

Regular Meeting**THE LEAWOOD CITY COUNCIL****April 19, 2021****Minutes**

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

Councilmembers Present via Zoom: Andrew Osman

Councilmembers Absent: None

Staff Present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
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	Mike Pelger, Info. Services Specialist
Kelly Varner, City Clerk	Stacie Stromberg, Assistant City Clerk
Holly York, Cultural Arts Coordinator	

Staff Present via Zoom: Kim Curran, Superintendent of Community Services

Others Present via Zoom: Terry Dunn; Bill George; Jay Browning; Sandra Dess

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

Mayor Dunn advised a modification to the Agenda for item 11 Councilmember Report. She stated that Councilman Osman would be 11A and added Councilmember Filla as 11B.

A motion to approve an amended agenda was made by Councilmember Sipple, seconded by Councilmember Larson. 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/.

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.

5. CITIZEN COMMENTS

6. PROCLAMATIONS

7. PRESENTATIONS/RECOGNITIONS

8. SPECIAL BUSINESS

Request for extension of the approval for the Preliminary Plan for the development and construction of the Majestic of Leawood (a Senior Living facility) from EBW Development

Mayor Dunn asked Mr. Lambers when the Final Plan is anticipated to be presented if the extension is approved. Mr. Lambers did not know.

Mayor Dunn asked Ms. Bennett if it should be set for a time certain. Ms. Bennett replied that it should be no longer than one year.

Councilmember Filla added that the closing date is mid-summer with construction to follow. Mr. Klein agreed with that time frame. Mayor Dunn asked if an extension until April 2022 would be ample. Mr. Klein replied that it was.

Councilmember Sipple clarified that the project is on the southwest corner of Mission Road and 137th Street. Mr. Klein affirmed that it is on 137th Street, just north of Leawood Meadows.

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

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. 2021-14 and 2021-15
- B. Accept minutes of the March 15, 2021 Governing Body meeting
- C. Accept minutes of the April 5, 2021 Governing Body meeting
- D. Accept minutes of the April 5, 2021 Work Session
- E. Accept minutes of the March 11, Parks & Recreation Advisory Board meeting
- F. Accept minutes of the March 3, 2021 Bike/Walk Committee meeting
- G. Accept minutes of the January 26, 2021 Leawood Arts Council meeting
- H. Accept minutes of the September 15, 2020 Leawood Historic Commission meeting
- I. Accept the Mayoral appointment of Jim Huxtable to the Leawood Historic Commission
- J. Accept Minutes of the Art in Public Places Initiative (APPI) March 22, 2021 meeting pertaining to public art at the Leawood Aquatic Center
- K. Approve Industrial Revenue Bond Calendar for KBP Investments, LLC Project
- L. Resolution approving the 2022 Human Service Fund Recommendation from United Community Services of Johnson County [UCS] and the City of Leawood's participation for an amount of \$18,000.00

- M. Resolution approving and authorizing the Mayor to execute an Engineering Services Agreement between the City and Renaissance Infrastructure Consulting (RIC) in the amount of \$292,430.00 pertaining to design services for Mission Road, from 127th Street to 133rd Street (PW)
- N. Resolution approving and authorizing the Mayor to execute a Construction Agreement between the City and J.M. Fahey Construction Company in the amount of \$1,576,620.75 pertaining to the 2021 Residential Mill and Overlay Project (PW)
- O. Resolution approving and authorizing the Mayor to execute Change Order No. 1 between the City and G-B Construction LLC, in the amount of \$25,000.00 pertaining to the Ironhorse Golf Course Parking Lot Improvement Project [Project #49140] (PW)
- P. Resolution approving a Revised Final Sign Plan for Hills of Leawood Monument Sign, located north of 151st Street and east of Mission Road (PC Case 27-21) (P)
- Q. Resolution approving a Revised Final Plat for Hallbrook East Village Third Plat, located south of 114th Street and west of State Line Road (PC Case 43-21) (P)
- R. Approve the purchase in the amount of \$154,870.00 to Henke for the purchase of (1) plow, (1) spreader, and (1) bed- for Truck (PW)
- S. Approve the purchase in the amount of \$37,763.12 to Conrad Fire Equipment Inc. for the annual purchase of fire hoses (F)
- T. Approve the purchase in the amount of \$4,173.56 to K&K Systems for a 25 light Arrow Board (PW)
- U. Approve the purchase in the amount of \$17,065.00 to Armscor Cartridge for the purchase of training ammunition (PD)
- V. Approve Grant in the amount of \$65,000.00 to Leawood Stage Company (PR)
- W. Approve surplus of chairs to Purple Wave auction (PR)
- X. Declaration of surplus property (1) Trailer (PR)
- Y. Resolution approving and authorizing the Mayor to execute a Premier Lease Supplement and Maintenance Agreement between the City and Minolta Premier Finance in the annual amount of \$79,620.72 for the leasing and maintenance of 26 copier machines for a 3-year term (CC)
- Z. Police Department Monthly Report
- AA. Fire Department Monthly Report
- BB. Municipal Court Monthly Report

Mayor Dunn pulled Item 9Q.

Councilmember Harrison pulled Item 9V.

Councilmember Azeltine pulled Item 9W.

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

Item V discussion:

Councilmember Harrison wanted to know if the assumption is that a full season is moving forward as an outdoor theater.

Holly York, Cultural Arts Coordinator replied that it is for the outdoor summer production of Seussical. Usually, there are two indoor productions in addition to the outdoor.

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

Councilmember Azeltine added that this is a big portion of what is given to the Leawood Stage because this is the only item available for the Stage. It does not include the various elements of stage construction or the rights to the show.

Item W discussion:

Councilmember Azeltine asked if this includes the 140 white folding chairs used in the amphitheater.

Ms. York replied that those are the old chairs, and the new chairs are on the way. They are resin with a white plastic pad.

A motion to approve Item 9W was made by Councilmember Azeltine, seconded by Councilmember Filla. Motion was approved with a unanimous roll-call vote of 8-0.

Item 9Q discussion:

Mayor Dunn recused herself due to a conflict of interest; Councilwoman Harrison temporarily presided over the meeting.

Councilmember Sipple asked if anyone else in the development is acquiring the house next to it.

Terry Dunn, Peggy J. Dunn Revocable Trust, 11400 Cambridge Road, Leawood, KS, 66211, replied that a house across the street added half a lot to their lot. There are no restrictions for buying a second lot.

Mr. Klein stated that a lot directly to the north that combines three lots into one. Mr. Dunn clarified that it is three lots into two lots.

A motion to approve Item 9Q was made by Councilmember Azeltine, seconded by Councilmember Filla. Motion was approved with a unanimous roll-call vote of 8-0.

Mayor Dunn returned to the meeting as president.

10. MAYOR'S REPORT

- A. I attended a virtual Johnson and Wyandotte Counties Council of Mayors (COM) meeting in April. The guest speaker was Leawood resident John Murphy, co-chair of KC Rising, who was joined by his Executive Director, Sheri Gonzales, to speak on the mission of "Shared Vision for Regional Prosperity." In their presentation they spoke on their hopes to align and accelerate community efforts for the greatest impact. Also on the COM agenda was speaker Dick Carter, Overland Park lobbyist, who spoke about the bills currently going through the House and Senate. He said that they did not yet have an approved budget; however, March revenues were up. There was brief discussion about Bass Pro Shop in Olathe prevailing in court regarding the "dark store theory;" however, Chairman Eilert cautioned that he was not yet at liberty to elaborate.
- B. Congratulations are in order for the City of Leawood. The Niche rankings came out and mentioned that Johnson County had bragging rights, but Leawood was awarded three 1st

place ratings: Best Place for Public Schools, Best Suburb for Public Schools, and Best Suburb for Raising a Family. Leawood was ranked in the Top 10 for Best Place to Live/Buy a House/Retire/and for Young Professionals.

- C. A reminder to everyone that this Friday at 4:00 p.m., “Women of the World” by Kwan Wu will be dedicated in front of the Justice Center. If the weather does not cooperate, the dedication will take place inside the Center.

11. COUNCILMEMBERS’ REPORT

- A. Councilmember Osman - Referral to the Public Works Committee, for Consultant Selection pertaining to Tomahawk Creek Parkway

Councilmember Osman stated that the request is for selecting consultants for bike lanes and additional improvements along Tomahawk Creek Parkway. Mr. Ley has shared that the improvements are quite extensive.

Mr. Ley stated that the project is about \$6 million for construction and engineering, including a roundabout, bike lanes, vegetation, and trail connections between the sidewalk on the west side, across Tomahawk Creek Parkway and to the trail on the east. The hope is to get a consultant by September.

Mayor Dunn asked if he anticipated the roundabout to be a size similar to the one on Brookwood in Hallbrook. Mr. Ley replied that it would be larger. Currently, there is a wide median, and the lanes are brought in close together before the roundabout to slow traffic down as it enters the roundabout.

Councilmember Cain did not remember how it was determined that a roundabout was needed in that location. She is not a fan of roundabouts and does not see the benefit. Mr. Ley replied that traffic studies, prior to COVID, caused a need for a traffic signal or roundabout. The wide median allows for a roundabout and would prevent long delays on Tomahawk Creek Parkway where pedestrians cross.

Councilmember Cain asked if it would interrupt the piece of art. Mr. Ley replied that it would not and that it would sit similar to where the west section of Tomahawk Creek Parkway currently is. The roundabout will be more on the east side.

Councilmember Harrison said that it was not unprecedented to have a traffic circle with a wide grass median except maybe in Rome. Mr. Ley said that this is a similar size to what is in Lenexa on 95th Street, west of 435.

Councilmember Harrison asked if it would be more of a traffic oval. Mayor Dunn asked about Meyer Boulevard. Mr. Ley replied that it would not be that big. Councilmember Harrison said that two lanes feed in without a big median. Mayor Dunn stated that this is the Town Center Drive intersection with Tomahawk Creek Parkway. It also goes into the Tomahawk Creek Parkway trail parking lot. She felt it would make more sense once designed.

Councilmember Harrison was thrilled about the bike lanes along Tomahawk Creek. She asked if it would have curbs, also.

Mr. Ley replied that it would have flat curbs, which will also help hold the asphalt together.

Mayor Dunn asked if there was a date certain for the meeting to make the selection. Mr. Ley replied that it would be May 5th.

Councilmember Rawlings expressed excitement about the roundabout because it is difficult to get across Town Center Drive at Tomahawk Creek Parkway.

Mayor Dunn hoped that it would improve safety as well.

B. Councilmember Filla – Volunteer Recognition gift

Councilmember Filla expressed gratitude to the HR Committee and Kelly Varner in terms of providing a gluten-free thank you to all of Leawood volunteers.

Mayor Dunn thanked Councilmember Filla for bringing it up. She shared notes of appreciation she received regarding the masks and said that it was a great idea. Ms. Stromberg also helped stuff envelopes.

A motion to approve Item 11A was made by Councilmember Filla, seconded by Councilmember Larson. Motion was approved with a unanimous roll-call vote of 8-0.

12. CITY ADMINISTRATOR REPORT

Scott Lambers – 4th of July Celebration

Mr. Lambers recommended that Leawood proceed with the fireworks portion of the celebration. As the date comes closer, depending on CDC recommendations, other activities could possibly be incorporated.

Mayor Dunn asked if it would be the fireworks and no festival. Mr. Lambers replied that no decision would be made on that yet.

13. STAFF REPORT

Chris Claxton, Parks & Rec. Director - Public Pools Opening

Kim Curran, Superintendent of Recreation, reviewed what other pools in the area are planning for summer. Overland Park will open three of six pools. Leawood is planning on opening on May 29th. Currently, pool passes are for sale for Leawood residents only. Depending on what happens with the CDC moving forward, daily sales will only be available to residents as well.

Councilmember Larson stated that the City did a terrific job with the pool last summer and feels confident that the opening will go well again this year.

Ms. Curran looked forward to moving toward a more normal operating system. The concession stand will have pre-packaged foods, and a limited number of lawn chairs will be added at a 6' distance.

Mayor Dunn asked if reservations would be required, similar to last summer. Ms. Current replied that is not the plan and that the cleaning schedule should allow people to come and go as they please. One restroom will likely be shut down every two hours for cleaning. She welcomed suggestions.

Mayor Dunn stated that she had already received a comment hoping that there would be lounge chairs this year. She expressed gratitude for the efforts.

14. COMMITTEE RECOMMENDATIONS

[From the March 23, 2021 Planning Commission Meeting]

- A. Ordinance approving a Preliminary Plan for Residences at Parkway Plaza, located north of 135th Street and east of Briar Street (PC Case 33-21)

Bill George, 1300 Lydia Avenue, Kansas City, MO, 64106 appeared via Zoom. Jay Browning with Bill Evans Architects joined him on the call. They gave an overview of the plan. They stated their appreciation for the community support as well as the unanimous approval of the Planning Commission. The project will be different for Leawood in terms of scope and nature. The project is on 134th Street, east of Briar Road, in Parkway Plaza. He showed renderings of the project. The first floor will have approximately 4,000 feet of office space, clubroom, boardroom, meeting space, fitness room, tenant lockers, mailroom, and bike repair space. Underneath are a total of 29 parking spaces as well as storage. The second floor will have four residential units. The third floor will have three units. The fourth floor will have two units and part of a double unit. The top floor will have another unit and the second part of the double unit. Over the garage are two terraces with outdoor space, adding another 1,200 feet to those units. There will be a resort-style pool with heavy landscaping and screening. He spoke with the Retail Association of Parkway Plaza as well as the Parkway 133 Homes Association, both of whom gave full support for the project. He hoped to begin construction in October 2021. He agreed with all stipulations and asked for questions.

Mayor Dunn asked if he was aware of the additional stipulation that, prior to the approval of the Final Plan, an easement must be obtained from the property owner to the south and provide a copy to the City.

Mr. George has had discussions with the property owner. The easement is to use the alley for trash service. It will all be located in a central area so trash pickups can all be at one time.

Mayor Dunn asked Mr. Browning if he had anything to add. Jay Browning, architect, Gould Evans, 4200 Pennsylvania, Kansas City, MO, 64111, appeared and added that the team is excited about the project. They are pleased with how it looks, and all the neighbors are in favor. He stood for questions.

Councilmember Harrison asked if the second floor would have four units; the third floor would have three; the fourth floor would have two; the top floor would have one. Mr. Browning replied that the fourth floor has two units, but one is the lower level of a two-story unit. The fifth floor has one unit and the upper floor of the two-story unit.

Councilmember Harrison asked how tall the building is, compared to Demdaco. Mr. Browning replied that it is 6-10 feet taller.

Councilmember Harrison asked how far the physical building is set back from 133rd. Mr. Browning replied that it fronts on 134th with a property line that runs through 134th. It is over one block away from 133rd Street, south of the 133 Condos.

Mr. George pointed out the location on the plan.

Mr. Klein stated that it is a little more than 500 feet from 133rd Street.

Councilmember Cain stated that she thinks it is an incredibly handsome building that will be an incredible addition to the pocket. She appreciates the underground parking and the stamped concrete because brick pavers are failing all over Leawood.

Mr. George stated that they would return with another Preliminary Plan for the whole Parkway Plaza development to change the pavers to stamped concrete.

Councilmember Cain stated that, as a residential realtor, she knew that over time, Parkway 133 has had issues. Having this at the level of finish will only help the area.

Councilmember Sipple echoed the comment about the need to move forward on the stamped concrete.

Mayor Dunn concurred that it is a beautiful project that will be a great addition to Parkway Plaza.

Councilmember Sipple commented that he has a friend who lives in the Parkway Condos, and those residents are very much in favor of the development.

Mayor Dunn asked if the units would be sold. Mr. George replied that they would.

Mayor Dunn reminded that an additional stipulation would require an override of the Planning Commission's approval and stipulation No. 27 could become No. 28.

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

- B. Ordinance amending Section 16-2-10.3 of the Leawood Development Ordinance entitled "Materials and Colors" pertaining to roofing materials for single family residential structures and repealing existing Section 16-2-10.3 and other sections in conflict herewith (PC Case 08-21)

Mark Klein, Planning Director, gave an overview of the amendment, which allows for metal accents on residential roofs. They are currently allowed but limited to architectural features, such as bay and bow windows, shed roofs, and shed dormers. The ordinance does not currently have a limit to the amount. Staff has tried to keep it as an accent over the years. This amendment proposes to expand the limit to no more than 5% of the total roof area and allows it to be an accent. He showed examples.

Councilmember Larson asked if the metal roofing serves a function. Mr. Klein replied that the intent is for it be too decorative. It could be copper or standing seam in a muted earth tone. Councilmember Larson agreed, and she felt the examples were all tasteful.

Mayor Dunn stated that it is currently allowed over bay windows, bow windows, dormer, shed windows, shed roofs, shed dormers, and flat roofs. She felt it did not necessarily lend itself to the tile extending at that location.

Councilmember Osman asked if roofing material guidelines would be presented separately. Mr. Klein replied that the Planning Commission just had a work session to discuss roofing color and standards.

Sandra Dess, 3116 W. 149th Street, Leawood, appeared and spoke about the proposal, which was unanimously approved by the Planning Commission. She and her husband are building their forever home in Leawood. Original plans were denied due to the metal roof accents. Her home was shown as an example, using 2.08% of the standing seam roof as an accent. She showed examples of homes that have used accent material. She stated that the current ordinance is confusing because it speaks to pitch and flat-roof design, which does not address the metal roofing in a steep pitch. Her plan has been submitted for a third time and hopes that the amendment can be approved.

Mayor Dunn asked if approval of the amendment would allow her project to move forward.

Mr. Klein replied that it would and should make it easier for staff to review the projects in the future.

Councilmember Cain said she was glad it was happening because updates and clarifications are sometimes needed. She felt the color and percentage restrictions were appropriate.

Councilmember Harrison used to work in insurance, and she wondered how hail interacts with the decorative metal roofs. Mr. Klein replied that he had not heard of many issues and that standing seam, which is used on commercial buildings, does not seem to have that issue. Travis Torres, Director of Building and Code Enforcement, appeared and said that he has seen accents that haven't raised insurance rates.

Mayor Dunn stated that it isn't as thin as a car. Mr. Torres could not confirm that, but he had not heard of any more issues with standing seam than with asphalt shingles or other code-compliant material.

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

- C. Ordinance amending Section 16-4-9.3 of the Leawood Development Ordinance entitled "General Requirements" pertaining to the location of fences and repealing existing Section 16-4-9.3 and other sections in conflict herewith (PC Case 40-21)

Mark Klein, Planning Director, gave an overview of the amendment, which addresses fencing on through lots and street-side corner lots. Corner lots have streets on both the front and side yards. Fencing cannot go beyond a 20' setback in some zoning districts and a 30' setback in others. The fence cannot go to the property line because of that. The reason for the setback is to keep the fence off the sidewalk, which makes sense; however, occasionally, subdivisions have fences or walls going around the subdivision. Under the current ordinance, the homeowner would only be able to extend a fence up to the setback and would not be able to join the subdivision fence, creating a double fence. Through lots have a similar situation, as they have two non-intersecting streets, generally one along the front yard and one along the backyard. The Leawood Development Ordinance (LDO) treats the back yard similarly to a front yard with a 30-35' setback. This makes sense with lots going along each side of the street to avoid the look of a tunnel, but in this case, a subdivision wall or fence would already surround the subdivision. Through lots are not common, in Leawood therefore they must go to the Board of Zoning Appeals in order to be built.

Mayor Dunn stated that it also eliminates the maintenance issue between the two fences. She knows the Board of Zoning Appeals is anxious about this.

Councilmember Cain stated that she thinks the amendment is great. She just sold a house in Lenexa that is bound by HOA rules that the fence cannot be built past the edge of the house. This will help Leawood be more amenable to homeowners than some neighboring cities. Mayor Dunn agreed that it was great.

Councilmember Harrison asked if this is only for neighborhoods with an HOA fence. Mr. Klein affirmed that.

Councilmember Harrison was surprised about that and has heard from constituents who don't have a neighborhood fence, such as through lots that back up to both 123rd and Mission Road. It is tough enough to have a busy street in the back yard and to realize that a fence means that 6-8 feet of the back yard will be inaccessible. Can we also address those who don't have an HOA fence?

Mr. Klein said it could be considered. The older LDO did not have the restriction, which is why some fences are back farther than others. Part of the reason is the impact on a wider street isn't as great as it would be on a narrow road with privacy fences on either side, creating a tunnel effect.

Mayor Dunn added that the Board of Zoning Appeals is good at analyzing those factors. She's heard them give many variances for through lots, but they look at the fence product and the openness that Leawood values. She pointed out the last sentence includes the phrase, "with the permission of the subdivision." That is another key element that will keep everyone happy.

Mr. Klein added that this will allow going up to the fence but not connecting without permission.

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

15. OLD BUSINESS

16. NEW BUSINESS

- A. Schedule Work Session for Monday, May 3, 2021, at 6:00 P.M.

A motion to approve Item 16A was made by Councilmember Azeltine, seconded by Councilmember Larson. Motion was approved with a unanimous roll-call vote of 8-0.

- B. Schedule Governing Body meeting for Monday, May 3, 2021, at 7:30 P.M.

A motion to approve Item 16B was made by Councilmember Filla, seconded by Councilmember Harrison. Motion was approved with a unanimous roll-call vote of 8-0.

ADJOURN

Meeting adjourned at 8:51 p.m.