

**Regular Meeting****THE LEAWOOD CITY COUNCIL**

April 5, 2021

**Minutes**

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

**Councilmembers Present via Zoom:** Andrew Osman and Mary Larson

**Councilmembers Absent:** None

<b>Staff Present:</b> Scott Lambers, City Administrator	Patty Bennett, City Attorney
Nic Sanders, HR Director	Chris Claxton, Parks and Rec Director
Chief Troy Rettig, Police Dept.	Chief Colin Fitzgerald, Fire Dept.
Dawn Long, Finance Director	David Ley, Public Works Director
Mark Klein, Planning Services Director	Travis Torrez, Bldg/Code Enforcmt Dir.
Ross Kurz, Info. Services Director	Mark Tepesch, Info. Services Specialist III
Kelly Varner, City Clerk	Stacie Stromberg, Assistant City Clerk
Mike Pelger, Info. Services Specialist	

**Staff Present via Zoom:** None

**Others Present via Zoom:** Sandy Isham; Jill Anderson, SevenDays - Make a Ripple, Change the World; Jeff DeGasperi, DeGasperi & Associates Architecture; Andy Gabbert, Renaissance Infrastructure Consulting.

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

Mayor Dunn stated there was an amended agenda handed out at the dais which includes the addition of Item 8, replacement of Staff Reports for Items 9I and 9J, and the addition of a citizen comment for Item 14.

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

**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/](http://www.leawood.org/).

Public comments on non-agenda items will not be accepted 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](mailto:LeawoodPublicCommentGB@leawood.org).

## 5. CITIZEN COMMENTS

Request to keep chickens in City of Leawood

Sandy Isham, 3402 W 151<sup>st</sup> St., Leawood, addressed the Governing Body via Zoom. She explained that she lives on a 1.9 acre lot. Ms. Isham stated that she is requesting to own 4 pet chickens for several reasons. She would like her 4 grandchildren to learn about the responsibility of taking care of animals and have an opportunity to learn about nature; she would like access to organic, fresh eggs; she would have access to organic fertilizer from the chicken manure; chickens help eliminate insects in the yard; chickens are considered therapy animals, especially for people with dementia; and chickens are entertaining to watch. She stated she would not keep a rooster and she would not be killing chickens, as hers would be pets. Ms. Isham stated she would have a chicken run that would be mobile and she would maintain the coop and grounds for cleanliness.

She stated that surrounding cities in Johnson Country, such as Overland Park, Mission and Prairie Village have allowed chickens as backyard pets. She proposed that the City of Leawood allow residents to own chickens that are kept in movable coops, and requests that the Council refer this to the staff for further review.

Councilmember Cain stated that she appreciated the information and asked to clarify Ms. Isham's statement that there are already chickens kept in Leawood. Ms. Isham stated that the Sharp Farm has chickens, and Patty Bennett, City Attorney, clarified that the farm is grandfathered in and zoned agricultural.

Councilmember Harrison inquired about the size of Ms. Isham residential lot and if the chickens will be allowed to roam the yard. Ms. Isham replied that she plans to get a movable coop so the chickens could move around the yard inside the coop. Councilmember Harrison asked how close the coop would be to the property line. Ms. Isham stated that she does not plan to put them near the property line or other houses.

Councilmember Osman stated that he received a letter from 14-year old Elizabeth Starr, who lives in his Ward. He stated that she was unable to attend the meeting tonight because of spring break, but she requested to speak on the same topic. Councilmember Osman suggested that there be a work session to discuss allowing chickens and that Ms. Starr is given an opportunity to speak at a Council meeting.

Councilmember Sipple asked if Ms. Isham has received any push back from her neighbors. Ms. Isham replied no. Councilmember Sipple asked if she could advise the Council in terms of determining if chickens should be allowed for a certain lot size, since she has over an acre of property yet Councilmember Osman's young constituent lives in a smaller sized neighborhood. Ms. Isham replied that everything she has researched indicates that chickens could be kept along a property line, but there is reason to do further research. She stated that if kept clean there is not an odor factor, and there should not be any noise factor.

Councilmember Filla stated that she is very supportive of the idea. She remarked that this has been very popular for a long time and stated that she is interested in what staff could find out. She stated that she is encouraged by a movable coop.

Mayor Dunn stated that acreage could be an important factor. She noted that in Overland Park there are Special Permits required if the size of the lot is under 3 acres. Scott Lambers, City Administrator, stated that if the Council wishes to refer this item to staff, he recommended an acreage limitation as a starting point. He remarked that staff will look at other Johnson County cities' regulations, setbacks, and number of chickens.

Councilmember Cain stated that she believes this topic will be more involved, as she has discovered while researching bee keeping with the Sustainability Board (SAB.) Councilmember Sipple stated that the SAB did much of the research for bee keeping and gave the Legal Department a series of recommendations. Mayor Dunn commented if there is a committee in which to refer this topic. Councilmember Azeltine agreed with Councilmember Cain in that the City's staff gather information and then have one work session to discuss it. Councilmembers Cain, Filla, and Harrison discussed how to notify the public through social media. Mayor Dunn reminded Council that the agenda is published on the City's website.

Mr. Lambers asked if this will need a Leawood Development Ordinance (LDO) amendment. Patty Bennett, City Attorney, stated that staff will need to review the current setbacks and other information, but that it may require an amendment. Mr. Lambers replied that the Council will need to authorize staff to initiate an LDO amendment. Mayor Dunn confirmed that it would go on a formal agenda to be referred to the Planning Commission, then back to Council.

Councilmember Azeltine asked that if there is to be an LDO amendment, can the Council have a work session prior to the Planning Commission reviewing it. Ms. Bennett replied that the Council would be reviewing the City Code provisions, not an LDO amendment. She stated that currently the City Code prohibits the keeping of livestock, and that would be amended.

**A motion to approve that City staff prepare research for a future Work Session and possible Planning Commission meeting for an LDO and City Code amendment was made by Councilmember Filla, seconded by Councilmember Harrison. Motion was approved with a unanimous roll-call vote of 8-0.**

Councilmember Cain expressed concern over the noise that chickens may cause. Ms. Isham responded that chickens sleep at night and are very quiet during the day.

Mayor Dunn thanked Ms. Isham for her research.

## **6. PROCLAMATIONS**

SevenDays® Week, April 13-25, 2021

Mayor Dunn read the proclamation into record. Jill Anderson, Director of SevenDays-Make a Ripple, Change the World, addressed the Governing Body via Zoom. She thanked the Mayor and Council for making the City aware of their mission. She stated that they strive to provide opportunities for all people to increase kindness through knowledge, mindset and behaviors. Ms. Anderson explained that between April 13 and April 25, they will have 7 separate virtual events where kindness will be introduced in a variety of ways. Mayor Dunn thanked Ms. Anderson for their advocacy and work since 2014 across the country.

**7. PRESENTATIONS/RECOGNITIONS - None**

**8. SPECIAL BUSINESS**

Authorize staff to proceed with EDRB (Economic Development Revenue Bond) application

Mr. Lambers stated that the City received communication from a company that wishes to locate in Leawood in a building yet to be constructed but approved in Planning. He stated that they have met the conditions of Path A (Industrial Revenue Bond policy), so he is requesting that the Council direct staff to proceed with the review of the application, as per the City's policy.

**A motion to approve the request of the City Administrator was made by Councilmember Azeltine, seconded by Councilmember Rawlings. Motion was approved with a unanimous roll-call vote of 8-0.**

Councilmember Filla noted that the letter received from the company had mentioned a certain number of jobs they will be bringing to the City and asked where those are coming from. Mr. Lambers stated they will be from both coasts. Councilmember Harrison asked to have Path A clarified. Mr. Lambers stated it means that a company applies for and receives financial assistance from the State, which they have done. She asked if the entire building will be used by this company or will they lease part of it. Mr. Lambers stated that is still in flux.

**9. 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. 2021-10, 2021-11, 2021-12 and 2021-13
- B. Accept minutes of the March 15, 2021 Work Session
- C. Resolution approving and authorizing the Mayor to execute Amendment No. 4 to the Inter-Local Agreement between the City and Overland Park, Kansas for maintenance of the street lighting systems along common borders (PW)
- D. Resolution accepting a Temporary Construction Easement from Grantors Usama H. Mabrouk and Svetlana Kounitskaia, for property located at 9107 Lee Blvd, pertaining to the Lee Blvd, 83rd St to 95th St [Project #72054] (PW)
- E. Resolution approving and authorizing the Mayor to execute a First Amendment to the Ranch Mart North Shopping Center Redevelopment Agreement (LD)
- F. Resolution approving and authorizing the Mayor to execute an amendment to the Agreement between the City and Next to Nature Landscape, LLC., in the amount of \$68,820.00 pertaining to maintenance of medians and the right-of-way (PR)
- G. Resolution accepting the 2020 Annual Report regarding the Park Impact Fee, pursuant to 12-409, of the Code of the City of Leawood, Kansas, 2000 (PR)
- H. Resolution accepting the 2020 Annual Report regarding the Public Art Impact Fee, pursuant to 12-609, of the Code of the City of Leawood, Kansas, 2000 (PR)
- I. Approve the purchase in the amount of \$158,832.00 from Shawnee Mission Ford, Inc., for the purchase of 4 Ford Police Interceptor Utility patrol vehicles (PW)
- J. Approve the purchase in the amount of \$46,876.00 from Molle Toyota, Inc., for the purchase of 2 Toyota Camrys for Administration and Investigation (PW)

**A motion to approve the consent agenda was made by Councilmember Sipple, seconded by Councilmember Filla. Motion was approved with a unanimous roll-call vote of 8-0.**

**10. MAYOR’S REPORT**

I had the privilege to listen to Johnson County Commission Chairman Ed Eilert deliver his virtual State of the County Address on March 30<sup>th</sup>. It was sponsored by the Johnson County Chamber’s Public Policy Council. The theme of the address was “A Resilient Community” and the focus was on COVID. Chairman Eilert reported that the first case of Johnson County COVID was reported on March 7, 2020; and March 24, 2020, was the first COVID-related death. He presented many photos and videos, which also included a virtual tour of the Tomahawk Creek Wastewater Treatment Facility in Leawood. The 2020 Annual Report is typically handed out at the State of the County Luncheon but is only available online this year.

**11. COUNCILMEMBERS’ REPORT - None**

**12. CITY ADMINISTRATOR REPORT - None**

**13. STAFF REPORT - None**

**14. COMMITTEE RECOMMENDATIONS**

*[From the March 9, 2021 Planning Commission Meeting]*

Ordinance approving a Preliminary Plan and Final Plan for City of Leawood – Fire Station No. 1, located south of 96<sup>th</sup> Street and east of Lee Boulevard (PC 05-21)

Mark Klein, Planning Services Director, addressed the Governing Body and introduced the project. Councilmember Rawlings asked how long the Council has been discussing the Fire Station project from the beginning concept until now and the number of sessions with the public. Mr. Klein replied that he thought it has been approximately 4-5 years and that there have been a number of Council meetings, Interact meetings and public hearings. Councilmember Rawlings asked how many times the plan has been re-worked to this final proposal. Mr. Klein stated he is unsure how many since the original plan, but that he believes there have been several through the work sessions. Councilmember Rawlings remarked that there has been plenty of work sessions and input on this project taken into consideration.

Councilmember Sipple asked once the project is approved how long will it take to construct. Mr. Klein stated the architect could best answer that. Councilmember Sipple commented that the City is continuing to spend money to maintain Fire Station #1 (FS1) and asked how much that is. Mr. Klein was unsure of the cost. Mr. Lambers replied that the construction would be completed sometime in 2023.

Colin Fitzgerald, Fire Chief, addressed the Governing Body. He stated that it was 2014 when the project was first discussed. He replied that in terms of money spent on maintenance, they are doing band-aid fixes now to get by to avoid spending too much money. He gave the example of delaying the purchase of new fire trucks because the modern trucks cannot fit into the old station. Mayor Dunn stated that there had been a number of budget meetings that discussed a large amount of money dedicated to FS1 out of necessity to maintain its proper usage. She stated that she knew it had been discussed for years but did not realize it has been 7 years.

Councilmember Filla commented on the changes that have been taken into account that have been supported by many of the neighbors, such as changing from a two-story building and the extensive landscaping.

Councilmember Azeltine stated he is excited about the project and moving forward.

Councilmember Cain stated that she is pleased that the City decided to purchase the property to the south of the site and the fact that the building design was changed from a two-story to a single story structure.

Councilmember Harrison stated that this discussion has been going on since she joined the Council five years ago. She stated that she has paid much more attention to all the fire stations because of this topic. She opined that fire stations make great neighbors.

Jeff DeGasperi, Architect with DeGasperi & Associates, addressed the Governing Body via Zoom. He made a brief summary of the preliminary development plan and the final plan. He mentioned there have been many refinements in the last few months while working with the City staff. He agreed that the purchase of property to the south helped to maintain the former City Hall building. Mr. DeGasperi presented images of the exterior and pointed out some of the highlights.

Mayor Dunn asked to see the ingress/egress drive on the south side of the site plan to discuss the berm. Mr. DeGasperi pointed out the berm runs along the drive and eventually to a wall as the hillside becomes higher. He noted the significant landscaping plan for that area. Andy Gabbert, Landscape Architect with RIC, located at 8653 Penrose Lane, Lenexa, Kansas, addressed the Governing Body via Zoom. He stated that the plan is to create a more natural feel with the placement of the landscaping. He noted that on the top and back of the berm is a substantial amount of landscaping and that the neighbor to the south is getting the greatest impact. Mr. Gabbert stated there is a mixture of evergreen trees, evergreen shrubs, flowering shrubs, many different heights of grasses and a variety of textures and colors.

Councilmember Cain asked about the landscaping at the property line. Mr. Gabbert replied that there is a swath of grass just to the south of the property line so the landscape does not abruptly end, but rather appears to extend beyond to blend and not create a harsh line with the neighbor's property. Councilmember Cain mentioned that there will be no benches or anything to encourage people to see this as a park.

Councilmember Sipple asked to clarify the parking and citizen use of the training room. Mr. DeGasperi stated that there are 31 parking spots. The training room holds 24-35 people depending on its use. He stated that if the Fire staff is present then approximately 5-6 parking spots will be used. He stated that the meeting room is small and more appropriate as a teaching classroom. He stated that the Public Works Director and Fire Chief confirmed that larger meeting groups may need to be scheduled at different locations within the City. He stated that visitors would be entering and exiting from the drive on the south side. Mayor Dunn remarked that there are other facilities that can accommodate larger groups, one being a new multi-purpose building at the pool which will hold up to 80 people.

Mr. DeGasperi stated that no changes are planned to the parking lot next to the former City Hall. Chief Fitzgerald commented that the original plan for the training room was larger when it was a two-story building. He stated that the typical CPR training class is no more than 18-20 people. Chief Fitzgerald mentioned that they plan to have more in-house training sessions in that space.

Councilmember Cain thanked Mr. DeGasperi for matching the brick color to the former City Hall building and the use of Kansas limestone on the façade. She also thanked him for redesigning the drive from 26 feet to 21 feet in response to the neighbors' concerns. She asked about the 4<sup>th</sup> bay that would possibly house the 1950s fire truck for public viewing. Mr. DeGasperi stated that it had been discussed and it was determined that because of the proximity to the former City Hall building that it could not be

on display with “comfort” as a viewing area, so they took the opportunity to design large glass windows on the front and back of the building for tours and to be more functional with larger trucks in the future. Chief Fitzgerald stated that pre-COVID they would do tours on almost a daily basis, so this arrangement would still allow for the truck to be shown to guests when available. He cautioned that the north wall would also house machinery, storage items and equipment.

Councilmember Filla asked how someone off Lee Blvd would access the greenspace and landscaping for a picnic. Mr. DeGasperi replied that the desire was to keep it as a visual greenspace rather than be utilized for any activities, so there are no access points. Councilmember Filla remarked that people will walk their dogs there and so if no sidewalk is provided, they will create their own path to the greenspace. Mayor Dunn stated that this can be a topic when there is a discussion of the entire site. Mayor Dunn asked if a sidewalk ends abruptly on the south side of the station. Mr. Klein stated that it does end and the sidewalk is provided on Lee Blvd. up to the fire station. He explained that there currently is a steep berm with trees that is meant to be a soft buffer. Councilmember Sipple confirmed that there is a sidewalk on the west side, but not on the east.

Councilmember Filla commented that there is no stair access from the back parking lot to the north side of the building. Mr. DeGasperi confirmed that there is a connection between the front of the fire station building and the former City Hall that is fairly level, but there is a significant grade change between the new parking lot and the back of City Hall. He explained there is a retaining wall but no ADA access in that location, mainly because of the steep grade. Chief Fitzgerald stated that because of the significant elevation change, in order to make an ADA compliant ramp and stairs it would take a substantial amount of concrete, and stated that it could not be made for a driveway because the fire trucks would bottom out due to the steepness. Councilmember Filla expressed concern over the amount of parking spaces not being used. Chief Fitzgerald replied that the parking lot is designed for shift changes and that this station will be used for training classes, so the spaces are intended to be used for the purpose of the station.

Councilmember Sipple asked where guests would park and which door to the station would they be using. Chief Fitzgerald stated that it would be situational but likely if it is a group of approximately 20 people, they would be encouraged to use the back parking lot and guided through the back door of the station. Councilmember Sipple stated that he likes the plan and the staff has done a commendable job.

Councilmember Cain asked if the 47 parking spaces that currently exist on site will be taken out and questioned if the 21 new spaces are due to the turning radius needed by the fire trucks at the back of the station. Mr. DeGasperi replied that they are doing no modifications to the site to the north of the former City Hall building so all the spaces will remain at this time.

Mayor Dunn recognized that there is a request for citizen comments and asked that her comments be kept to 5 minutes. Katie Geller, 9625 Lee Blvd., addressed the Governing Body via Zoom. Ms. Geller stated that she appreciated the work that was done to create the berm as a buffer between the site and her property. She stated that no resident had seen the plans that were approved in the work session and her biggest concern is that it towers over the other buildings at 24 feet. She noted that other residents had concerns over the deeds and restrictions of the former City Hall building. Ms. Geller reiterated that residents did not have the ability to talk at the work session or any ability to see the plans before they were told about them.

Ms. Geller stated that she suggested an exit drive on the north side because when a car exits the drive on the south side it will back up the trucks on Lee Blvd. trying to return to the station. She stated there are only 19 spots in the back lot because two of them are for handicapped parking. She stated that the reason

there is no sidewalk on the other side of Lee Blvd. is primarily because 2 of the 3 trees will be destroyed on the lot, and that the other tree will remain because no sidewalk will be there.

She noted that the landscapers did an amazing job, everyone worked very hard on the project, and that she thinks it is a beautiful plan, but that it is not well spaced and that it towers higher than a two-story building. She remarked that she believes it is still too close to the old City Hall and that building will still have to be moved. Ms. Geller indicated that there are power lines on the border on the City's side that have caused a tree branch to fall on her fence, pull down the power line and pulled off her electric box from her house. She pointed out that it was a great expense for her to have it fixed. She requested that the power lines be buried to create continuity between the two properties. Ms. Geller stated that because of the sewer on the City's property, the "wings" of her driveway could not be extended very far, so she would like it corrected as long as the City is working on the sewer lines. Ms. Geller requested that the architects be given enough leeway so that can put in more trees if the power lines are buried.

Ms. Geller stated that she has struggled to get a sprinkler system for her yard, so she stated that it would be helpful and because of the lights of the fire trucks she will have to contend with, that when the City installs a sprinkler system that it be tied in to her yard in the front. She stated the drive to the south of the building was adjusted for the neighbors across the street but she claimed both of the neighbors plan to move.

Ms. Geller made reference to a neighbor on Lee Blvd. she called "Jessica" who is an architect and who also claimed she did not see any plans either but offered traditional ideas that she is not sure was considered in the design. She stated that Jessica lives in Old Leawood because of the traditional character of the neighborhood. Ms. Geller stated that the Shawnee Mission Post listed Old Leawood as one of the 10 hottest spots in all of the Metro area, and noted that it is because the character of the homes and not modern buildings. Ms. Geller stated that Mr. DeGasperi is very talented but that he did not receive any direction.

Mayor Dunn thanked Ms. Geller for her comments. Mayor Dunn indicated that the Fisher family may wish to speak, but they were not signed in on Zoom nor did they respond when recognized. Councilmember Azeltine inquired if citizen comments are held to 5 minutes, and Mayor Dunn replied yes, but that Ms. Geller was allowed about 10 minutes to speak.

Mayor Dunn inquired about the power lines. Mr. Klein stated that they are not proposed to be undergrounded because of the short length of the project, which he stated is typical for this type of project. Mayor Dunn inquired about the wing wall. Mr. Klein confirmed that they are on her property. David Ley, Public Works Director, stated that this morning was the first time he heard about the wing walls of her driveway. He stated that he believes Ms. Geller is referencing the place at the end of her driveway that flares out on each side. Mr. Ley stated that those are considered in the public right-of-way, but on her property and has nothing to do with the fire station.

Mayor Dunn asked for the height of the former City Hall building, current fire station, and new station. Mr. DeGasperi did not have that exact information but stated that he estimates that the old City Hall building is level with the top peak of the new fire station. He noted that he does not have any information on the old fire station. Mayor Dunn indicated that a home in Leawood could be 45 feet tall. Mr. Klein stated that in an R1 and RP1 zoning district it can be 35 feet tall from the front door.

Councilmember Harrison asked to clarify Ms. Geller's request of a sprinkler system for her front yard, and mentioned that she does not remember a time when the City provided funds or installed a sprinkler



for a resident. She asked if Ms. Geller is free to do that on her own and warned about the City installing sprinkler systems on private property. Mr. Klein agreed and mentioned that the City would not want to meter the water together or start providing maintenance. Councilmember Harrison asked about a photo of a house that Ms. Geller provided to the Council in her comments. Councilmember Harrison stated that the house is a contemporary style. Councilmember Rawlings indicated that the house was a knock down and re-do. Mayor Dunn stated that the building that Mr. DeGasperi designed will fit in nicely to the neighborhood.

Councilmember Azeltine commented that Ms. Geller stated that she was somewhat blindsided and not given enough information in advance. He remarked that the City of Leawood has a great notification system for the public, such as Interact meetings, work sessions, and Councilmember communications with their constituents. He stated that he believes this project has been thoroughly vetted and numerous opportunities for input from the public. Mayor Dunn agreed with Councilmember Harrison that fire stations make great neighbors and recalled when Fire Station #3 was constructed, the neighbor to the south had concerns but now is very pleased.

**A motion to approve Item 14 was made by Councilmember Filla, seconded by Councilmember Azeltine. Motion was approved with a unanimous roll-call vote of 8-0.**

**15. OLD BUSINESS - None**

**16. NEW BUSINESS – None**

Mayor Dunn reminded the Council of the Work Session scheduled for Monday, April 19, 2021 at 6:00 p.m. along with a Council meeting at 7:30 p.m.

**ADJOURN**

*Meeting adjourned at 9:19 p.m.*