

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

April 18, 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, April 18, 2022. Mayor Peggy Dunn presided.

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

**Councilmembers Present via Zoom:** Mary Larson

**Councilmembers Absent:** James Azeltine

<b>Staff Present:</b> Scott Lambers, City Administrator	Patty Bennett, City Attorney
Captain Troy Osborn, Police Dept.	Brian Scovill, City Engineer
Colin Fitzgerald, Deputy Fire Chief	Mark Klein, Planning Services Director
Chris Claxton, Parks & Rec Director	Travis Torrez, Bldg/Code Enforcement Dir.
Nic Sanders, HR Director	Ross Kurz, Info. Services Director
Stephen Powell, City Clerk	Stacie Stromberg, Assistant City Clerk
Mark Tepesch, Info. Services Specialist	Brad Robbins, Police Department
Holly York, Cultural Arts Coordinator	

The meeting was called to order at 7:32 p.m. by Mayor Peggy Dunn.

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

**A motion to approve the agenda was made by Councilmember Cain and seconded by Councilmember Harrison. The motion was approved unanimously by 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. He expressed concern about fiduciary governance for the citizens of Leawood. He summarized the recent case with his fiancée's dog and the City's ordinance, and stated that the Governing Body did not appear

to have read the updated ordinance. He stated that the Council allowed a conflict of matter to be handed back to the person with the conflict to resolve, and that the Council did not perform clear oversight. Mr. Brettell stated that he doubts that the Council is taking other matters seriously and is failing to do their fiduciary duties.

Mr. Brettell stated that the City will not be eligible for federal dollars under a stimulus plan if they do not follow diversity, equity and inclusion policies. He stated that the Leawood ordinance is still unconstitutional and should have been reviewed by outside counsel. He requested that an ordinance review item be added to a future agenda for public discussion.

**A motion to recommend adding a Work Session to discuss the ordinance topic was made by Councilmember Osman. The motion died for lack of a second.**

**5. PROCLAMATION**

National Therapy Animal Day

Mayor Dunn read portions of the proclamation into record. She stated that the proclamation will be mailed to the requestor.

**6. PRESENTATIONS/RECOGNITIONS – None**

**7. SPECIAL BUSINESS – None**

**8. CONSENT AGENDA**

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted upon in a single motion. If a Councilmember requests a separate discussion on an item, it can be removed from the consent agenda for further consideration.

- A. Accept Appropriation Ordinance Nos. 2022-14 and 2022-15
- B. Accept minutes of the March 21, 2022 Governing Body meeting
- C. **Pulled by Mayor Dunn**
- D. Resolution approving and authorizing the Mayor to execute a Permanent Sanitary Sewer Easement, granting said easement from the City to the Board of County Commissioners of Johnson County, Kansas, pertaining to the Fire Station No. 1 Project [#80158] (PW)
- E. Resolution approving and authorizing the Mayor to execute an Engineering Services Agreement between the City and Affinis Corp. in the amount of \$287,335.00 pertaining to the 2023 Residential Street Reconstruction Project [Project #80223] (PW)
- F. Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Habitat Architects, LLC in the amount of \$23,410.00 pertaining to Dykes Branch Channel clean up - south of the 86th Street bridge (PW)
- G. Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and The Slide Experts in the amount of \$27,775.00 pertaining to restoration of the water slide at the Aquatic Center (PR)
- H. Resolution approving and authorizing the Mayor to execute Change Order #1 to the Agreement between the City and Combes Construction in the amount of \$35,077.00 pertaining to the Leawood Aquatic Center [Project #70129] (PR)
- I. Resolution approving and authorizing the Mayor to execute Change Order #1 to the Agreement between the City and She Digs It, LLC in the amount of \$70,000.00 pertaining to the Ironwoods Pond Renovation Project [Project #80159] (PR)
- J. Approve 2nd and Final pay request to Capital Electric Line Builders, Inc. in the amount of \$500.00 pertaining to the 2021 Stateline Signal Repairs (PW)

- K. Police Department Monthly Report
- L. **Pulled by Mayor Dunn**
- M. Municipal Court Monthly Report

**A motion to approve the remainder of the consent agenda was made by Councilmember Osman and seconded by Councilmember Filla. The motion was approved unanimously by a vote of 7-0.**

Discussion of Item 8C - Accept minutes of the March 21, 2022 Work Session

Mayor Dunn stated there was a typo on page 3 that has been corrected in which the amount awarded was \$900,000.00 and not \$9 million.

**A motion to approve Item 8C as corrected was made by Councilmember Cain and seconded by Councilmember Sipple. The motion was approved unanimously by a vote of 7-0.**

Discussion of Item 8L - Fire Department Monthly Report

Mayor Dunn noted that Jeff Anderson of the Fire Department retired on March 14<sup>th</sup> after 24 years of dedicated service to the community. Mayor Dunn offered congratulations and her appreciation.

Mayor Dunn welcomed the City's new Master Firefighter and EMT, Nicholas Clark, who started on March 28<sup>th</sup>. Chief Fitzgerald stated that new staff members will be introduced to the Council at the next Governing Body meeting.

**A motion to approve Item 8L was made by Councilmember Filla and seconded by Councilmember Harrison. The motion was approved unanimously by a vote of 7-0.**

## **9. MAYOR'S REPORT**

- A. Our sincere sympathies to the family and friends of Emily Throckmorton, who passed away unexpectedly on March 31<sup>st</sup> at age 44. Emily was the daughter of Leawood residents and long-time Leawood volunteers Debby and Dan Throckmorton. We send our condolences during this difficult time.
- B. I attended the April Johnson and Wyandotte Counties Council of Mayors meeting hosted by De Soto Mayor Rick Walker. Lauren Palmer with the Mid-American Regional Council was one of the presenters and talked about the local support they provide to 119 cities and nine counties.
- C. Director of Parks, Recreation and Cultural Arts Chris Claxton organized a table for "SevenDays Make a Ripple, Change the World." This Kindness Kickoff Breakfast was new this year marking the 8<sup>th</sup> anniversary of the tragic murders that took place on April 13, 2014. I was joined by Councilmembers Julie Cain and Lisa Harrison and staff members Chris Claxton, Holly York, Nic Sanders and Stephen Powell.
- D. I attended a DARE graduation at Nativity School where Officer Tim Babalola has been instructing an excellent program. Due to Chief Finger being out of town, Captain Brad Robbins stood in for him. This was the first in-person DARE graduation since the start of the pandemic.
- E. Councilmember Chuck Sipple joined me at the Johnson County Public Policy luncheon where Leawood Senator Kellie Warren and Representatives Stephanie Clayton and Carl Turner served as panelists.

## **10. COUNCILMEMBERS' REPORT**

Councilmember Harrison – Leawood Economic Development Council Suggestions

Councilmember Harrison stated that she has attended several EDC (Economic Development Council) meetings over the 6-8 months and that the topic of alternative housing needs in Leawood continues to rise to the top. She offered a presentation outlining recent conversations with residents and how the City can help encourage housing options, especially along the 135<sup>th</sup> Street corridor.

Councilmember Harrison pointed out there are residents in Leawood who have the desire to downsize, while staying in Leawood, but have few or no alternatives available to them. She stated that the EDC has made the suggestions that the City could allow smaller lots and setbacks. She further suggested that the Council could direct staff to create plans to allow garden-style duplex or triplex homes. She presented several photo examples throughout the City of Leawood and in Kansas City, Missouri of smaller, patio-style homes. She acknowledged that the Council is in favor of home ownership for the good of Leawood.

Councilmember Harrison posed the questions of what the next steps could be to encourage this sort of development and what the timeline may be to make a change to the LDO (Leawood Development Ordinance.) She stated that Kevin Jeffries, president of the EDC, is present for questions.

Mayor Dunn thanked Councilmember Harrison for her presentation. She stated that housing needs in Leawood has been discussed for several years and pointed out that the Planning Commission had discussed this topic as recently as their last meeting.

Mark Klein, Director of Planning, stated that due to the recent plan for Cameron's Court, the Planning Commission began discussing different types of housing, as what is outlined in the 135<sup>th</sup> Street Community Plan. He stated that adjusting the LDO would give the most immediate impact and in what the developers have to adhere. Mr. Klein pointed out that the 135<sup>th</sup> Street Community Plan would remain as a guideline.

Mr. Klein stated that within the MXD (mixed-use development) zoning district, it makes other options possible, such as setbacks. He stated the staff is already encouraging developers to plan different housing types. He stated that staff is currently reviewing options and hope to take recommendations to the Planning Commission soon.

Scott Lambers, City Administrator, stated that the City should consider reviewing a zoning classification that is mixed-use but only residential – no office, commercial or restaurants. He stated that this option could set certain parameters in terms of reducing lots size and setbacks. He noted that if the Council wishes to have home ownership, then an applicant would need to present a plan that offers different price points, sizes and types.

Mayor Dunn pointed out that one of the neighborhood examples in Councilmember Harrison's presentation was a slab on grade, and that is not encouraged in the City of Leawood.

Councilmember Filla asked if the Council needs to make a motion to move it forward. Mr. Lambers recommended waiting to see what the Planning Commission decides to do first, since they are in the middle of discussing it now.

Councilmember Cain stated that the Planning Commission receives the minutes from the Governing Body meetings and is aware of the Council's direction. Mayor Dunn pointed out that anyone can view the approved minutes online of the Governing Body meetings.

Councilmember Harrison asked how communication to developers would take place if changes were to be made and suggested a press release to the Home Builders Association of Greater Kansas City. Mr.

Lambers replied that Mr. Jeffries at the Leawood Chamber of Commerce would be a major conduit for getting out the information. He also suggested that if there were any changes, they could be made available on the City's website, but that it needs to be clear that the separate zoning is residential mixed use only.

Travis Torrez, Director of Building and Code Enforcement, stated that he has contacts with the Kansas City Home Builders Association who could share the information with their members.

Mayor Dunn reminded the Council that the largest tract of single ownership undeveloped land along 135<sup>th</sup> Street is only 23 acres.

*[Clerk Note: A copy of Councilmember Harrison's presentation is attached as Exhibit A.]*

**11. CITY ADMINISTRATOR REPORT – None**

**12. STAFF REPORT – None**

**13. COMMITTEE RECOMMENDATIONS**

**[From the March 22, 2022 Planning Commission Meeting]**

Ordinance approving a preliminary plan and final plan for Bi-State/Centennial Park – International Aviation, located north of 141st Terrace and east of Kenneth Road (PC 110-21)  
[Roll Call Vote]

Jay Green, Anderson Engineering, 1701 Walnut St., Suite 300, Kansas City, Missouri, addressed the Governing Body via Zoom. He summarized information regarding the zoning of the building and site elevation. He stated the staff requested some changes the plan but that the stormwater and traffic study reports have been approved.

Councilmember Cain stated that it is a handsome looking building and will be a nice addition. She asked if the public will be coming to the building since there will only be 5 parking spaces added.

Edward Ysusi, MAR Building Solutions, 1445 SE Broadway, Lee's Summit, Missouri, addressed the Governing Body via Zoom. He explained that it will primarily be the building owners who be involved at the location with some occasional meetings.

Councilmember Sipple asked if the company is already doing business in the Metro area. Mr. Ysusi stated that the owners currently live in Leawood and work out of their home. He stated that they are looking for a place to store small aircraft parts and conduct business.

**A motion to approve Item 13 was made by Councilmember Osman and seconded by Councilmember Sipple. The motion was approved by a unanimous roll call vote of 7-0.**

**14. OLD BUSINESS – None**

**15. NEW BUSINESS**

Schedule Governing Body meeting on Monday, May 2 at 7:00 P.M.

**A motion to approve Item 15 was made by Councilmember Filla and seconded by Councilmember Rawlings. The motion was approved unanimously by a vote of 7-0.**

Councilmember Osman stated that the Council is invited to a dinner at the Barstow School for a fundraiser hosted by his daughter to help their sister-city school in Ukraine. He stated that he would assist to get Councilmembers wanting to attend the dinner back to City Hall in time for the 7:00 City Council meeting.

**ADJOURN**

The meeting was adjourned at 8:13 p.m.

**Exhibit A**