse Golf Course Advisory Board
- H. Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Total Electric Contractors, Inc. in the amount of \$32,337.00 pertaining to the installation of Stop Bar Radar Detection, located at the intersection of 135th & Briar (PW)
- I. Approve purchase in the amount of \$10,845.86 from Rawhide Harley-Davidson, Olathe, for the purchase of a 2021 FLTHP motorcycle (PD)
- J. Approve purchase in the amount of \$20,129.05 from Freedom Cycle for the purchase of a 2021 Polaris Ranger and from KIMTEC Corporation for the purchase of a Medical Transport Slide-in-Unit (FD)
- K. Approve payment in the amount of \$16,417.44 to Hexagon Safety & Infrastructure for 2021 annual maintenance, pertaining to computer aided dispatch software and accompanying software products used in patrol cars (PD)
- L. Police Department Monthly Report
- M. Fire Department Monthly Report
- N. Municipal Court Monthly Report

Mayor Dunn and Councilmember Harrison pulled Item 8L.

A motion to approve the remainder of the consent agenda was made by Councilmember Filla, seconded by Councilmember Rawlings. Motion was approved with a unanimous roll-call vote of 7-0.

Discussion of Item 8L:

Mayor Dunn congratulated Detective Jack Bond, who was recently able to crack an electronic swatting case targeting a Leawood family. He was able to obtain a confession as well as threats against a synagogue in New York. Police Captain Dale Finger noted that Det. Bond did exceptional work on the case and the department is happy to have him on staff. Mayor Dunn thanked the Police Department on how much work they provided for citizens during the inclement weather on February 15, 2021, assisting in several crashes and helping motorists. Councilmember Harrison commented that she did not realize

that the City sent Police staff to other states to help solve crimes, like Detective Bond, who traveled to Illinois for the case.

A motion to approve Item 8L was made by Councilmember Harrison, seconded by Councilmember Larson. Motion was approved with a unanimous roll-call vote of 7-0.

9. MAYOR’S REPORT

- A. I was saddened to learn about the loss of Roy Rettig, Jr., who passed away on March 11th at the age of 84. He is the father of our Police Chief Troy Rettig. He leaves behind a wife, four children and other family. Mayor Dunn asked for a moment of silence.
- B. The March Council of Mayors was held virtually:
 - 1. The guest speaker was Kansas Secretary of Transportation, Julie Lorenz, who spoke about the Eisenhower Legacy Transportation Plan, known at IKE. The cost of the project will be \$9.9B over the next 10 years. Ms. Lorenz expressed her desire to partner with cities.
 - 2. Dick Carter, Overland Park lobbyist, reported that things are beginning to get more normal at the Capitol in Topeka. There are still no visitors, only lobbyists. He reported that revenues are higher than expected and credits that to the CARES Act funding. Income taxes are higher than expected, but sales taxes are now flat for the first time.
 - 3. Unemployment issues of fraud still are a huge problem for the State and he stressed it was caused by the underfunding of computer modernization that had been going on for several administrations.
 - 4. Johnson County Commission Chairman Ed Eilert reported that the “dark store” theory is on hold due to it being in Court.
- C. Finance Director Dawn Long, Budget Manager Nicole Lareau, and I met with Johnson County Appraiser Beau Boisvert and learned that with appraised values for all areas from 2020 to 2021, Leawood had 20% of properties decrease in value; approximately 30% increased between 0-5%; 35% increased between 5-10%; and 15% increased over 10%. Overall, market values increased by 3.67% compared to 6.26% last year in Leawood. The average appraised value for a home in Leawood is \$608,253 in 2021 compared to \$582,441 in 2020 – a growth of 4.43%. My thanks to Ms. Lareau for providing us a detailed report on all statistics from the meeting.
- D. I had the pleasure of providing an abbreviated State of the City Address regarding 2020 for both the Leawood Rotary Club and the Leawood Lion’s Club. The entire script is now posted on the Leawood website. Despite a challenging year, there were numerous reasons to celebrate. My thanks to City Administrator Scott Lambers, the City Council, our Department Heads and all professional staff for your ongoing commitment and hard work!

10. COUNCILMEMBERS’ REPORT

- A. Councilmember Harrison - Discussion on working with Evergy to install car charging stations

Councilmember Harrison stated she was encouraged to investigate more about this topic based on the recent Climate Action KC Work Session. She wanted to find out if more of the Electric Vehicle (EV) charging stations could be installed in Leawood. She stated they are 2-3 stations currently in the City, but felt more should be available near the parks and trails. Councilmember Harrison stated that most people who purchase an electric vehicle also purchase the charger for their home, so the people who

need the EV stations the most are those who live in multi-family and apartment complexes. She suggested these should be the target areas, or direct City staff to survey employees and the public on their needs.

Councilmember Harrison stated that there is a high demand for charging stations and very little chance of getting one within the next two years, unless the City wants to pay for it. She explained there are “fast charge stations” that Evergy would like to get along the highways as part of their Charge Across America goal.

Councilmember Harrison stated that her goal was to contact an Evergy representative and forward her findings to the City staff on which to follow up. Mayor Dunn mentioned that Scott Lambers, City Administrator, was also going to share information he researched on the EV stations. She stated that there are 2 stations in the Park Place parking garage. Councilmember Filla suggested that the City ask the developers with multi-family proposals to consider adding stations to their plans.

Councilmember Sipple asked what the cost is for a fast charge to a customer. Councilmember Harrison replied that she is unsure, but the representative had mentioned that there are several variables and for those stations that are not highly used, they will be moved to other areas in need.

Mayor Dunn thanked Councilmember Harrison for her work and research on the topic.

B. Councilmember Osman - Discussion for a referral regarding residential roofing material

Mayor Dunn stated that Councilmember Osman had some communication with the City staff to request a Council referral in order to do further research for possible modifications to the City code.

A motion to approve Item 10B to refer to the Planning Staff and Planning Commission for further research was made by Councilmember Filla, seconded by Councilmember Sipple. Motion was approved with a unanimous roll-call vote of 7-0.

Councilmember Cain replied that she also had several conversations with homeowners regarding this subject, especially on new color trends.

11. CITY ADMINISTRATOR REPORT - None

12. STAFF REPORT - None

13. COMMITTEE RECOMMENDATIONS

[From the February 23, 2021 Planning Commission meeting]

- A. Ordinance approving a Preliminary Plan and Final Plan for Leawood City Park – Aquatic Center and Bike Hub, located south of I-435 and east of Lee Boulevard. (PC Case 98-20)

Mark Klein, Planning Director, addressed the Governing Body. He stated that this application is to replace the bathhouse and concessions and add a multi-purpose building and bike hub. He gave a recap of the presentation made earlier to the Governing Body.

Brian Garvey, SFS Architects, Kansas City, MO, addressed the Governing Body via Zoom. Mayor Dunn asked if the change to the men's and women's bathroom locations would cause conflict with the location of the janitor's closet. Mr. Garvey stated the last discussion was if Parks and Rec was comfortable with the arrangement or not. Chris Claxton, Parks and Rec Director, addressed the Governing Body. She replied that her recollection is that they did change the bathroom locations and added an additional entry to the janitor's storage area. She stated the discussion also included the addition of hand dryers since paper towels consume a large amount of storage space. Mr. Garvey stated that they will work with staff on the relocation of items on those requests.

Councilmember Sipple stated that he has never been to the City pool and asked if the area is ADA compliant. Ms. Claxton stated there is a lift for patrons in wheelchairs and that the pool is ADA compliant as of a few years ago.

Mr. Garvey gave an overview of the presentation for each building and breezeway. He highlighted on the plan where the men's and women's bathrooms have been switched so that the women's showers are now located closer to the breezeway. Mr. Garvey confirmed that the design team will work on relocating the door to the janitor's storage room and water heater. He pointed out that the manager's office will have ample views of the operations and pool area, but with an option of some privacy with window blinds, when needed. He explained the concessions will still have a walk-in cooler and storage but with an alternate door for better supply and delivery access. Mr. Garvey gave a brief description of the multi-purpose building features, as was in the original presentation.

Mr. Garvey showed an aerial plan for the bike hub and explained some of the materials that will match the multi-function building in order to bring continuity to the project, such as the limestone seating blocks. He stated that the bike hub will include a drinking fountain, bottle filler, dog water bowl, a misting pole, bike racks, and a bike repair area.

Mr. Garvey noted that not much had changed from the original plan, pointing out the colored glass blocks to the outside of the building's front elevations to tie into the color scheme of the proposed art piece in the breezeway. He reviewed all the building materials and summarized the landscape and lighting plans. Mr. Garvey stated that the Council had earlier expressed a desire for more color on the pool side of the buildings, so he indicated the addition of colored glass block on the locker wall, the color added to the doors, and the color addition to the trellises.

Mr. Garvey recognized the Governing Body's commitment to the Climate Action KC strategies, and listed several items in this project that fall under those goals, such as the use of native planting and stone seating, exceeding energy code compliance, interior natural lighting, water efficient fixtures, and the promotion of recycling, recreation and bike use. He showed a rendering of the inside of the multi-function building and a new rendering of the inside of the men's changing room and pointed out the lighting and color features.

Mayor Dunn thanked Mr. Garvey for his presentation and acknowledging the changes the staff and Council wished to have done. Councilmember Cain thanked Mr. Garvey for responding to the Council's desires and for the addition of the colors to the buildings. She asked if the windows in the multi-function building could be opened. Mr. Garvey replied it was discussed, but could not recall the final decision. He agreed that the windows could be made to open with screens and suggested an awning style in case of rain. Ms. Claxton showed the Governing Body samples of the colored tiles and recycled glass countertop for the bathrooms.

Councilmember Sipple asked if the rooms in the multi-function building will have sinks and mini-refrigerators. Ms. Claxton replied that sinks are planned and the mini-fridges could be added. He stated the Planning Commission discussed a future art piece and he asked where that was to be located. Mr. Garvey explained it will be at the back of the admissions desk inside the breezeway and can be seen from both sides.

Councilmember Harrison stated she appreciates Mr. Garvey's use of the elements of the Climate Action KC playbook. She stated she also likes the windows in the pump room. She asked if the ipe wood can handle the sun and elements. Mr. Garvey answered that the wood is a 50-year material without any finish on it. She asked if the wall to separate the space in the multi-function building is cloth. Mr. Garvey stated it is an acoustic, accordion partisan.

Councilmember Larson stated that she is excited about the project and loves the addition of the color. She stated the Art Selection Committee will be meeting on March 22nd. They have started the process to choose an artist. She asked Ms. Claxton about the color and proposed art piece. She replied that staff gave the artists the colors that will be used in the project and that they all work with glass. She pointed out that staff would like to bring some of the art glass into the transom of the multi-function building's main entry doors. Ms. Claxton also pointed out that inside the bathrooms, there are plans to have sea life pictures painted on some of the walls for accent.

Councilmember Filla thanked Mr. Garvey for his work, especially with the Climate Action KC focus and windows in the pump room. She stated that she would like to see blinds or shades added to the windows in the multi-purpose rooms for privacy. Ms. Claxton said that staff had discussed window coverings similar to what is at the Justice Center, Ironhorse and Vista.

Councilmember Rawlings gave his compliments to the design team. He asked that upon approval, when will bids for construction take place and will the construction timeline allow for the pool to re-open in time for Memorial Day 2022. Ms. Claxton stated that she believes it is feasible with what has been proposed to the Park Board.

Mayor Dunn stated that she would like to see the signage for the bike hub to be referred to as the "bike/walk" hub. Ms. Claxton stated that there has been some discussion on that subject. Travis Torrez, Director of Building and Code Enforcement, addressed the Governing Body. He stated a concern if the ipe wood will hold its original color. Mr. Garvey stated the color should hold without finish for approximately 5 years, but the 50-year guarantee is for the material itself, and the finish is as good as it is maintained. Councilmember Sipple mentioned the Park Place garage wood finish as having issues and wondered if this is the same material. Ms. Claxton replied that the louvers on the plan would be hard for staff to maintain the finish. Mr. Garvey pointed out that the wooden louvers are protected under a 4 foot overhang, so it would not take direct exposure to the elements. Mr. Lambers stated his concern with the product because of the issue at Park Place and how it fades immediately. Councilmember Filla stated that she does not have a problem with it fading into a grey color but may want to see a picture of it at the City of Mission's pool where it has been used.

Mayor Dunn stated this plan can move forward and that Mr. Klein will continue to review the wood product for other possible options.

A motion to approve Item 13A was made by Councilmember Filla, seconded by Councilmember Sipple. Motion was approved with a unanimous roll-call vote of 7-0.

- B. Ordinance approving a Special Use Permit, Preliminary Plan and Final Plan for Market Square – New Horizon Academy, located north of 135th Street and east of Mission Road. (PC Case 04-21)

Alan Ruth and Scott Blank, New Horizon Academy, Minneapolis, Minnesota, addressed the Governing Body via Zoom. Mr. Ruth stated that New Horizon Academy is a family-owned company that has been in existence for 50 years. He stated there are approximately 85 locations across the U.S. and Leawood is their first location in Kansas.

Mr. Blank explained that he is working on behalf of New Horizon Academy for the development of a commercial child care facility as part of the Market Square development. Mr. Blank pointed out the site's location, size and current zoning. He pointed out some of the site improvements they have proposed, which are the parking stall, entrance, fill in of a curb cut along the access road, fencing and playgrounds, landscape buffers, pedestrian walkways, bike racks, and lighting. Mr. Blank presented the landscape plan that included an extensive number of trees and plantings.

Mr. Blank stated the building is one-story and the color and material palettes meet the requirements of the City's ordinance. He gave an overview of the site and building and welcomed any questions.

Councilmember Filla stated the building and site are attractive. She asked if any native plantings are included in the plan. Mark Klein, Planning Director, explained that Market Square already had approved landscape guidelines from years ago that the developers are trying to match. Councilmember Filla requested that the new plantings be drought resistant and native to the area. Mayor Dunn mentioned that unless Councilmember Filla requests modifications, this is the Final Plan in front of the Council tonight. Mr. Klein replied that staff can review the landscape plan to see if there are any native plantings that could match those on the existing guidelines of Market Square.

Councilmember Sipple asked if there is a safe space, such as a storm shelter, that is large enough to hold 198 children and staff. Mr. Blank replied that there is a large, open activity space in the center of building that could be used as a safe room. Mr. Torrez replied that there are certain occupancies that are exempt, such as a daycare of a certain size. He stated he would review it against the National Model Codes that the City adopted in 2018. Mr. Torrez stated in the past, buildings that were exempt were usually given a stipulation to provide a safe room. Mr. Blank stated they follow model building codes as well as local building codes and amendments. He did agree that safe rooms fall under the category of ICC-500 requirements, and they are familiar with those. Mr. Klein stated that the Council can add that stipulation and confirmed that the applicant is agreeable to it.

Councilmember Harrison pointed out that the name New Horizon Academy is similar to Horizons Academy, a school for special needs children already established in the Johnson County and Kansas City areas. She cautioned that a Google search of their name may be confusing to some people. She asked if this will be the third daycare facility along 135th. Mayor Dunn stated there are several on 135th St. Councilmember Harrison indicated that she hoped a feasibility study was completed, but felt this is an exciting project. Mayor Dunn stated that she believes it is in a great location and that it is a first for the Market Square development area.

A motion to approve Item 13B with the landscape and ICC-500 code stipulations added was made by Councilmember Filla, seconded by Councilmember Sipple. Motion was approved with a unanimous roll-call vote of 7-0.

C. Resolution approving a Revised Final Plan for Barstow School, located north of 123rd Street and west of State Line Road. (PC Case 14-21)

Kellye Crockett, Barstow School, addressed the Governing Body via Zoom. She stated that she will give a brief overview of the “Idea Space” plan. She explained the Barstow School began meeting with partners in the Kansas City Metro area in early 2020 and as a result of their conversations, it was decided to create a STEAM facility for science, technology, engineering, arts and math for K-12 students. The space encompasses half of a former grocery store building. Ms. Crockett presented images of several spaces within the STEAM area. She noted that the remainder of the interior space will be left for future expansion once needs are assessed.

Mayor Dunn asked if there is a project timeline on the start or completion dates. Ms. Crockett stated that exact dates are pending, but they hope to start construction later this year and have it operational by 2022. Councilmember Cain asked if any of the space will be open to the public. Ms. Crockett replied that they do desire to have the space utilized for community groups, but they have found that K-12 students have the greatest need in the STEAM fields.

Councilmember Rawlings stated this concept is wonderful and believes it will be well received by the community, but he expressed concern for the name not being “catchy” enough. Ms. Crockett stated that they will call it The Idea Space and she shared the image of the brand colors and logo that will be used.

Councilmember Sipple asked to clarify if the outside of the building will look symmetrical, since only one side of the interior is being used. Jeff Schutzler of Pluribus Architects Collaborative, 926 Cherry St., Kansas City, MO, addressed the Governing Body via Zoom. He presented images of the current elevation, the previous proposed front elevation, and the current design. He explained that they are proposing that within the insets of existing stucco panels on the north and south sides, they would add approximately 5-foot wide punched windows that would sit within the existing brick frame and leave the stucco panel. He stated this would require less construction and make it feasible while maintaining daylight in the learning space and providing security. This would be in place until the actual determination of the remainder of the interior is proposed. Councilmember Sipple stated he is not in favor of that design and feels that stucco in the place of windows would not be attractive. Councilmember Filla asked if paint can be used as a consideration for the windows. Ms. Crockett stated that was discussed, and they would welcome working on a public art opportunity together with the City.

Councilmember Larson stated that she is excited about the plans for the building. She stated that she shares the concern of Councilmember Sipple, but liked the idea of adding artwork as an economical way to increase the attractiveness of the outside of the building and to create balance.

Councilmember Cain pointed out that the bulk of the landscaping appears to be on the west side of the building. She also asked if there is any proposal to refresh the parking lot. Mr. Schutzler replied that there is additional landscaping planned along the berm on the west side and at the northwest dock area landscape screening will be added. He ran through the number of trees and landscaping, as was previously approved. He noted that although the Barstow School owns the parking lot, it is governed by Cross-use Access Agreements that are controlled in part by the remaining property owners in the entire development. He remarked that in earlier discussions, the property owners were not agreeable to the shared cost for the parking lot. Ms. Crockett confirmed that they did approach all the property owners at the time of the initial approval process and they were told there was no interest in making parking lot upgrades.

Mayor Dunn stated that there was a stipulation from the Planning Commission that she believed Mr. Klein was going to review those modifications to reflect solely that the landscaping being added to the application needed to be irrigated. Mr. Klein stated that it was not stipulated on the original approval. Mayor Dunn confirmed that the language regarding the irrigation was worded correctly by the Planning Commission. Mr. Klein replied that it was correct. Mayor Dunn asked if the parking lot is legal and non-conforming. Mr. Klein stated that two trees per parking lot island had been added. He stated that he believes the developers are trying to reduce the non-conformities in the parking lot.

Councilmember Harrison asked if the Idea Space could incorporate Barstow's annual Tree Day to help beautify the building and parking lot. Ms. Crockett agreed that she would enjoy working together with the City to do that.

Councilmember Filla asked if the trees and plantings can be reviewed by City staff for resistance to heat and drought. Mr. Klein stated that is typical of the process in every application.

Councilmember Sipple asked if the trees in the parking lot islands will be irrigated. Mr. Klein stated the original plan had a large green space that the other owners of the development were not in favor of, so the plan changed to the trees added to the islands. Councilmember Sipple agreed with Councilmember Filla to have staff review the plans for drought-resistant plantings.

Mayor Dunn suggested a stipulation in the plan to improve the stucco look. Ms. Crockett replied that she was hesitant to agree to any stipulations that may incur additional costs to the project. Shane Foster, President of the Barstow School addressed the Governing Body via Zoom. He stated the reason for the revised proposal is a direct result of the pandemic but he believes in another year when their fundraising efforts grow they should be able to quickly incorporate the other half of the building. He stated he is also hesitant to agree to suggestions to the other side of the building knowing in a year they may come back to the Council with their plan moving forward. He respectfully requests that a stipulation be waived at the present time until they have a more concrete idea for proposals for the other half of the building. Mayor Dunn replied that she understands that reasoning. She complimented Mr. Foster for the 8 million meals that were prepared by the National Guard in their building during the pandemic for Kansans. Mr. Foster thanked the Mayor and Council for their support.

A motion to approve Item 13C was made by Councilmember Harrison, seconded by Councilmember Larson. Motion was approved with a unanimous roll-call vote of 7-0.

14. OLD BUSINESS - None

15. NEW BUSINESS

- A. Resolution approving an Economic Development Revenue Bond Policy (expedited process) in the City of Leawood, Kansas (LD)

Patty Bennett, City Attorney, stated that Mr. Lambers asked to update the policy since the Work Session earlier in the evening. She stated the changes are on Section 2d, the language was deleted that stated "the proposal should not result in an unfair business advantage." She stated that in Section 3, the clause "whether the project is not eligible to utilize other tools" was deleted. In Section 7c, the annual report date was changed to be "on or before February 15th."

Ms. Bennett stated that there had been some discussion over concerns since the Work Session early this evening. Mayor Dunn stated that Section 9 also had a modification and Ms. Bennett affirmed that the

language “and in limited instances” was deleted. Ms. Bennett mentioned that it is now upon request that the owner can buy back the bonds. She stated that the bond counsel wished to clarify that the City can require a credit enhancement or letter of credit for bond insurance that would apply to publicly held or issued bonds.

Ms. Bennett stated that in Section 7b, that Curt Petersen had concerns about 7b(5), stating that in many cases a developer invests more in construction and years afterwards, the building is appraised based on income and not on what was used to build it. She stated that Ben Thompson, the City’s Bond Counsel, agreed with deleting paragraph 7b(5). She noted that Section 7d refers to restrictions on transfers, and Mr. Petersen discussed with staff if the property could be sold to an affiliate without the City’s consent, and also if they could do a sale-leaseback arrangement. She stated that Mr. Thompson was fine with those provisions.

Ben Thompson, Gilmore & Bell, addressed the Governing Body via Zoom. He stated that it is typical in similar policies in the KC area, the sale or transfer of an entity generally requires consent from the City. He stated that Mr. Petersen mentioned that in the case of a sale-leaseback, where the applicant who is requesting the tax abatement would apply for the abatement, upon having it granted they would sell the project to a third party but would enter into a lease agreement with the third-party and remain as an occupant of the building. He stated that they discussed adding language to the policy so if the original applicant vacates the building, the City would have the right to rescind the incentives or abatements.

Kevin Jeffries of the Leawood Chamber of Commerce and Economic Development Council, 13451 Briar Dr., addressed the Governing Body via Zoom. He stated that he would like to have further conversations with staff on the non-expedited policy and how this would apply to multi-use properties, especially in the cases of MXD (mixed-use development) requirements. Mr. Jeffries mentioned the Lashbrook property having structured parking which cost \$3.4M over the cost of surface parking, as an exceptional project. He stated that multi-family housing is an important option to have in Leawood as home prices climb.

Mr. Lambers commented that extraordinary projects are hard to define. He stated that a mixed-use development with structured parking is dynamic and is easy to understand. He cautioned that the Council will see many projects come before them without structured parking in the plans, who will consider themselves unique. He suggested that if the Council wished to include structured parking in the policy, then it is tangible and specific, especially to the development community. Mayor Dunn commented that in the last several years, she has not seen any development in the Metro area that is not mixed-use. Mr. Jeffries remarked that most of those projects do have some sort of public assistance, with some exceptions. Mayor Dunn replied that most Johnson County cities are providing subsidies, but Leawood is new to issuing abatements and Industrial Revenue Bonds (IRBs).

Curt Petersen, 900 W. 48th Place, Kansas City, MO, addressed the Governing Body via Zoom. He stated the development community is excited about the possibility of the expedited process, and specifically in regards to a Class A office building project that is currently being proposed within the City.

Mr. Petersen stated that immediately following tonight’s Work Session the conversation that he, Ms. Bennett and Mr. Thompson addressed is what Mr. Lambers addressed earlier tonight on Plan A. He stated the issues brought up in the policy and modified by Council and staff tonight are appreciated and supported. He thanked the staff and Council for all their work.

Councilmember Sipple asked when the next discussion will be held for the non-expedited policy. Mr. Lambers stated he will review the Work Session schedule and make it a top priority.

Ms. Bennett reminded the Council that the motion will go along with the revised resolution where it is clarified that the existing IRB policy is repealed. She explained that it will be to adopt the most recent draft policy that was provided to the Governing Body at the dais tonight.

A motion to approve Item 15A was made by Councilmember Azeltine, seconded by Councilmember Harrison. Motion was approved with a unanimous roll-call vote of 7-0.

B. Schedule Work Session for Monday, April 5, 2021 at 6:00 P.M.

A motion to approve Item 15B was made by Councilmember Filla, seconded by Councilmember Rawlings. Motion was approved with a unanimous roll-call vote of 7-0.

C. Schedule Governing Body meeting for Monday, April 5, 2021 at 7:30 P.M.

A motion to approve Item 15C was made by Councilmember Rawlings, seconded by Councilmember Filla. Motion was approved with a unanimous roll-call vote of 7-0.

D. Schedule Work Session for Monday, April 19, 2021 at 6:00 P.M. to continue the discussion of possible property tax abatement and sales tax exemption through the issuance of IRBs.

A motion to approve Item 15D was made by Councilmember Larson, seconded by Councilmember Filla. Motion was approved with a unanimous roll-call vote of 7-0.

E. Schedule Governing Body meeting for Monday, April 19, 2021 at 7:30 P.M.

A motion to approve Item 15E was made by Councilmember Filla, seconded by Councilmember Azeltine. Motion was approved with a unanimous roll-call vote of 7-0.

ADJOURN

The meeting was adjourned at 10:28 p.m.