

Regular Meeting**THE LEAWOOD CITY COUNCIL**

March 21, 2022

Minutes

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, at 7:30 PM on Monday, March 21, 2022. Mayor Peggy Dunn presided.

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

Councilmembers Absent: Andrew Osman

Staff Present: Scott Lambers, City Administrator
David Ley, Public Works Director
Colin Fitzgerald, Deputy Fire Chief
Chris Claxton, Parks & Rec Director
Nic Sanders, HR Director
Stephen Powell, City Clerk
Mark Tepesch, Info. Services Specialist

Patty Bennett, City Attorney
Chief Dale Finger, Police Dept.
Mark Klein, Planning Services Director
Travis Torrez, Bldg/Code Enforcement Dir.
Ross Kurz, Info. Services Director
Stacie Stromberg, Assistant City Clerk

Others Present: Curt Petersen, Polsinelli PC; Greg Musil, Rouse, Frets, White, Goss, Gentile, Rhodes, PC; John Petersen, Macallister Land Development Company; Travis Schram, Grata Development; and Ben Thompson, Gilmore and Bell.

Others Present via Zoom: John Dudek, HD Architecture

The meeting was called to order at 7:33 p.m. by Mayor Peggy Dunn.

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

Mayor Dunn noted that modifications to the agenda were made to Item 8J for the agreement amount and Item 15B was added to schedule a Governing Body meeting on April 4, 2022.

A motion to approve the modified agenda was made by Councilmember Rawlings and seconded by Councilmember Filla. Motion was approved unanimously with a vote of 7-0.

4. CITIZEN COMMENTS

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. It is not appropriate to use profanity or comment on pending litigation, municipal court matters or personnel issues. Comments about items that appear on the action agenda will be taken as each item is considered. **CITIZENS ARE REQUESTED TO KEEP THEIR COMMENTS**

UNDER 5 MINUTES. A TOTAL OF 30 MINUTES WILL BE ALLOCATED PER MEETING FOR CITIZEN COMMENTS.

Charles “Bob” Brettell, 9221 Wenonga Rd., Leawood, Kansas, addressed the Governing Body. Mr. Brettell spoke about breed-specific legislation. He expressed frustration that the City’s ordinance was struck down as unconstitutional but that he was unsure why the City reinstated the same ordinance. He requested that a committee put this topic on the agenda for discussion with the City and its constituents. Mr. Brettell pointed out that Leawood is the only city in Johnson County with a breed ban.

5. PROCLAMATION

6. PRESENTATIONS/RECOGNITIONS

Commissioner Becky Fast: Update of Johnson County programs impacting Leawood

Commissioner Fast addressed the Governing Body. She stated that she represents 11 cities in the northeast section of Johnson County, but that Commissioner O’Hara represents the southernmost part of Leawood.

She stated that one of the programs that the County was concerned about during the pandemic was the CARS Program (County Assistance Road System) and how it would be impacted. She pointed out that the funding they have for 2022 is similar to what was in place in 2019, pre-pandemic. Leawood has 4 projects that will be funded by the CARS Program in 2022. Commissioner Fast reported that south of Leawood is a project slated for Mission Road improvements from Orchard Lane to 179th Terr. beginning this year.

Commissioner Fast stated that the Stormwater Management Program in Johnson County moved to management districts in 2020, and Leawood is impacted by two stormwater areas. She stated that one of the new programs that will start is a Voluntary Home Buyout Program. She noted that Leawood has one major project through this fund, and most of the program will be allocated to watershed improvements. She said it is funded by sales tax.

Commissioner Fast encouraged the Council to tour the new Tomahawk Creek Wastewater Treatment Facility. She explained that prior to the facility, the County was sending 60% of flow to Kansas City, Missouri. The new facility will save Johnson County Wastewater ratepayers \$16M/yr. Commissioner Fast shared a handout pointing out the notice of INTERACT meetings with the public and explained which residents received notification. She mentioned that their staff has received a lot of public input and they will go back to address their concerns.

Commissioner Fast stated that Leawood has a very active Sustainability Committee. She indicated that the County is going to conduct the first Green House Gas Inventory since 2013. She stated that a hazard waste project will move the Nelson Facility to south of I-435 and 69 Highway and that it will provide more than a drop off for hazard waste but also compost and glass recycling.

She said that the Johnson County Comprehensive Plan includes proposed solar facilities amendments. She explained that it currently does not allow large-scale solar installation in the unincorporated area of the County. Commissioner Fast mentioned that this will be open to public comments on April 4th.

Commissioner Fast stated that a new hotline number being adopted across the United States is 9-8-8 as the National Suicide Prevention Lifeline. The State of Kansas should be adopting it soon. She stated that she hoped the 9-8-8 number is co-located with the 9-1-1 emergency staff to answer mental health

calls. Commissioner Fast thanked the City for supporting the co-responder program and acknowledged the request to add an additional responder.

She stated that one of the new programs the County has begun is a work release, as an alternative to incarceration.

Commissioner Fast reported that the Johnson County Housing Needs Study was released in February 2021. She formed a sub-committee on the commission in April 2021 to explore various options due to the skyrocketing housing needs.

She outlined their Federal funding for the 2020 CARES (Coronavirus Aid, Relief, and Economic Security Act) and 2021 ARPA (American Rescue Plan Act) focusing on childcare, housing and workforce development.

Commissioner Fast stated the Camp Branch Park was delayed due to the pandemic until 2026. The Leawood Pioneer Library next to City Hall had some minor interior repairs, and library curbside holds and pickup services were successful. She gave a brief summary of Johnson County parks located within Leawood. Commissioner Fast stated that the history of Negro Creek is still being researched as a possible underground railroad. The County has contracted with a 3rd party researcher and the process has been very slow due to the National Archives shutting down during the pandemic. She stated that the renaming process has been taken over by the Federal U.S. Geographical Survey agency. She mentioned that the County would like to work with the City to place historical markers along the creek, once the full history is complete.

Mayor Dunn expressed concern for the bright lights at the Wastewater Treatment Plant at night. Commissioner Fast remarked that the buffers from lights were a concern with neighbors at the Mission treatment plant and that she would take her concern forward. Mayor Dunn complimented the co-responder program and hopes to expand it in Leawood.

Councilmember Filla mentioned that she has constituents with concerns about the pump station at State Line Road and how they would like it to be located on the Missouri side. She stated that she is encouraged with the 9-8-8 suicide hotline and the investigation of using solar energy. Councilmember Filla pointed out the use of solar panels on rooftops as an option and Commissioner Fast agreed.

Mayor Dunn thanked Commissioner Fast for her report and provided best wishes on the initiatives.

7. SPECIAL BUSINESS

Administer Oath of Office: Stephen Powell, City Clerk

Mayor Dunn administered the oath of office to swear in Mr. Powell with the appointment effective March 14, 2022.

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. 2022-10 and 2022-11
- B. Accept minutes of the February 21, 2022 Governing Body meeting
- C. Resolution accepting the 2021 Annual Report regarding the Park Impact Fee, pursuant to 12-409, of the Code of the City of Leawood, Kansas, 2000 (PC)

- D. Resolution accepting the 2021 Annual Report regarding the Public Art Impact Fee, pursuant to 12-409, of the Code of the City of Leawood, Kansas, 2000 (PC)
- E. Resolution accepting new GASB-34 Public Infrastructure in accordance with GASB-34 Guidelines for reporting inventory of assets for property located in the Hills of Leawood - 2nd Plat (PW)
- F. Resolution accepting new GASB-34 Public Infrastructure in accordance with GASB-34 Guidelines for reporting inventory of assets for property related to the 2020 CMP Project [Project #80256] (PW)
- G. Resolution accepting new GASB-34 Public Infrastructure in accordance with GASB-34 Guidelines for reporting inventory of assets for property located in the Ranch Mart development (PW)
- H. **Pulled by Councilmember Sipple.**
- I. **Pulled by Councilmember Larson.**
- J. Resolution approving and authorizing the Mayor to execute a Construction Agreement between the City and CONCO, Inc. in the amount of \$12,818,500.00 pertaining to the new Park Maintenance Building [Project #80173] (PR)
- K. Resolution approving and authorizing the Mayor to execute an Amendment to the Agreement between the City and Next to Nature Landscape, LLC in an amount not to exceed \$72,261.00 pertaining to maintenance of medians and the right-of-way (PR)
- L. Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City of Leawood and Force America Inc. d/b/a Varitech Industries, Inc. in the amount of \$93,924.74 pertaining to Brine Upgrade Installation (PW)
- M. Resolution approving and authorizing the Mayor to execute Change Order No. 1 to the Services Agreement between the City and Superior Bowen Asphalt Company, LLC in the amount of \$518,160.00 pertaining to mill & overlay of State Line Road - Phase III (103rd Street to Indian Creek bridges) [Project #72086] (PW)
- N. Resolution approving a Final Plan for changes to the façade of a tenant space at Ranch Mart North – Summersalt Ice Cream, located north of 95th Street and east of Mission Road (PC 19-22) (PC)
- O. Approve payment in the amount of \$17,237.76 to Intergraph Corporation for annual maintenance of computer aided dispatch software and mobile operating systems (PD)
- P. Approve purchase in the amount of \$62,292.00 from Innovative Foodservice Group d/b/a B&J Foodservice Equipment pertaining to replacement of kitchen equipment at The Lodge at Ironwoods Park (PR)
- Q. Approve purchase of one (1) air compressor for Parks Maintenance in the amount of \$23,841.63 from Central Power Systems & Services (PR)
- R. Approve purchase of traffic signal pole and mast arm from Lemac Company, Inc. in the amount of \$20,996.00 pertaining to the 2022 Pedestrian Signal Crossing (143rd Street west of Windsor) [Project #80402] (PW)
- S. Approve purchase of traffic signal cabinet from Traffic Control Corporation in the amount of \$12,975.00 for 2022 Pedestrian Signal Crossing (143rd Street west of Winsor) [Project #80402] (PW)
- T. Declaration of surplus equipment: color plotter printer (PD); Unit 165-2016 Blue Chevy Malibu; and Unit 166-2011 Black Ford Explorer (PW)
- U. **Pulled by Mayor Dunn.**
- V. Fire Department Monthly Report
- W. Municipal Court Monthly Report

A motion to approve the remainder of the consent agenda was made by Councilmember Rawlings and seconded by Councilmember Larson. Motion was approved unanimously with a vote of 7-0.

Discussion of Item 8H - Resolution approving and authorizing the Mayor to execute a letter agreement between the City and Mark Andrasik pertaining to consulting (CA)

Councilmember Sipple expressed concern with contracting with the City's former IT Director to review work that he may have had a part in putting in place. He recommended to the City Administrator that an independent consult be used to make recommendations to the Council if any discrepancies are found.

Mayor Dunn stated that Mr. Andrasik will be heavily involved in the City's budget that he knows intimately, and reminded the Council there is no budget coordinator at the moment. Mayor Dunn stated that representatives from Rubin & Brown (auditors for the City) are also very supportive of Mr. Andrasik.

Scott Lambers, City Administrator, stated that Mr. Andrasik brings extreme knowledge and professionalism to do the analysis. He noted that the City needs a person who is working for the best interest of the City in terms of determining if the systems need to be replaced or salvaged. Mr. Lambers stated that this is a short-term contract but that the work to be done is very much needed at this time.

Councilmember Harrison asked if this technology was included on the CIP (Capital Improvement Program) report. Mr. Lambers stated that prior to Councilmember Harrison arriving to the Council, the staff did an extensive overhaul and since then operating and upgrades have been done, but it is beyond that point now. He stated that starting in the 2024 CIP, system upgrades for the City would be included.

Mayor Dunn asked if some of the technology expenses in the budget will fall under individual departments. Mr. Lambers stated that it will be mainly under Information Services and too expensive to be an operational expense.

A motion to approve Item 8H was made by Councilmember Filla and seconded by Councilmember Azeltine. Motion was approved with a vote of 6-1. Councilmember Sipple voted nay for reasons stated.

Discussion of Item 8I - Resolution approving and authorizing the Mayor to execute a Construction Agreement between the City and Combes Construction, LLC in the amount of \$38,222.50 pertaining to the installation of Praise sculpture at Fire Station No. 3 [Project #79031] (PR)

Councilmember Larson stated that she spoke to the donor of the Praise sculpture, Ms. Bridget Lee, who mentioned that the City staff took great care with the removal of the piece of artwork. Ms. Lee told her that her yard was fully restored and that they were very pleased with the timeliness, efficiency and overall work that was done in the process.

Mayor Dunn stated that staff will prepare a ribbon cutting ceremony and that the Lees will be invited to attend.

Councilmember Harrison asked if the funding comes from the Art in Public Places fund. Councilmember Cain confirmed that it does.

A motion to approve Item 8I was made by Councilmember Larson and seconded by Councilmember Cain. Motion was approved unanimously with a vote of 7-0.

Discussion of Item 8U - Police Department Monthly Report

Mayor Dunn expressed gratitude for the detectives' work and initiative on capturing an auto burglar who stole multiple credit cards from vehicles and a scammer who cheated an elderly resident of nearly \$1 million dollars. Mayor Dunn stated that Leawood detectives are some of the best in the Metro and should be praised and congratulated. Chief Dale Finger appeared before the Council and agreed wholeheartedly.

Councilmember Cain asked how a resident could be cheated out of that amount of money and if she had any family to help. Chief Finger stated that he did not know the particulars of that case.

Councilmember Rawlings commended the detectives and asked if they are also recognized by any awards internally. Chief Finger replied that they do receive recognition from the department as well as from the Chiefs of Police statewide association, which offers awards for outstanding work.

A motion to approve Item 8U was made by Councilmember Cain and seconded by Councilmember Filla. Motion was approved unanimously with a vote of 7-0.

9. MAYOR'S REPORT

- A. Councilmembers Jim Rawlings and Chuck Sipple joined me at the Leawood Chamber's ribbon cutting for Cold Stone Creamery located in Town Center Crossing. Co-owned by husband and wife, Max and Julie Solomon, they both drew names to give away free ice cream for a year for two lucky winners. We wish them much success.
- B. I had the pleasure of participating on a Public Policy Panel at the KU Edwards Campus for people across the State of Kansas working on a certificate in public management. Leawood Detective Nick Rothwell is part of the program.
- C. I joined Leawood Foundation Chair Alice Hawk at the Leawood Rotary meeting where Rotary President Chuck Sipple presented us with a very generous donation in the amount of \$5,550.00 to support the Foundation's restroom initiative. We were thrilled and grateful and I want to thank other Rotarians, Councilmember Rawlings and Councilmember Harrison.
- D. I would like to recognize Police Chief Dale Finger, Capt. Brad Robbins, Fire Chief Colin Fitzgerald, Deputy Fire Chief Jarrett Hawley, and Division Chiefs Scott Gilmore and Justin Ducey for their participation with the Friendship Gathering at the invitation of Dr. Eyyup Esen. This is the 16th anniversary of the Dialogue and Service event. I appreciate their virtual attendance.
- E. Congratulations are in order for Police Capt. Kirt Yoder for his selection in the Kansas Chamber of Commerce's 2022 Leadership Kansas Class. Capt. Yoder was one of 40 chosen from over 600 applicants from across Kansas. We appreciate his willingness to participate.
- F. I would like to extend thanks to Parks, Recreation and Arts Director Chris Claxton and Cultural Arts Coordinator Holly York for their involvement with the Parade of Hearts initiative. We have three hearts in Leawood. One heart, called "Growing Together" by artist Trey Morgan, is located on our temporary public art site next to City Hall on the west side. Another heart is located at Rally House in Town Center Plaza, and a third one is located at the Price Chopper at Ranch Mart North at 95th and Mission. We were thrilled to receive three of them which will be on display for several months.

10. COUNCILMEMBERS' REPORT – None

11. CITY ADMINISTRATOR REPORT – None

12. STAFF REPORT – None

13. COMMITTEE RECOMMENDATIONS

[From the February 22, 2022 Planning Commission Meeting]

- A. Ordinance approving a Preliminary Plan and Final Plan for Town Center Plaza – Lot 12, (Restaurant), located south of 117th Street and east of Nall Avenue (PC 83-21) [Roll call vote]

Curt Petersen, 900 W. 48th Place, KCMO, representing the applicant Leawood TCP, LLC which is the entity that is owned by Washington Prime, owner of Town Center Plaza, addressed the Governing Body. Mr. Petersen gave a brief summary of the history and location of the proposed restaurant. He stated that in January 2022 they requested to the Planning Commission for additional time in order to have conversations with the owner and tenant of the Hereford House restaurant. Mr. Petersen stated that they were able to reach a private agreement that has been recorded against the properties that were discussed in detail at the Planning Commission last month. He stated that they have agreed not to oppose the application and that they received a unanimous recommendation from the Planning Commission.

Mr. Petersen presented an image of the original plan to the Council and the new plan. He pointed out that the proposed restaurant moved to the west. He stated that they were able to retain significant more parking spaces within the shopping center but the new site is covering up 3 different types of utilities and will cost half a million to relocate.

Mr. Petersen requested for Council approval of the preliminary and final plan and support of staff's Stipulations numbers 1-28 in particular with Stipulation 2C to modify. He stated that they have worked closely with the City's attorney regarding a future traffic signal at 117th St. and Town Center Dr.

Mayor Dunn thanked Mr. Petersen and his team for working diligently with Hereford House and that it is much appreciated. Mayor Dunn asked if City Attorney, Patty Bennett and Planning Director, Mark Klein are in approval of the language modification to Stipulation 2C. Ms. Bennett stated that in addition to David Ley, Public Works Director, they are in agreement.

Councilmember Rawlings expressed concern with vehicle speeds and pedestrians safety when crossing the parking lot and asked if painted crosswalks or signage could be added in that area. Mayor Dunn stated that there is a requirement for a pedestrian sidewalk. Mr. Klein replied that the requirement is related to the west side of the restaurant to 117th St. and is required in the Leawood Development Ordinance (LDO). He stated that Councilmember Rawlings is referring to the south side of Hereford House's parking spaces. Councilmember Rawlings stated that he meant a painted crosswalk on 117th St. south of Hereford House.

Mr. Klein showed a plan that was proposed that included a crosswalk from the south parking spaces across 117th St. that staff reviewed. He stated that the crosswalk would have to be ADA accessible with several ramps. He cautioned that using striping only would cause the loss of at least 4 parking spaces at Hereford House's prime area. Mr. Klein stated that the applicant indicated that they would provide the easements if Hereford House wanted to do make it happen.

Mr. Petersen confirmed that there were discussions regarding the crosswalk but that Hereford House did not move forward on it.

Councilmember Harrison asked if any traffic calming measures could be installed, such as speed bumps or speed tables. Mayor Dunn asked if colored pavement could be used without taking parking spaces away. Mr. Klein pointed out a section in the LDO referencing multiple, separated parking areas and that he and Travis Torrez, Neighborhood and Codes Enforcement Director, discussed the accessible

requirements. Mr. Klein stated that there is already accessible access by car to the building so no additional pedestrian route is required.

Councilmember Filla asked that Town Center Plaza owners consider doing a total site review of both north and south sides, and also suggested to consider a traffic calming table. Mr. Klein replied that there are several tables within Town Center Plaza and are typically along the pedestrian crosswalks. Mayor Dunn asked if adding speed tables would be something his client would be agreeable to. Mr. Petersen replied that they have not discussed it from a design perspective and it would be costs to the adjacent property owner that he could not speak to or know what the costs would be.

Councilmember Cain requested to know about the removal of Stipulations #22 and #23 in the Planning Commission meeting and if the Hereford House was agreeable to the private agreement.

Greg Musil, on behalf of Mr. Hird and the owners of the Hereford House, addressed the Governing Body. He confirmed that they did reach an agreement that is recorded at the County's Register of Deeds that they would not challenge the plan proposed by Washington Prime. He stated that the stipulations that were included in the original package were dealt with in the private agreement. He stated that they have no opposition to the plan as proposed.

Councilmember Cain asked if Mary Holland (owner of Hereford House) also agreed. Ms. Holland confirmed that she did agree not to oppose the plan. Councilmember Cain asked if the Planning Commission reviewed the private agreement. Mr. Musil stated that it was included in the meeting packet. Mr. Klein echoed that it is also included in tonight's Governing Body packet.

Mr. Musil thanked the Council for their thoughtful consideration of their concerns and giving the parties time to work out a resolution. He agreed that Mr. Petersen was correct that they had discussed a crosswalk and that they had proposed a painted crosswalk out of concern for pedestrians. Mr. Musil stated that the City code has more rigid requirements for crosswalks. He stated that they have talked about a speed table. Mayor Dunn asked the parties to consider that discussion and their willingness to cooperate. Mr. Musil clarified that the speed table would be completely on the shopping center side of the property.

Councilmember Rawlings asked if the Council will need to follow up on the speed table. Mr. Petersen stated that they will discuss it in a good-faith effort with Washington Prime, Hereford House and City staff. He stated that no one from Washington Prime was present for this meeting due to a last second conflict. He suggested that the Council not consider the crosswalk a requirement but a consideration to discuss.

Councilmember Azeltine stated that he is concerned with the traffic study since it was taken during the pandemic and it covered the entire Town Center Plaza area. He stated that he anticipates traffic and parking issues during the holidays in that area. He stated that he does not feel there has been enough mitigation and will oppose it.

Mr. Klein stated that indications in the traffic study were that capacity in that area was at approximately 35% and on Saturdays it was at 45%. He stated that the pandemic may have skewed data but throughout this process staff witnessed parking needs as what was reported in the traffic study.

Councilmember Harrison stated that she continues to have concerns. She stated that if both restaurants were owned by Washington Prime, it would not be allowed because of competing businesses. She also noted that it should have been platted as a pad site originally 20+ years ago to avoid the issue with the

utility lines. She does not feel this is the right location for this project and will continue to object the project.

Councilmember Sipple asked for more information regarding the construction times. Mr. Petersen replied that the stipulation that was struck referred to the construction staging area and has been handled by a private document. Mr. Klein confirmed that it was taken out due to the private agreement and indicated that the Planning Commission and staff requested two stipulations related to valet parking and the construction staging area remain.

Mr. Petersen acknowledged Councilmember Harrison's concern about land use. He stated that when businesses are clustered is it usually a benefit to all. She agreed with the concept but stated that similar businesses would not be allowed in the same area if managed by the same property owner.

Councilmember Filla requested that instruction to discuss with Washington Prime any traffic calming agreement to not lose any parking spaces. Mayor Dunn asked Ms. Bennett if a new stipulation could be added. Ms. Bennett suggested the language as, "Applicant will explore the use of speed tables or other traffic calming measures along 117th Street between the two restaurants to enhance pedestrian safety. Applicant shall advise the Planning Department of the discussion and/or decision." Mr. Petersen stated that is acceptable to the applicant. Mayor Dunn agreed.

Councilmember Cain indicated that Town Center Plaza would have had outparcels platted when originally planned. Mr. Petersen replied that the south side of Town Center Plaza looks remarkably different now that it did when first built. He stated that it is not unusual to re-evaluate business opportunities within over-parked lots. He agreed that the architect in the 1980s may not have envisioned what it is today, but it is normal for cutting edge centers to re-design and re-develop to stay fresh.

Councilmember Cain replied that pad sites that are already identified are what the Council is used to seeing, as at Town Center Crossing. She echoed the concerns stated by Councilmember Harrison.

Mayor Dunn recalled that the Washington Prime representative commented last fall that adding the restaurant would add synergy to the area. She stated that she is delighted that they have agreed to move the building to the west and acknowledged the differences of the north and south sides of Town Center Plaza. She stated that it will definitely add more people and excitement to the north side.

Councilmember Filla pointed out that there are two furniture/design stores next to each other on the south side of Town Center Plaza and acknowledged the logistics and hopes that other types of restaurants will be offered on the north side in the future.

Councilmember Larson stated that she had great reservation about the project prior to the meeting tonight. She respected that both parties have come to an agreement and agreed with livening the north side of Town Center Plaza. She stated that she supports the project and commends the parties for reaching an agreement.

A motion to approve Item 13A with additional language added was made by Councilmember Filla and seconded by Councilmember Larson. Motion was approved with a roll call vote of 5-3. Councilmembers Rawlings, Sipple, Filla, Larson and Mayor Dunn voted in favor. Councilmembers Harrison, Cain and Azeltine voted nay. Councilmember Osman was absent.

Mayor Dunn stated that she was surprised by some of the reservations from Councilmembers since the Planning Commission voted unanimously in favor of the project and she wished the applicant much success.

B. Resolution approving a Revised Final Plan for Market Square – Advanced Ambulatory Surgical Center, located north of 135th Street and east of Mission Road (PC 144-21)

John Dudek, HD Architecture, 15225 Broadmoor, Overland Park, KS, 66223, addressed that Governing Body via Zoom. He summarized that the project is an Ambulatory Surgical Center and the proposal is for a small, additional enclosure for an emergency generator. Mr. Dudek stated that they have worked with the Planning staff and Planning Commission to find a solution that is aesthetically pleasing to the existing architecture and to comply with the City's noise ordinance.

Councilmember Cain asked if the building is free-standing and is next to a new day care that is being built. Mr. Klein confirmed the location. She asked if the reason for the generator is that patients will start receiving care there that was not offered before. Mr. Klein replied that the applicant purchased the building and has desire to begin offering procedures that would require them to have an emergency generator. He confirmed that the applicant has worked with staff in order to place the large generator in an enclosure to meet the setback and noise requirements.

Mr. Dudek confirmed that the owner purchased the building for the purpose of creating the ambulatory center and that the emergency generator is a necessary requirement in order for the center to operate as intended.

Councilmember Cain asked about adequate parking. Mr. Klein stated that there is a cross parking agreement with Price Chopper next door and noted that the parking spaces increased in numbers because they were re-stripped due to being irregular. She asked when patients would start coming. Mr. Dudek replied that it would be mid-summer this year.

Councilmember Harrison asked if the emergency generator would only be turned on should the facility lose power. Mr. Dudek stated that is true and only for so long as a surgeon could finish a case and then cases would be cancelled for the remainder of the day. He stated that the CMS requires the generator to be tested as intervals, once a month for approximately 30 minutes.

A motion to approve Item 13B was made by Councilmember Larson and seconded by Councilmember Sipple. Motion was approved unanimously with a vote of 7-0.

C. Resolution approving a Final Plan and Final Plat for Macallister Place/Aventino, located south of 135th Street and east of Roe Avenue (PC 12-22)

John Petersen, Macallister Land Development Company, 11817 Norwood Dr., Leawood, KS addressed the Governing Body. He introduced Travis Schram as a partner with Grata Development. He stated that this is the final plan and final plat of the rezoning that was approved by the Governing Body. He noted that they have accepted all Stipulations 1-30 and asked for support of the Council.

Councilmember Cain asked if there were any changes to the list of builders. Mr. Petersen stated that builders like to know there is an approved project first and that his team has already started discussion with Public Works to expedite the process. He stated that if the Council approves a development agreement, they will spend \$3 million to clean up the situation. He expressed that they are very excited and anxious to get started on the public improvements.

Councilmember Cain stated that she would like to see many more single family homes in Leawood due to a dire need throughout Johnson County. Mr. Petersen acknowledged her concern.

Councilmember Sipple asked when the first owner could anticipate moving in. Mr. Petersen stated it would be late 2023 due to the slower market right now.

A motion to approve Item 13C was made by Councilmember Cain and seconded by Councilmember Larson. Motion was approved unanimously with a vote of 7-0.

14. OLD BUSINESS – None

15. NEW BUSINESS

- A. Resolution approving and authorizing the Mayor to execute a Development Agreement between the City of Leawood and Macallister Land Development Company, LLC, pertaining to a special benefit district for the Aventino Development (L)

Ms. Bennett stated that this agreement is similar to one the Council saw earlier but it is for \$3.8 million, covers more streets, and would be amortized over a course of 15 years with a level payment being assessed evenly on the lots in the development. She stated the details are included in the term sheet provided by the City's bond counsel.

Mr. Lambers spoke about the assessments on the individual lots. (*Audio recording not available 1:47 – 1:48 due to technical difficulty.*) Ms. Bennett summarized that it would be approximately \$430/month.

Ben Thompson, Gilmore and Bell, 2405 Grand, Suite 1100, Kansas City, MO, addressed the Governing Body. He stated that the calculation on the term sheet was completed by the City's financial advisor, Dave Arteberry. He explained that the \$3.85 million of the Special Benefit District (SBD) costs and the interest rate of the General Obligation (GO) bonds over 15 years with level payments to equal approximately \$430 a month.

Mayor Dunn stated that the exhibit provided in the meeting packet includes much more than the SBD, such as the HOA dues. Mr. Thompson agreed.

Councilmember Cain asked when it is collected. Mr. Thompson stated it will be on the tax rolls and will not happen until the Governing Body approves the district resolution. He stated that the City will go out for bids to do the work, and until the work is complete, the City will issue temporary notes until the work is complete.

Councilmember Harrison asked where it is communicated to the home buyer. Mr. Thompson stated that at the time of purchase of a home, it is included as a line item for special assessments. Ms. Bennett stated that it should be included in a buyer's title commitment.

Councilmember Sipple asked what the HOA dues are anticipated to be. Mr. Petersen replied that it would be \$350 a month. Mayor Dunn asked about the maintenance provided fee. Mr. Petersen clarified that the HOA dues are \$350/month and the maintenance provided fee is \$450/month. Mr. Peterson stated that on the cost side, they estimated the special assessments on the higher end of what the actuals may be.

Mr. Petersen emphasized that with the development agreement they have already signed and are ready to pay off the obligation of delinquent taxes, assessments and bonds. He confirmed trash pick-up is included in the maintenance fee.

A motion to approve Item 15A was made by Councilmember Rawlings and seconded by Councilmember Larson. Motion was approved unanimously with a vote of 7-0.

Mr. Petersen thanked staff and the Governing Body for their patience and continuing to work with them.

Mayor Dunn thanked Mr. Thompson and the Macallister Land Development team and wished them the best of luck on their project.

B. Schedule Governing Body meeting on Monday, April 4, 2022 at 7:00 p.m.

A motion to approve Item 15B was made by Councilmember Cain and seconded by Councilmember Filla.

Mr. Lambers commented that a big college basketball event is scheduled to take place that night and suggested moving the start time of the meeting earlier. Mayor Dunn stated that since there is no work session planned on April 4th, there would be the opportunity to move the time as early as 5:00 p.m.

After some discussion Mayor Dunn suggested changing the meeting start time to 6:00 p.m.

Motion to schedule the April 4, 2022 Governing Body meeting to 6:00 p.m. was approved unanimously with a vote of 7-0.

Meeting adjourned at 9:36 p.m.