

Minutes

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, at 7:00 PM on Monday, May 2, 2022. Mayor Peggy Dunn presided.

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

**Staff Present:**

Scott Lambers, City Administrator	Patty Bennett, City Attorney
Dale Finger, Police Chief	Colin Fitzgerald, Fire Chief
David Ley, Public Works Director	Nic Sanders, HR Director
Mark Klein, Planning Services Dir.	Travis Torrez, Bldg/Code Enforcement Dir.
Chris Claxton, Parks & Rec Director	Ross Kurz, Info. Services Director
Stephen Powell, City Clerk	Stacie Stromberg, Assistant City Clerk
Mark Tepesch, Info. Services Specialist	

**Others Present:** Curt Petersen, Polsinelli PC; Travis Schram, Grata Development

**Others Present via Zoom:** Ben Thompson, Gilmore and Bell

The meeting was called to order at 7:02 p.m. by Mayor Peggy Dunn.

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

Mayor Dunn stated the agenda was modified to include two items added under Special Business, 7D and 7E.

**A motion to approve the agenda as amended was made by Councilmember Rawlings and seconded by Councilmember Harrison. Motion was approved unanimously by a vote of 8-0.**

**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.**

Kathy Kelley, 12800 Howe Dr., Leawood, Kansas, addressed the Governing Body. Ms. Kelley spoke in regards to the traffic calming measures for 132<sup>nd</sup> Street and High Dr. She explained that a petition drive

was begun in January this year and in February it was submitted to the City. She stated that she learned that the planning process would remain on hold until the developer had deposited a letter of credit following final plan approval. She stated that Public Works estimated the time frame would be 8-10 months. She stated her concern with speeding and the traffic score on 132<sup>nd</sup> Street. Ms. Kelley stated that residents are ready to start the traffic calming process with the City as soon as possible and asked for the City to reconsider the schedule.

Councilmember Osman asked if the final plan for Cameron's Court will be coming back for staff review. Mark Klein, Director of Planning, replied that the developers will come to staff but that they do not know when that will be. Councilmember Osman asked what the timeframe is for the traffic calming plans. Scott Lambers, City Administrator, stated that as soon as the money is deposited from the developer, the staff will schedule a Public Works Committee meeting. He noted that the money will not be deposited until the final plans are approved. Mr. Lambers stated that the neighbors have been told that is the process, and that the types of traffic calming devices will be discussed at the Public Works Committee meeting.

Mr. Lambers stated the City will purchase temporary traffic devices so that the residents are able to see their impact and decide if they still want to move forward for permanent installation. Mayor Dunn asked to clarify the question of the traffic score made by Ms. Kelley. Mr. Lambers replied that the scoring in this case does not matter since the City has already agreed to allow the calming device to be installed since the numbers were close enough and future development will cause to exceed it.

Councilmember Sipple indicated that the citizens are concerned about the traffic right now and are ready to pay for a traffic calming device. Mr. Lambers stated that they have not petitioned the City for a Special Benefit District (SBD). He noted that the neighbors are getting the benefit of a developer who is not adding to the problem they have today, but will pay for a traffic calming device. Mr. Lambers stated that neighbors need to be patient.

Councilmember Azeltine asked what the timetable is for the final plan. Mr. Lambers stated that the City cannot control when the developer submits his plans, but there would be 90 days after submittal for approval. Mayor Dunn replied that a developer is allowed 2 years between submitting their preliminary and final plans.

Patty Bennett, City Attorney, stated that zoning is set after it has been platted but that it does not happen until after the final plan is approved. Councilmember Azeltine asked if staff has heard anything from the developer about when he will submit plans. Mr. Lambers stated that they have not heard from him.

Councilmember Cain asked if the neighbors' petition would still be valid. Mr. Lambers stated that once the developer deposits the money, the City will install temporary devices for a test period.

Councilmember Filla asked about the timeline of when the test run of the traffic calming device will take place. She clarified that if the citizens are prepared to pay right now, they would need to apply for an SBD, understand the costs they would incur, and then the City could start the process. Mr. Lambers confirmed that would be his recommendation. Councilmember Filla asked what action the citizens need to do to let the City know they are ready to move forward to pay for it. David Ley, Public Works Director, stated that they would need to apply for a SBD, provide another petition with 75% of signatures stating that they understand it would be a SBD. He stated that the estimated cost would depend on which type of traffic calming device would be used. He noted that the developer is paying \$200,000 and suggested that would be a good price to start with.

Mr. Ley stated that two petitions are required – one is to start the process, and the other one is that they agree to pay for the device(s). He stated that Ms. Kelley told residents that the developer is going to pay for the devices and that they signed the petition thinking it would not cost them anything. Councilmember Filla reiterated that the total cost is spread out over 10 years and is divided by the number of residents along that road.

Mayor Dunn asked if the police department can do anything about the speeding along this route. Chief Finger replied that they have responded to residents who have contacted them and other departments. He explained that the department utilizes a traffic complaint area and that this route is in one of those areas. He stated that they have officers assigned there on a regular basis. He stated that they also set up the speed trailer there from time to time.

Councilmember Harrison stated that this is her neighborhood and recalled seeing the speed trailer in this area. She stated that she believes there has been misinformation, especially on social media, about who would pay for the devices and the timeline. She asked what types of calming devices would or would not be available. Mr. Lambers stated that is what the Public Works Committee would discuss for a recommendation.

Mayor Dunn stated that she does not believe the residents have indicated they wish to pay for traffic calming devices.

Chuck Laue, 3101 W. 142<sup>nd</sup> St., Leawood, Kansas, addressed the Governing Body. He stated that he is the Chairman on the Board at the Great Plains SPCA for the last 10 years. He stated that he is in opposition of the pit bull ban and asked the City to reconsider that ban going forward. Mr. Laue stated that they do support regulations that address dangerous dogs but regulating a dog because of its breed does not make sense unless the dog has shown to be dangerous. He stated that the ban does not accomplish the objectives, and that it hurts law-abiding citizens who love and care about their dogs.

He stated that many municipalities have repealed their bans over the years and adopted breed-neutral laws. He pointed out that taking a family's dog away, who has done nothing wrong, usually are ultimately condemned to death. He stated when dogs are taken away, it causes the shelters to fill up and puts the burden on other cities to take up the slack to help get them adopted elsewhere.

Mr. Laue stated that he is also on the Board of the Humane Society of the United States (HSUS) and has been for 10 years. He stated that the experts with the Humane Society would say that no one breed is likely to bite more than any other breed. He stated that dog bites are small in number and that they are from a range of breeds. He stated that the HSUS has policies and programs to help municipalities adopt different rules and regulations to address dangerous dogs. He stated those who oppose breed bans are the American Bar Association, the American Kennel Club, the American Veterinary Association, the Centers for Disease Control, State Farm Insurance, and many others.

He summarized that dogs should be judged on their behavior and not on their looks. He respectively asked that the Council consider reviewing the ban.

**A motion to schedule a future work session to discuss the City's dangerous dog policy was made by Councilmember Osman and seconded by Councilmember Filla. Motion failed by a roll-call vote of 3-5. Councilmembers Osman, Filla and Larson voted in favor. Councilmembers Harrison, Cain, Rawlings, Azeltine and Sipple voted nay.**

Charles Bob Brettell, 9221 Wenonga, Leawood, Kansas, addressed the Governing Body. He stated that he agreed with everything Mr. Laue stated. He summarized that a study conducted by the Broad Institute of MIT and Harvard indicated that breed does not predict behavior. He stated that there is no national organization in the United States of any credibility that supports the ban.

## 5. PROCLAMATION

National Public Works Week – May 15-21, 2022

Mayor Dunn read the proclamation into record. Mr. Ley was present to accept.

National Bike to Work Week – May 16-20, 2022

Mayor Dunn read the proclamation into record. She thanked Chris Claxton, Director of Parks and Rec and Brian Anderson, Superintendent of Parks and Rec, for their promotion of biking and walking. Mayor Dunn also thanked Karry Rood in the Police Department for her organization of the Bike to Work Week. Ms. Claxton thanked the Bike/Walk Committee and her appreciation of Ms. Rood's work.

Kids to Parks Day – May 21, 2022

Mayor Dunn read the proclamation into record. Ms. Claxton was present to accept.

## 6. PRESENTATIONS/RECOGNITIONS

Introduction of new Firefighters and Intern  
*Master Firefighter I / Paramedic Ethan Gilkey*  
*Firefighter III / Paramedic Andrew Watts*  
*Master Firefighter I / EMT Nicholas Clark*  
*Tom Souverbie –Intern from University of Bordeaux*

Fire Chief Colin Fitzgerald introduced the new firefighters, Ethan Gilkey and Andrew Watts, with their bios. He stated FF/EMT Nicholas Clark could not be in attendance tonight. Chief Fitzgerald also introduced the fire intern, Tom Souverbie. He stated that he will be doing a research project on decontaminated PPE. Mr. Souverbie thanked the City and stated that he appreciated the opportunity.

Councilmember Cain asked if the department has a full staff. Chief Fitzgerald stated that there is one position open for an inspector, but all fire fighter positions are filled.

Mayor Dunn thanked the men and commented on their impressive credentials.

2021 AAA Kansas Traffic Safety Award  
*Presented by Robert Hamilton, KDOT*

Chief Finger stated that the award is shared between several departments and that it is a cooperative effort with Parks and Rec, Public Works and the Police Department. Bob Hamilton, Kansas Department of Transportation, addressed the Governing Body. He stated he is a retired Johnson County law enforcement officer and now works as a liaison for KDOT. He stated that their department will ask certain agencies to apply for the award with AAA Insurance.

Mr. Hamilton stated that they had 35 agencies across the state that are receiving awards, and Leawood is accepting the highest platinum award once again. He thanked the Mayor and Council for supporting the Police Department.

Mr. Hamilton presented Chief Finger the Platinum AAA Kansas Traffic Safety Award. Mayor Dunn thanked Mr. Hamilton and congratulated Chief Finger and thanked him for sharing the award with the other departments.

## 7. SPECIAL BUSINESS

- A. Resolution accepting proposed assessments for Tax Year 2022 for Improvements within the Park Place Development; and authorizing and directing the City Clerk to give notice thereof to the owners of properties within the District by publishing notice thereof and providing written notice to owners of property of such proposed assessments [Project # 83196] (CC)

Stephen Powell, City Clerk, stated that this is the annual calculation on the special assessments for the Park Place Transportation District. He stated that it was originally bonded in 2011 for 15 years and will end in 2026. Mr. Powell explained that this is an annual process that the City completes every year.

**A motion to approve Item 7A was made by Councilmember Azeltine and seconded by Councilmember Sipple. Motion was approved unanimously by a vote of 8-0.**

- B. Resolution determining the advisability of the making of certain internal improvements in the City of Leawood, Kansas; making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings [Aventino Development] (LE)

Ms. Bennett stated that Ben Thompson, Gilmore and Bell, and Curt Petersen, Polsinelli PC, were available for questions. She stated that this is a Special Benefit District petition that was contemplated for the Aventino Development agreement in the amount of \$3.8M. She stated that the developers have posted the required Letter of Credit today, they have paid the past due assessments, and the defeasance of the bonds will take place in 15 days, once approved.

Mr. Petersen stood for questions.

Ben Thompson appeared via Zoom. He stated the approval of the resolution is part of the process to create the SBD.

Mayor Dunn stated that the staff memo indicated that \$1,578,772.55 has been paid for the past due SBD assessments. Mr. Petersen confirmed. Ms. Bennett also confirmed that all past due ad valorem taxes have been paid.

Councilmember Sipple asked if a purchaser of one of the properties would be able to integrate the financial obligation into a mortgage or if the assessment needed to be paid annually. Travis Schram, Grata Development, replied that it is generally applied to a mortgage escrow and will be paid annual, or the homeowner could defease it as a whole.

Councilmember Azeltine stated that he is still not sure if this development is the best and highest use of the property, but that he has been looking forward to this moment for many, many years. He stated he is glad there is a quality developer who will produce a development of which the City will be proud to have.

Councilmember Cain echoed that she met the design team who showed a lot of enthusiasm, quality and experience.

**A motion to approve Item 7B was made by Councilmember Rawlings and seconded by Councilmember Cain. Motion was approved unanimously by a vote of 8-0.**

- C. Resolution authorizing the Mayor to execute such documents as are necessary to provide for an escrow for the prepayment of certain bonds pursuant to the Aventino Development Agreement (LE)

**A motion to approve Item 7C was made by Councilmember Azeltine and seconded by Councilmember Larson. Motion was approved unanimously by a vote of 8-0.**

- D. Resolution approving and authorizing the Mayor to execute an Agreement between the City and the Board of County Commissioners of Johnson County, KS pertaining to the Aquatic Center fiber connection

Ms. Bennett stated this resolution allows the City to run conduit through the County's wastewater property and into their server room where the City can hook up a fiber connection.

Councilmember Sipple asked if it will be accomplished by May 15<sup>th</sup> when the pool opens. Ms. Bennett stated that she is unsure but that the City's contractor did install conduit up to the County's conduit and that the Board of County Commissioners will review the agreement later this week.

Ross Kurz, Information Services Director, replied that the connection is needed, but that the City has a backup in case it is not completed in time for the pool opening.

Councilmember Filla asked for further explanation to connect with Overland Park. Mr. Kurz stated that the City can have one fiber go into the wastewater treatment plant and a second fiber that will run down Lee Blvd. and turn up Mission Rd. to connect into Overland Park's fiber directly. He stated that this is a benefit so that the City does not lose power.

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

- E. Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement with Willoughby, Inc. for an amount not to exceed \$7,500.00 pertaining to the City's branding and the 75<sup>th</sup> Anniversary (PR)

Councilmember Harrison asked what the top goals are with the contract. Mayor Dunn stated that a new tag line and logo were part of the Council goals approximately 3 years ago. She stated that the Leawood Foundation and Ms. Claxton suggested that the City's 75<sup>th</sup> anniversary in 2023 would be a good time to roll it out.

Ms. Claxton stated that O'Neill Events and Marketing helped the anniversary task force put an RFQ together to vet the process. She stated that this resolution is the first step.

Councilmember Cain asked if the Council will have any input. Mayor Dunn stated there will be a work session with the Council.

Councilmember Osman expressed concern over the scope and cost of the entire strategic plan. Mayor Dunn stated that there will be the ability to do any type of augmentation. Councilmember Osman noted that the short and long-term plans need to be carefully reviewed.

Councilmember Azeltine mentioned the scope of work included in the packet. He surmised that the team will drill down from those items and keep the Council up-to-date. Ms. Claxton confirmed and stated that their primary focus is the 75<sup>th</sup> anniversary, but that they could do more in the future, as the Mayor mentioned. She stated that it could be a bigger project, if the Council agreed to that, but Ms. Claxton stated that the task force will know more after attending the workshop with the Willoughby team.

Councilmember Sipple asked when the Council will see the first set of deliverables. Ms. Claxton replied that she is unsure at this time but estimated August or September this year. Mayor Dunn agreed that it may be some time in the fall but mentioned that the task force has not yet met as a group. She stated that there should be meeting notes that the Council will receive to stay apprised. Ms. Claxton stated that the workshop will be a good opportunity to share what has been covered with the Council.

**A motion to approve Item 7E was made by Councilmember Osman and seconded by Councilmember Azeltine. Motion was approved unanimously by a vote of 8-0.**

#### F. Private Pool House Discussion (PL)

Travis Torrez, Building and Codes Enforcement Director, appeared before the Governing Body. Mayor Dunn thanked him and Mark Klein, Director of Planning, for submitting a list of proposed changes in the meeting packet. Mr. Torrez stated that he listed what could be impacted by these detached structures.

He stated that there have been several applications for outdoor pavilions and outdoor entertainment areas, without the storage element. He stated that he believes a lot of residents will request detached outdoor pavilions, if the City removes the restroom requirement. He mentioned that it would be less of a burden on staff if the criteria was firm for administrative approval, although he would expect some projects may need to go to the Board of Zoning Appeal (BZA) or a Special Use Permit (SUP.) He stated that the code already outlines an appeal process that pertains to outdoor sports courts, outdoor kitchens, outdoor fireplaces and generators.

Mr. Klein stated that the current Leawood Development Ordinance (LDO) defines a pool cabana as a shelter located near a swimming pool used as a bathhouse accessory to the pool. He pointed out the zoning, minimum lot sizes and setbacks allowed. He noted that the bathroom requirement is not listed in the ordinance but is considered a requirement.

Mr. Klein offered a list of proposed changes from a bath house, pool house, and cabana only in conjunction with swimming pools versus a pool cabana only in conjunction with a swimming pool only when the certain minimum requirements are met. He pointed out the proposed maximum size of the cabanas within certain zoning and lot sizes. Mr. Klein noted the information he included on this list of comparisons is offered in the meeting packet and how the criteria and process is handled for each one.

Mayor Dunn asked if this would include RP-4 zoning. Mr. Klein stated the current ordinance does indicate it would, but agreed that section needs modified. She asked to clarify about the 400 sq. ft. or less limit listed on the packet material. Mr. Klein confirmed that it would be whatever is the least, meaning the 400 sq. ft. would be the maximum.

Councilmember Cain inquired about the entrance to the structure. Mr. Klein stated that currently the ordinance does not state that the entrance must face the pool but that the structure must abut the pool or pool deck. He stated that based on the Council discussion in February, staff felt the entrance of the pool house should abut the deck of the pool in order for the structure to be considered a pool cabana and not

a shed. She asked about detached outdoor entertainment/pavilion applications. Mr. Torrez stated that a homeowner could have one now if it has a bathroom or it is attached to the primary structure (house) and be compliant with all the setbacks and current regulations. He stated that a covered gazebo is not considered a pavilion and that a gazebo is only allowed to be a total of 64 sq. ft.

Councilmember Harrison expressed concern about the structures on side yards. Mr. Klein stated that the current ordinance does allow structures on side yards depending on the shape of the yard and property, but agreed that it should be reviewed. She stated that a pool house with a bathroom and plumbing is different than an outdoor pavilion or gazebo, but she suggested that those be discussed further. Mr. Torrez stated that if the bathroom requirement is removed from the pool house ordinance, then he expects to see many more outdoor entertainment and pavilion applications submitted.

Mayor Dunn reminded the Council that if they approve removing the bathroom requirement in a pool house, then all the minimum limitations listed by Mr. Klein would be proposed.

Councilmember Cain asked about the side entry garage and side yards. Mr. Klein stated that it could be allowed if it meets the setback requirements.

Councilmember Osman asked how the square footage is calculated in an outdoor living space. Mr. Klein replied that typically the roof area to the walls are used as the measurement.

Councilmember Filla asked which proposal staff recommends. Mr. Klein echoed Mr. Torrez in that if the requirements are well defined the fastest and easiest for staff is the administrative process, and if a project did not meet the standards, it would go to the Board of Zoning Appeals. He stated that if it goes through a Special Use Permit, it would be a minimum of 8 weeks, go through public hearings, Interact meetings, and in front of the Planning Commission and Council. Mr. Torrez stated that staff is comfortable working with applicants, as they do now, if the criteria is well defined.

Mayor Dunn asked if an applicant wanted something outside of the requirements, would they be allowed to appeal to the BZA. Ms. Bennett replied that they could request to do so, but there are five very strict factors they would have to meet.

Councilmember Azeltine stated that he would like to have the process done administratively as much as possible. Mayor Dunn recalled Councilmember Azeltine requesting a high bar be set with the requirements and she believes the recommendations by staff are proposed as such.

Councilmember Larson inquired about the 3-car garage requirement on the proposed draft. Mr. Klein stated that requirement has been removed.

Councilmember Cain asked if the process is done administratively, would there be an architectural review committee as part of the process. Mr. Torrez stated that it is stated in bold on the permit application and in CitizenServe that an applicant must get their HOA approval, and that approval by the City does not give HOA approval. He stated that the City will notify the HOA if they have requested a project is over a 10% addition. Ms. Bennett stated that the City does not get involved in the decision of an HOA but gives them notification to take whatever action is necessary on their part.

Councilmember Osman asked about the cases that are on hold due to the City's moratorium. Mr. Torrez stated that they will be notified of any new regulations so they may have the opportunity to review and revise applications, if necessary.



Councilmember Azeltine suggested if an applicant is required to sign an acknowledgement they have fulfilled requirements of their HOA, they should also be notified that the more restrictive of the requirements between the City and HOA will be adhered.

Mayor Dunn asked what the next step is for approval. Mr. Klein stated that staff would prepare the modifications to the Planning Commission then to the Council, or the Council could request to see the modifications before the Planning Commission. Councilmember Sipple asked if the Planning Commission has already seen the proposal. Mr. Klein responded that they have not because the Council asked to see them first. Councilmember Sipple stated that he would like the Planning Commission to weigh in on them. Councilmember Cain asked that the Planning Commission get the minutes of the meetings when they are reviewing the proposal.

Ms. Bennett stated that if the Council wished to direct staff to the Planning Commission, a motion would be needed.

**A motion to refer the changes as discussed to the Planning Commission was made by Councilmember Azeltine and seconded by Councilmember Filla. Motion was approved unanimously by a vote of 8-0.**

## **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. 2022-16 and 2022-17
- B. Accept minutes of the January 6, 2022 Historic Commission meeting
- C. Accept minutes of the February 9, 2022 Public Works Committee meeting
- D. Accept minutes of the February 10, 2022 Parks & Recreation Advisory Board meeting
- E. Accept minutes of the March 17, 2022 75th Anniversary Art Selection Panel
- F. Accept minutes of the April 4, 2022 Governing Body meeting
- G. Accept minutes of the April 18, 2022 Governing Body Work Session
- H. Accept minutes of the April 18, 2022 Governing Body meeting
- I. Approve 2022 Governing Body Goals & Objectives
- J. Resolution accepting new GASB-34 Public Infrastructure in accordance with GASB-34 guidelines of reporting inventory of assets for property located in and adjacent to the Ranch Mart North Development [Street Lighting]
- K. Resolution accepting new GASB-34 Public Infrastructure in accordance with GASB-34 guidelines of reporting inventory of assets for property related to the Cloisters Stormwater Project [Project #77021]
- L. Resolution approving a revised final plan for Ranch Mart North – NBKC Bank Patio Furniture, located north of 95th Street and east of Mission Road (PC 38-22)
- M. Resolution approving and authorizing the Mayor to execute a Services Agreement between the City and Combes Construction, LLC in the amount of \$24,175.00 for the remodel of the Fire Station No. 3 Kitchen (FD)
- N. Resolution approving and authorizing the Mayor to execute an Agreement between the City and the Kansas Department of Transportation [KDOT] pertaining to the construction of the Tomahawk Creek Parkway Roundabout Project [Project #80179] (PW)
- O. Resolution approving and authorizing the Mayor to execute an Agreement between the City and J.M. Fahey Construction Company in the amount of \$1,387,336.95 pertaining to the widening of Lee Blvd (83rd to Somerset Drive) [Project #72087] (PW)

- P. Resolution approving and authorizing the Mayor to execute Change Order No. 1 to the Agreement between the City and Structures Projects, Inc., in the amount of \$200,000.00 pertaining to the Fire Station No. 1 Project [Project #80158] (PW)
- Q. Approve quarterly payment to the Johnson County Sheriff's Office in the amount of \$15,375.00 pertaining to prisoner boarding (PD)
- R. Approve purchase of Heavy Duty Tire Changer from Liftnow in the amount of \$16,577.14 (PW)
- S. Approve 2nd and Final pay to City of Prairie Village in the amount of \$45,991.32 pertaining to the Cloisters Stormwater Project [Project #77021]

**A motion to approve the consent agenda was made by Councilmember Azeltine and seconded by Councilmember Filla. Motion was approved unanimously by a vote of 8-0.**

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

- A. We offer our sincere sympathies to the family and friends of Leawood resident Dr. Cecil Hammonds, Jr., who passed away on April 26, 2022, at age 86. Cecil was a long-time volunteer on our Board of Zoning Appeals. His brother, Tom Hammonds, has been a volunteer on our I-Lan Sister City Committee for many years.
- B. I learned yesterday that Leawood resident and Leawood Lions Club member Rick Waldenmeyer has also passed away. Rick's wife, Mary Ann Waldenmeyer, is an active board member of the Leawood Foundation. Our heartfelt sympathies to Mary Ann and her family. Please join me in a moment of silence.
- C. There were two ribbon cuttings during the past two weeks. I was joined at the first one by Councilmembers Jim Rawlings and Chuck Sipple at the new Plate Restaurant in Park Place. Councilmember Sipple also joined me for the second ribbon cutting for the grand re-opening and expansion of the Homestead of Leawood, now titled the Homestead Estates of Leawood, located at 127<sup>th</sup> and State Line Road. We wish both of these businesses much success.
- D. Dr. Eyyup Esen of the Dialogue Institute of Southwest invited me and my husband to attend an Iftar, or fast-breaking dinner, during this Holy Month of Ramadan. These dinners were hosted by Turkish Muslim families in their homes. Police Chief Dale Finger and his Command Staff also attended a dinner at a separate home.
- E. Councilmember Sipple joined Scott Lambers and me at the 28<sup>th</sup> Annual MOCSA (Metropolitan Organization to Counter Sexual Assault) luncheon. Police Chief Finger and his Command Staff and leadership team members were the hosts of the table.
- F. The Kansas Law Enforcement Ride for the Fallen is going to be on May 5<sup>th</sup>. It will begin at the Leawood Police Department as the starting location. There will be 35 local, state, and federal law enforcement officers bicycling over 80 miles to the Kansas Law Enforcement Memorial in Topeka to honor our fallen heroes. This is the 3<sup>rd</sup> year this event has taken place. They ride rain or shine.
- G. I would like to offer congratulations and appreciation to Izzie Osman, Barstow sophomore, for organizing a fundraiser for Barstow's sister school in Ukraine. Attending with me were her father, Councilmember Andrew Osman, and Councilmember Lisa Harrison. I was very impressed with her leadership. Thanks to Izzie and congratulations from all of us.

## **10. COUNCILMEMBERS' REPORT**

Councilmember Cain - Referral of 93rd Street and Lee Blvd pedestrian crossing request to the May 4, 2022 Public Works Committee

Councilmember Cain initiated a referral that will take place later this week at the Public Works Committee meeting. She stated that items in the packet include vehicle and pedestrian counts, a full engineering crossing study that was already completed, and a series of email correspondence.

Mayor Dunn asked if the person involved in this request will be attending the meeting. Councilmember Cain stated that she was unsure.

Councilmember Harrison asked what some of the options were for pedestrian crossings. Mr. Ley replied that because of ADA compliance, crossings cannot be only stripes but sidewalk ramps and modifications to the roadside ditch to install storm sewers must be done. He estimated between \$30,000 and \$50,000 as the cost. Councilmember Harrison asked about a signal light. Mr. Ley stated it would not be needed at this time. He did confirm that the property owner and her son who requested the crossing will be present at the Public Works Committee meeting.

**A motion to refer Item 10 to the Public Works Committee was made by Councilmember Cain and seconded by Councilmember Filla. Motion was approved unanimously by a vote of 8-0.**

## **11. CITY ADMINISTRATOR REPORT – None**

## **12. STAFF REPORT**

Chris Claxton, Director of Parks, Recreation and Arts – Report on Projects in Progress

Ms. Claxton offered a handout as a report on the many projects in progress. She stated that the Aquatic Center site work and all the utilities have been installed and the concrete work has been successful. She stated that the parking lot restoration is starting but the rainy weather had been an issue. She reported that there are new pumps and the sand is in, they plan to fill the pool early next week for testing, and the exterior doors and windows are in. She stated that the priority is having the pool house ready for use for the restrooms, computers and communication systems. Ms. Claxton stated that they are still planning for a May 20<sup>th</sup> opening, but they do have a plan if there is a week delay. She mentioned that some of the seasonal staff will not be out of school until May 25<sup>th</sup> but that training is continuing to go on.

Ms. Claxton reported that the pond has been filling up due to recent rain and that the silt has all been removed. She stated that it was approximately 8,100 cubic yards and was much more than anticipated. She stated that the silt has been stockpiled and is drying out. They have had no complaints with odor.

She stated that the bridge abutments are being poured so the new bridge is not ready to set yet. Ms. Claxton stated that the low water crossing in the park has been taken care of.

She stated that the bridge has been set on the trail along Tomahawk Creek Parkway. They are still anticipating the September completion date.

Ms. Claxton reported that at the Parks Maintenance building the soil has been brought in from the Fire Station project. She stated that they are working with the contractor to build a screen. She stated that earthwork is planned to begin on May 18<sup>th</sup>.

Ms. Claxton stated that MegaKC is doing the trail work as part of the Tomahawk Trail extension and that the installation of *Skywriting 1* will be in September. The footings at Fire Station No. 3 for the installation of *Praise* had to be pushed back due to weather. The pool art will be finalized soon and the artist is on schedule to finish on time. Ms. Claxton stated that there will be dedication for some projects and that she will notify the Council as soon as they are scheduled.

Mayor Dunn stated that the Aquatic Center parking site looks as though it is still in extensive need of work. Ms. Claxton clarified that there will be a concrete pour soon, but the area to the east is covered by mud and debris. Mayor Dunn asked about the area under the sloped roofs. Ms. Claxton stated that those are not glass but are panels made to diffuse light.

Councilmember Osman asked if a staff report can be given in the next month on the same projects in addition to Fire Station No. 1.

Mr. Ley replied that at the Fire Station the footings will be poured in the next couple of weeks and the building should be shelled in by approximately August. He stated that due to the rain and old foundation removal it caused a delay, but no extension has been issued. He confirmed to Councilmember Osman that they are still on track for November.

### **13. COMMITTEE RECOMMENDATIONS**

#### **From the April 6, 2022 Public Works Committee**

Consider the recommendation for construction of a roundabout at Town Center Drive and Tomahawk Creek Parkway [Project #80179]

Mr. Ley gave a brief review of what had been discussed at the Public Work Committee meeting. He stated that the consultant gave two options for the intersection. The first option (as shown in his presentation) is a roundabout. The other option was a signalized intersection.

On the roundabout option the sidewalk crossing that leads to the trail will run next to the new art piece and designed away from the intersection. There would be a separate pedestrian signal. The signalized option would require the median be narrowed. The pedestrian crossing would be located at the intersection because the queue for the southbound traffic would be too long.

Mr. Ley stated that the Public Works Committee recommended the roundabout option due to less delay in traffic and greater safety.

Councilmember Sipple asked if the Committee had any estimate in the construction costs of both options. Mr. Ley stated that the engineer provided costs that are approximately within \$30,000 of each other, just under \$1.2M. Mayor Dunn noted that the City has received some federal money for the roundabout option. Mr. Ley confirmed that the City has \$3.76M and if they wanted to do a different intersection, they must go back to the MARC to discuss changes.

Councilmember Harrison expressed concern for bicycle traffic. Mr. Ley stated that the designed speed in the roundabout circle is 25 mph, so at that speed the engineers recommended the bike lanes would be eliminated as they merge into traffic. He stated that the bike lanes are not carried through at the intersection of College Blvd. or 119<sup>th</sup> St. Mr. Ley stated that it is standard for these intersections, since they are not wide enough. Councilmember Harrison stated that 2-lane roundabouts are not common for Americans, so she worried about cyclists' safety.

Mayor Dunn stated that roundabouts are good traffic calming devices.

Councilmember Cain stated that the Public Works Committee meeting was a great learning experience and after much discussion and questions, they concluded that the roundabout is the safest option.

Councilmember Filla stated that she liked the pedestrian crossing away from the intersection.

Councilmember Osman pointed out that this intersection would be a good opportunity to place an art piece or fountain in the middle. Mayor Dunn agreed.

**A motion to approve the recommendation of Item 13 was made by Councilmember Rawlings and seconded by Councilmember Filla. Motion was approved unanimously by a vote of 8-0.**

**14. OLD BUSINESS – None**

**15. NEW BUSINESS**

- A. Ordinance amending § 4-210 of the Code of the City of Leawood, 2000, entitled “International Building Code; Section 105.5. Expiration,” regarding expired building permits (C)

Mr. Torrez stated that this is a clean up to the code. He stated that their department has been successful in court in getting property owners to take care of their properties, but the Legal Department has asked that the code be more explicit.

Councilmember Sipple asked if this is in compliance with other cities’ codes. Mr. Torrez stated that it is meant to be consistent with the language in that section of the code, but that Leawood is very similar to other cities. Mr. Torrez gave a brief explanation of their permit process. He stated that the City wants to take care of public nuisances for its citizens. He stated most problems are resolved before citations are issued or court is involved.

Mayor Dunn stated her appreciation for Mr. Torrez and the staff’s work.

**A motion to approve Item 15A was made by Councilmember Azeltine and seconded by Councilmember Larson. Motion was approved unanimously by a roll-call vote of 8-0.**

- B. Schedule Governing Body Work Session on Monday, June 6, 2022 at 6:00 PM (75<sup>th</sup> Anniversary Art Piece)

Mayor Dunn asked if one or more art pieces will be presented at the work session. Councilmember Harrison, liaison to the selection committee, stated that she was unsure. Ms. Claxton replied that there will be a recommendation for one piece for a specific location, but that they will show the other two.

Councilmember Cain stated that she thought the pieces would be prioritized and brought before the Council. Ms. Claxton mentioned that they used a rubric for all the pieces, not just the top 3, and that they considered the criteria in the RFP.

Mayor Dunn noted the discussion in the minutes from the committee meeting regarding the 26 votes to get it down to the top 3. Ms. Claxton explained that the selection committee will present their recommendation to APPI (Arts in Public Places) then to the Leawood Arts Council then the Governing Body, according to the policy. If approved it would then go to the Planning Commission, then to the Governing Body for final approval and contract agreement.

Councilmember Cain expressed her surprise that what was recommended is already published in the local newspaper. Ms. Claxton stated that the Post watched the public meeting of the selection committee and that her staff followed up later with the reporter to clarify the selection was not final.

Councilmember Harrison stated that the policy may need to be revisited, although they were following it. Mayor Dunn stated that there is a section of the policy that states there “may be” a Governing Body work session, which is why one is scheduled.

Councilmember Azeltine stated that he and Ms. Claxton spent a significant amount of time rewriting the art acquisition procedures a few years ago and he expressed confidence that the committee is following them. He stated that ranking was not part of the procedure, but the Council will see the matrix, input and discussion of the other pieces. Nothing in the procedure requires that all the pieces be ranked for consideration.

Councilmember Cain stated that it was discussed by the Council because it was a piece for the 75<sup>th</sup> anniversary. Ms. Claxton stated that a copy of the policy will be included in the work session packet.

**A motion to approve Item 15B was made by Councilmember Filla and seconded by Councilmember Larson. Motion was approved unanimously by a vote of 8-0.**

C. Schedule Governing Body meeting on Monday, June 6, 2022 at 7:30 P.M.

**A motion to approve Item 15C was made by Councilmember Filla and seconded by Councilmember Harrison. Motion was approved unanimously by a vote of 8-0.**

Meeting was adjourned at 9:34 p.m.