

Regular Meeting**THE LEAWOOD CITY COUNCIL**

May 17, 2021

Minutes

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

Councilmembers Present via Zoom: None

Councilmembers Absent: Jim Rawlings

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.
Nic Sanders, HR Director	Chris Claxton, Parks & Rec Director
Ross Kurz, Info. Services Director	Mark Tepesch, Info. Services Specialist
Kelly Varner, City Clerk	Stacie Stromberg, Assistant City Clerk
Holly York, Cultural Arts Coordinator	Sara Navran, Cultural Arts Intern

Staff Present via Zoom: Brian Anderson, Parks Superintendent

Others Present via Zoom: Chester Moyer and Amy Reichenberger, Rubin Brown; Jim Warford, Icon Architecture; Jennifer Goeke, PGAV Architects; Lee Ryherd, UHL Engineering; and Dav Bettenhausen, Henderson Engineers.

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

Mayor Dunn stated there is an amendment to the agenda removing Item 9J from a previously published agenda and the remainder of the items on the Consent Agenda were renumbered.

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

Patty Bennett, City Attorney, explained that Item 9J should still be included on the Consent Agenda with only a modification to remove certain language at the end. Mayor Dunn noted that the original agenda numbering will stay the same but the modification will be to keep the Item 9J on Consent and remove a portion of its language.

A motion to add Item 9J but delete the language “and repealing Ordinance 2964C” was made by Councilmember Cain, seconded by Councilmember Larson. 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 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 - None

6. PROCLAMATIONS

National Gun Awareness Day, June 4, 2021

Mayor Dunn read sections of the proclamation into record.

7. PRESENTATIONS/RECOGNITIONS

Introduction, Sarah Navran-Cultural Arts Intern

Holly York, Cultural Arts Coordinator, introduced Sarah Navran. Sarah addressed the Governing Body and gave a brief history of her education and goals for the future. She stated how the internship has helped with her studies at Oklahoma City University. Mayor Dunn asked if Ms. Navran will be here for the next production with the Leawood Stage Company and Ms. Navran replied that she will be here until the end of July. Mayor Dunn thanked Ms. Navran and wished her the best.

8. SPECIAL BUSINESS

A. Presentation of the 2020 Annual Audit (F)

Dawn Long, Finance Director, addressed the Governing Body. She stated that the annual audit has been completed. Chester Moyer and Amy Reichenberger from Rubin Brown, addressed the Governing Body via Zoom for their presentation as part of the audit requirements. Mr. Moyer stated that they have issued an unmodified opinion on the City’s financial statements for the year ended December 31, 2020; a report on compliance and on internal control over financial reporting based on an audit of the financial statements in accordance with *Government Auditing Standards*; and an opinion on compliance and a report on internal controls over federal financial assistance in accordance with Uniform Guidance.

He explained that the City expended over \$3M of Federal funding. One of the major programs they audited was over \$2M in Federal funds through KDOT for 143rd St to Windsor St. Project. The second program was through Johnson County for the Coronavirus Relief funds. Mr. Moyer stated that there were no findings to report through their audit.

Ms. Reichenberger pointed out that there are often other financial statements included in the audit, such as a bond offering, but this year they were not aware of any such documents. She stated there were no

issues with the audit plan timing and there were no requirements for any new accounting standards due to the pandemic. She stated that GASB provided relief for implementation dates of the standards. Ms. Reichenberger stated that they review the Management Judgments and Accounting Estimates and had no difficulties.

Mr. Moyer stated that they are required to communicate any corrected and uncorrected misstatements. He explained that although GASB did not require new implementations, there was a correction of an error that changed the opening fund balance due to incomplete implementation of an accounting standard that was early adopted in the prior year. They did note this year that the standard was not entirely completed as intended, so they did an additional prior year adjustment this year to fully implement the standard. Mr. Moyer pointed out that this is the year the standard would have been implemented and it is not a misplacement of cash, but a re-characterization of an amount within the City's financial statements as required to be presented. Mr. Moyer stated that the report also includes Management Representations that are more extensive this year because of the Federal funding that was audited and a signed copy of the representation letter is attached to their report.

He stated that New Accounting Pronouncements from GASB could impact the City, although not significantly. He stated that the guidance will change the presentation requirements for the City's leases that is effective for the December 31, 2022 financial statements. The second is the Conduit Debt Obligations effective December 31, 2022.

Councilmember Filla stated her appreciation for the Federal funds being audited. Mayor Dunn asked if there would be any additional auditing of the Coronavirus Relief Funds through the County. Mr. Moyer replied that the County established procedures on the front end to ensure compliance with the entities, and that it is within their right to further inspect the City, although it is highly unlikely.

- B. Resolution accepting the 2020 Comprehensive Annual Financial Report (CAFR) for the City of Leawood, Kansas (F)

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

- C. Ordinance approving the establishment of the American Rescue Plan Special Revenue Fund (F)

Mayor Dunn pointed out that the City will receive half of the grant but not until June. Ms. Long stated that she does not have a specific date but confirmed that it will be in June. She stated that this creation of the fund is in anticipation of receiving the funds and guidance from the Department of Treasury. Councilmember Azeltine asked if there are any conditions attached to these funds. Ms. Long stated that if the funds are not spent before 2024 under certain conditions, the money must be returned. Ms. Long indicated that the City has not yet received final guidance yet. Mayor Dunn stated that the other half of the funds will be delivered 12 months after the first half.

Councilmember Filla asked what the amount will be that the City will receive. Mayor Dunn replied that it is not yet determined. Ms. Long explained that Leawood is considered a non-entitlement city because the population is under 50,000 so the funds will first go to the State, then it will be dispersed to the cities.

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

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. 2021-18 and 2021-19
- B. Accept minutes of the May 3, 2021 Governing Body Meeting
- C. Accept minutes of the May 3, 2021 Governing Body Work Session
- D. Accept minutes of the January 6, 2021 Public Works Committee Meeting
- E. Accept minutes of the April 15, 2021 Parks and Recreation Advisory Board Meeting
- F. Accept minutes of the December 1, 2020 APPI Meeting
- G. Approve Mayoral Appointment of Kyle A. McCawley to Public Works Advisory Board
- H. Approve renewal of Cereal Malt Beverage (CMB) License for Price Chopper #500 located at 13351 Mission Road (CC)
- I. Resolution calling for a Public Hearing to be held on Monday, June 7, 2021 at 7:00 P.M., or as soon thereafter as may be heard to consider the 2021-2026 Capital Improvement Program [C.I.P.] for the City of Leawood, Kansas (F)
- J. Resolution approving and authorizing the Mayor to execute a Small Cell Facility Deployment and Master Right-of-Way License Agreement between the City and ExteNet Systems, Inc. pertaining to the attachment to City Facilities and the construction, operation, and maintenance of a telecommunications system within the City (L)
- K. Resolution approving and authorizing the Mayor to execute a Public Lands Use Agreement between the City of Leawood and ExteNet Systems, Inc. pertaining to the use of public lands for the installation of a distributed antenna system (L)
- L. Resolution approving a final sign plan for Tomahawk Creek Plaza – Sign Criteria, located north of 114th Street and west of Tomahawk Creek Parkway (PC Case 46-21) (PC)
- M. Approve a Professional Services Agreement with Katherine Bontrager Houlehan for an amount not to exceed \$8,000 pertaining to authorizing a second Leawood History Book–1997-2022 (PR)
- N. Approve the purchase in the amount of \$15,931.00 to Push Pedal & Pull for the purchase of (2) stationary exercise bikes (1) elliptical and (1) treadmill (PD)
- O. Declaration of surplus items (1) Ford Fusion and (1) Ford Taurus (PW)
- P. Police Department Monthly Report
- Q. Fire Department Monthly Report
- R. Municipal Court Monthly Report

Councilmember Harrison pulled Item 9M.

Councilmember Larson pulled Item 9Q.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Osman, seconded by Councilmember Azeltine. Motion was approved with a unanimous roll-call vote of 7-0.

Discussion of Item 9M:

Councilmember Harrison commented that Ms. Bontrager Houlehan wrote for the *Leawood Lifestyle Magazine* and is a lifelong resident of Leawood. Councilmember Harrison stated that she hoped there is an opportunity for the Council to offer suggestions to Ms. Bontrager Houlehan about what can be included in the Leawood History Book. Mayor Dunn complimented Ms. York for selecting Ms. Bontrager Houlehan as the book's author. Ms. York stated that Ms. Bontrager Houlehan has already

mentioned that she would like to talk to the Governing Body to survey their interest in what should be included in the book. Councilmember Cain expressed her gratitude for a second history book to be done. Mayor Dunn agreed and commented how much the City has grown since 1996 when the first book was published.

A motion to approve Item 9M was made by Councilmember Harrison, seconded by Councilmember Larson. Motion was approved with a unanimous roll-call vote of 7-0.

Discussion of Item 9Q:

Councilmember Larson thanked Chief Fitzgerald for including photos in his monthly report. She commented on the level of difficulty the exercise appeared in the photos and thanked the Fire Department members for the work they do.

A motion to approve Item 9Q was made by Councilmember Larson, seconded by Councilmember Filla. Motion was approved with a unanimous roll-call vote of 7-0.

10. MAYOR'S REPORT

- A. The Johnson County Commission Chairman Ed Eilert hosted the Johnson and Wyandotte Counties Council of Mayors May meeting at the Arts and Heritage Center in Overland Park. This was our first in-person meeting in over a year. Kansas League of Municipalities Executive Director Eric Sartorius was our speaker and provided updates on all passed and pending legislation. He also passed out the 2021 Kansas City Employment Forecast that I have shared in your packets.
- B. My thanks to Leawood residents Jim and Nancy Holland who donated the metro area's first outdoor automated external defibrillator (AED) in conjunction with the Johnson County Heartsave Foundation. The AED is located in Ironwoods Park and is connected to the bathroom/shelter in the park's amphitheater area. I want to thank our Fire Chief Colin Fitzgerald and Capt. Gilmore, Director of Parks and Rec Chris Claxton, Police Chief Troy Rettig and Capt. Brad Robbins, and Scott Lambers for organizing and joining me at the dedication ceremony. Hopefully it will not be needed, but it is available and we are delighted it is there.
- C. I would also like to offer thanks to our Leawood Police Captain Kirt Yoder for planning the "Ride for the Fallen" event. Capt. Yoder has participated and organized the event with other officers over the last couple of years. The event is an 80-mile bike ride to Topeka to honor fallen officers, and this year's ride was in honor of a particular officer in Overland Park. Those interviewed on the local news stated that it did not matter if the officer was from Leawood or Overland Park, but that they did not want the sacrifice to be forgotten.

11. COUNCILMEMBERS' REPORT

Councilmember Osman - Discussion: Garage storage and outside screening

Councilmember Osman stated that he was contacted by a north Leawood resident recently who explained he was cited by the City's codes official because his trash containers were left out. He stated that he normally stores them on the side of his house because they are too large to fit inside his garage. The resident asked Councilmember Osman to bring this issue to the Council for discussion.

Councilmember Osman referenced the current code but noted that it does not mention that trash containers must be stored inside. He pointed out that the typical 1.5 car garage in the area houses a car,

tools and equipment, lawn mower, seasonal furniture, and sometimes bikes, sports equipment or refrigerator. He showed examples of a “retaining wing wall” which is a common house style element in north Leawood that some residents use to hide their trash containers. Councilmember Osman surveyed his neighborhood and found many instances where trash containers were housed outside, behind wing walls or landscaping, but only seen at certain angles from the street.

Travis Torres, Director of Building and Code Enforcement, addressed the Governing Body. He affirmed that the ordinance is written to state that trash containers have to be stored inside a garage or structure. He stated that 113 courtesy notices have been sent so far this year, which is 20% of all the notices his department has issued. In the past it has been approximately 5%. Councilmember Osman asked if the City is actively looking for these violations. Mr. Torres replied that if it is an obvious violation or if there has been a complaint, then a notice would be issued. Councilmember Osman asked if a code revision is necessary. Mr. Lambers replied that Waste Management is going through a transition period but he suggested that the City can either be very lenient with courtesy notices as opposed to citations, or wait to see what Waste Management decides with requiring much larger bins for their customers. He agreed that the issue needs to be monitored, and suggested that if a screening option is allowed, it should be a modest screening improvement.

Councilmember Cain stated that she is in favor of some kind of screening. Councilmember Harrison agreed that this issue needs to be revisited. She mentioned that because of garage space restrictions some homeowners have to decide whether to keep cars outside or the trash containers. She stated that she is in favor of leniency of notices sent out if a homeowner has made a good effort to screen their containers outside.

Councilmember Azeltine stated that if the containers are not visible from the street, it should not be an issue. Mr. Torres stated that many notices are complaint-driven. Mr. Lambers asked if there is a time frame in which an empty trash container must be put back in the garage. Councilmember Sipple replied that in his HOA, the residents must return the receptacle before dark the same day as the trash pickup. Mr. Torres stated that the ordinance does not state a time frame.

Councilmember Filla stated that the trash containers are not pretty to look at. She stated that landscaping or the wing wall should be allowed as screening. She stated that she like the word “conceal” instead of enclosed. Mayor Dunn stated that screening makes sense in an attempt to hide the containers. She stated that the number of violations in Councilmember Osman’s presentation warrants a review of the code from staff to gather recommendations and future discussion with the Council. Councilmember Osman recommended that a time be stated in the ordinance in which a homeowner must return the containers from the street after trash pickup. Councilmember Cain asked how many sides constitutes a container being hidden. Mr. Lambers replied that as long as a person cannot see it from the street it would be sufficient.

A motion to refer Staff to further review Code and offer recommendations to the Council was made by Councilmember Osman, seconded by Councilmember Azeltine. Motion was approved with a unanimous roll-call vote of 7-0.

12. CITY ADMINISTRATOR REPORT

Scott Lambers - Discussion: Opening of City Facilities

Mr. Lambers stated that although there has been no clarity from the CDC regarding masks, he recommended reopening City facilities to the general public. He stated that visitors will be required to

wear masks and use social distancing. He indicated that for use of the Council Chambers, the public would be required to sit in the lobby and only 1 person or team be allowed inside. Mr. Lambers recommended that June 1st be the start date.

Councilmember Sipple confirmed that it would be to open all the facilities, including the Lodge. Mr. Lambers replied yes. Councilmember Filla asked if there would be any exceptions to a group or wedding, if no City employees are involved, to gather without masks. Mayor Dunn stated that the City should allow special events and encourage masks be worn, but events that are hosted by an individual can allow more freedom and left to their prerogative. Councilmember Sipple asked if committee meetings will be allowed in the Main Conference Room. Mr. Lambers replied yes. Councilmember Azeltine cautioned about employees being required to provide proof of vaccination, and if it violates their privacy. Ms. Bennett responded that the rule is that employees wear masks, however if an employee has verified with Human Resources of their vaccination due to CDC regulations, that they can chose to not wear a mask.

Councilmember Cain asked if the fire and police stations are considered City facilities. Mr. Lambers replied yes. She asked if the Zoom media format will go away entirely as a meeting option for all City Council and Committee meetings. Mr. Lambers answered that it will not. He stated that he will monitor the opening and report back to the Council after the fourth of July.

13. STAFF REPORT - None

14. COMMITTEE RECOMMENDATIONS

[From the April 27, 2021 Planning Commission Meeting]

- A. Resolution approving a final plan for changes to the façade of a tenant space at Park Place – Plate (Restaurant), located north of 117th Street and east of Nall Avenue (PC 48-21)

Jim Warford, Icon Architecture located at 506 Grand Blvd, Kansas City, MO, addressed the Governing Body via Zoom. Mr. Warford stated they are working with the restaurant owner of Plate to open their 2nd location going into the vacant California Pizza Kitchen space in Park Place. He explained the updates to the former restaurant including colors and design of both the exterior and interior spaces and an addition of an outdoor dining area.

He stated that they have been required by the Planning Commission to install plant screening that the former restaurant failed to do. He expressed concerned over the area becoming too crowded with the additional planters, but something they are willing to do.

Mayor Dunn thanked Mr. Warford for his presentation. She stated that there is excitement for the restaurant to open in Park Place and that the planters are very attractive. Councilmember Sipple asked about the replacement of the revolving door entry and when is the expected open date for the restaurant. Mr. Warford replied that it will be replaced with a rectangular entry vestibule so the square footage will increase slightly and their target date to open is November 1st.

Councilmember Larson stated that she is excited for the restaurant to open. She asked if there will be any screening between 117th and outdoor dining area. Mr. Warford stated that they are providing a black, iron fence enclosure as shown in the plans but not adding any additional landscaping in the public sidewalk area. He stated that the plan is to maintain a 6 foot pathway along the existing large concrete area.

Mark Klein, Director of Planning Services, stated that the architects have been working closely with staff. Councilmember Sipple asked if the traffic flow on 117th St. is adequate. Mr. Klein stated that staff has no concerns.

A motion to approve Item 14A was made by Councilmember Osman, seconded by Councilmember Sipple. Motion was approved with a unanimous roll-call vote of 6-0. Councilmember Harrison was unavailable.

- B. Ordinance approving a preliminary plan, final plan and final plat for the City of Leawood Parks Maintenance Facility, located south of 143rd Street and east of Overbrook Road (PC 47-21)

Mr. Klein indicated that this is the Parks Maintenance Facility located just north of the Public Works Building. It is planned to be platted into the same lot as the Public Works Facility due to the setbacks and lot lines. He stated that there will be workshops, an administrative building, covered storage and a greenhouse on-site.

Brian Anderson, Parks Superintendent, addressed the Governing Body via Zoom. He introduced the design team. Jennifer Goeke, PGAV Architects, addressed the Governing Body via Zoom. She summarized the location of the site, buildings and the plan of the overall construction project, which includes a combined admin and shop building, covered storage, greenhouse, and public and staff parking. Ms. Goeke presented images of the floor plans of the buildings as well as an aerial view of the site. She explained that all the activity from the trucks will be behind a fence screening on 2 sides.

Ms. Goeke pointed out that the exterior building materials will be fiber cement board and stone accents. She noted the use of glass for natural light and air flow and landscaping throughout the site to break up the façades. She pointed out the sustainability design features that promote healthy work environments and employee satisfaction, and the more pro-active design features of photovoltaic panels on the roof and conduit for future electric vehicle charging stations.

Councilmember Filla stated that she was impressed with the landscaping and open ventilation. Councilmember Cain agreed and stated she is pleased with the solar panels and the future plans for charging stations.

Councilmember Harrison asked how many employees will be at both the Public Works and Parks facilities at the same time on most days. Mr. Anderson stated that the Parks Maintenance side has 25 full-time employees, and he estimated that approximately 35 people are at the Public Works building.

Councilmember Osman asked if the lawn and landscaping are subcontracted. Mr. Anderson stated that the mowing is contracted out for the islands, some of the fire stations and the Justice Center, but the staff does weed control and fertilization treatments. Councilmember Osman asked if additional employees can be hired for mowing once the Parks facilities is open. Mr. Anderson recommended that the work be subcontracted because of the difficulty finding seasonal workers. Mayor Dunn asked if the storage units at City Park and Ironwoods Park will remain. Mr. Anderson replied that they will not and the storage units can be sold.

Councilmember Azeltine expressed his gratitude for the project moving forward. He asked about the size of the greenhouse, how it will be used, and what the timeline of the project is. Mr. Anderson replied that the previous facility had a greenhouse and that the new one will be approximately 2,000 sq. ft. The

greenhouse was sometimes used for growing plants in the winter, storing plants, and cultivating hard-to-find plants or flowers in large quantities. He stated they hope to break ground this September.

Councilmember Sipple inquired if the fencing and security is a concern. Mr. Anderson replied that the fence is a stout aluminum and will tie into the existing Public Works perimeter fence. He stated that there is a plan for security cameras.

Mayor Dunn asked if there is a projected completion date. Ms. Goeke replied that construction would likely start in October and take one year to complete.

A motion to approve Item 14B was made by Councilmember Filla, seconded by Councilmember Sipple. Motion was approved with a unanimous roll-call vote of 7-0.

- C. Ordinance amending Section 16-2-6.4 of the Leawood Development Ordinance entitled “MXD (Mixed Use Development District)”, and repealing existing Section 16-2-6.4 and other sections in conflict herewith (PC 44-21)

Mr. Klein stated that this amendment was discussed recently and Council had asked for staff to review the density bonus that is available in Mixed Use Development. He stated the current Leawood Development Ordinance (LDO) has a maximum density bonus of 15 dwelling units per acres in the MXD, but it could go as high as 19 if a developer was allowed certain bonusing. He stated that the City tries to incentivize certain things, such as a mixture of residential housing types, vertical integration, and sustainability efforts. Mr. Klein pointed out that MXD is designed to be pedestrian oriented so connecting bike trails, benches, and landscaping is important. He noted that another bonus would be public neighborhood spaces that would be shared with surrounding communities. Mr. Klein stated that as part of the 135th St. Master Plan there is a section for transects, in that buildings gradually transition in height from residential to taller buildings as they move toward 135th St. This is currently not a part of the MXD.

Councilmember Cain stated that she remembered in previous discussions that this density amendment was not to be allowed to crossover to all of Leawood, especially 135th St. She stated that she understood the concept of infill versus green field. She expressed her concern and pointed out that the Council’s recent discussion and approval of reducing the percentages of density for mixed use and infill development. She remarked that the Council has been proactive in accommodating developers and does not understand how the infill discussion created an increase of density for all of Leawood. Mayor Dunn stated that she does not disagree with Councilmember Cain.

Mr. Klein replied that staff did review the existing MXD density throughout the entire City and outside of Leawood. He stated that other cities use different calculations but even using Leawood’s methodology, they found that most were below 15 dwelling units per acre.

Councilmember Azeltine asked if this could also affect increasing the diversity in residential MXD with townhomes and duplexes. Mr. Klein stated that is what the City is encouraging but pointed out that it does not kick in until the 15 units per acre. He acknowledged Councilmember Cain’s concerns. Mr. Klein indicated that the Council always has the ability to tailor it to infill projects. Ms. Bennett suggested that language could be added to the ordinance regarding infill projects only.

Councilmember Harrison agreed with Councilmember Cain. She thought this amendment was only for infill, but feels that it now is being applied to the 135th St. Corridor. She remarked that she thought the

vertical integration, pedestrian oriented, variety of dwelling types, and public spaces were already part of the MXD. She expressed her concern for adding more units per acres, especially if applied to 135th St.

Councilmember Filla stated that she is in favor of a modification to the ordinance and suggested a future work session in order for the Council to gain a better understanding of the bonusing. Mayor Dunn noted that these bonuses are already recommended and suggested in the 135th St Master Plan, and did not recommend a work session. Mayor Dunn stated that modifying the ordinance for infill is a better plan. Councilmember Filla agreed.

Ms. Bennett suggested the language change under residential density to delete the word “projects” and add “infill developments as defined above.” Mayor Dunn asked to add the language “in the table above” referring to the definition of infill.

Councilmember Harrison commented that there is a property owner who has expressed concerned with staff over a current infill proposal. Mr. Klein explained that some of the property owner’s concerns are related to a parking lot cross-access agreement. Mr. Klein stated that it is his understanding that the developer and property owner are currently in discussions over that issue.

A motion to override the Planning Commission’s recommendation to amend the proposed Ordinance was made by Councilmember Filla, seconded by Councilmember Cain. Motion was approved with a unanimous roll-call vote of 7-0.

- D. Ordinance amending Section 16-3-14 of the Leawood Development Ordinance entitled “Expiration of an Approved Development Plan”, and repealing existing Section 16-3-14 and other sections in conflict herewith (PC 09-21)

Mr. Klein stated this item and the following agenda item are both due to a change in the State statute of how long the development vesting ranks. He explained that the City’s development ordinance states that the sun sets on a final plan after 5 years, but the State statute allows for 10 years. The staff requests that the City’s ordinances conform to the State statutes.

Councilmember Sipple asked if a preliminary plan sunset date will also change. Mr. Klein stated that preliminary plans will remain at 2 years.

A motion to approve Item 14D was made by Councilmember Azeltine, seconded by Councilmember Sipple. Motion was approved with a unanimous roll-call vote of 6-1. Councilmember Osman voted nay.

Councilmember Osman stated he is appalled with the State superseding the local municipalities in what is best for the City and County. He stated that codes and materials change during 10 years and he opined that 5 years is a generous time. Mayor Dunn encouraged Councilmember Osman to speak to the State Representative and Senator, as well.

- E. Ordinance amending Section 16-8-2.6 of the Leawood Development Ordinance entitled “Abandonment of the Final Plat”, and repealing existing Section 16-8-2.6 and other sections in conflict herewith (PC 39-21)

Mr. Klein stated this is very similar to the previous ordinance but is in reference to a final plat. He stated that it would change from 5 years to 10 to conform to the State's statute.

A motion to approve Item 14E was made by Councilmember Larson, seconded by Councilmember Harrison. Motion was approved with a unanimous roll-call vote of 6-1. Councilmember Osman voted nay.

Councilmember Osman objected for reasons stated earlier.

15. OLD BUSINESS - None

16. NEW BUSINESS

- A. Ordinance adding a New Article 11 of Chapter 1 of the Code of the City of Leawood, 2000, entitled "Land Bank" (L)

Ms. Bennett stated that other cities have adopted a land bank as a separated governmental entity. She explained that under this ordinance the Governing Body would be appointed as members of the board and would be required to meet annually. Ms. Bennett gave an example of a woman who purchased land out of foreclosure from the County. It was discovered the land was unable to be developed, so she did not maintain the property. The City mowed the property and issued citations. She informed the City that she would like to give it to the City, but Leawood was unable to take it because of many other taxes and special assessments.

Ms. Bennett stated that with this tool the City can take a property without adding more ad valorem taxes and it would remove old ad valorem taxes. Special assessments would be put on hold. Ms. Bennett explained that it is a vehicle in which to take property that might not otherwise have a use, and put it into productivity.

Councilmember Sipple asked what the process is to get rid of the tax burden that is accrued to that point. Ms. Bennett replied that the State statute allows it and the City would need to notify the County that the property is owned by a land bank.

Councilmember Larson remarked that she did not see any indemnification clause located under the section of Powers of the Board. Ms. Bennett stated she would verify if any tort claims could be used. Councilmember Harrison asked what other cities use a land bank. Ms. Bennett replied that Overland Park and Olathe have them but they are rarely used, and that Wyandotte County has an active land bank. Mr. Lambers stated that the City of Topeka uses their land bank often. Mayor Dunn stressed that this is not eminent domain.

Councilmember Osman is in favor of having a land bank tool. He agreed with Ms. Bennett that the City should have a mechanism in place for the future.

A motion to approve Item 16A was made by Councilmember Azeltine, seconded by Councilmember Sipple. Motion was approved with a unanimous roll-call vote of 7-0.

ADJOURN

The meeting adjourned at 10:02 p.m.