

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, June 6, 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:

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

Others Present: Marlene Nagel; David Arteberry; Aaron Witt

Others Present via Zoom: Ben Thompson; Scott Keller

The meeting was called to order at 7:30 p.m. by Mayor Peggy Dunn.

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

Mayor Dunn added to Item 16C under New Business to also schedule a second Finance and Budget Committee meeting on Tuesday, June 28, 2022 at 6:00 p.m., if needed.

A motion to approve the agenda as modified was made by Councilmember Harrison and seconded by Councilmember Sipple. The motion was approved unanimously by a vote of 8-0.

4. EXECUTIVE SESSION

- A. Recess into executive session to discuss matters pertaining to non-elected personnel, pursuant to the non-elected personnel matter exception, K.S.A. 75-4319(b)(1) and for consultation with the City Attorney which would be deemed privileged in the attorney-client relationship, pursuant to the attorney-client exception, K.S.A. 75-4319(b)(2)

A motion to approve Item 4 to recess into Executive Session for 20 minutes was made by Councilmember Rawlings and seconded by Councilmember Filla. The motion was approved unanimously by a vote of 8-0.

The Governing Body reconvened into Regular Session at 7:55 p.m.

A motion to approve and authorize the Mayor to sign an agreement in a form approved by the City Attorney with Patrick Geschwind to serve as Interim City Administrator for the City of Leawood, commencing on June 13, 2022 was made by Councilmember Filla and seconded by Councilmember Azeltine. The motion was approved unanimously by a vote of 8-0.

Mayor Dunn gave a brief background of Mr. Geschwind's experience with Southwestern Bell, as a consultant, and interim city administrator. He was interim CEO of VisitKC and has had stints in marketing, sales, customer service, operator services and human resources. She stated that he served as president of the Human Resource Management Association of Kansas City and presided over the UMKC Bloch School of Business and Public Administration Alumni Groups Board of Directors.

Mayor Dunn stated that Mr. Geschwind's role will be to serve as a bridge for a very high-performing City and outstanding staff until a permanent City Administrator is in place.

Councilmember Azeltine reassured staff that Mr. Geschwind will be a custodian and that the Council is very satisfied with how the City operates because of the staff. He stated that this has been made clear to Mr. Geschwind.

B. Consider appointing an Acting/Interim City Administrator

A motion to approve the appointment of City Attorney, Patty Bennett, as Acting/Interim City Administrator effective immediately until June 13, 2022 was made by Councilmember Filla and seconded by Councilmember Larson. The motion was approved unanimously by a vote of 8-0.

Mayor Dunn thanked Ms. Bennett for her willingness to serve.

5. 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.**

Eileen Boster, 2911 W. 92nd Place, Leawood, KS, addressed the Governing Body. She requested a working group to reexamine the pit bull ban.

6. PROCLAMATION

Mayor Dunn read the proclamation into the record.

MARC 50 – Forward Day

Marlene Nagel was present to accept. She has served for 48 years and felt great privilege to work with the City of Leawood.

Mayor Dunn expressed appreciation for the partnership.

Councilmember Cain shared experiences with recycling materials and the value MARC brought.

7. PRESENTATIONS/RECOGNITIONS - None

8. SPECIAL BUSINESS

A. Financial Advisor introduction and discussion for upcoming Temporary Note Sale scheduled for August 1, 2022 (FI)

David Arterbury addressed the Governing Body and shared the City's borrowing plans for the summer, including proposed changes. He pointed out that the City issues temporary notes every summer for projects under construction. When the projects are complete, the City issues long-term obligation bonds for the improvements. The sale of the notes is scheduled for August 1, 2022, before which he will return for authorization. He spoke about potential changes, including a change from \$47.79 million in notes for projects that are not completed, so the temporary note is the only amount that will be rolled over. The other change has to do with the new projects. In addition to the rollover, the City has identified \$37 million of new projects and additional funding needs for existing projects, resulting in a temporary note of \$84.8 million. Market conditions have caused concern for the size of the note. The proposal is to issue notes for the projects in process and provide additional funding that is immediately needed, returning later in the year with another note to provide additional funding for the new projects and what the existing projects need.

Mayor Dunn asked for confirmation that no action will be required in the current meeting. Mr. Arterbury replied that additional funding will be needed for the projects in process, so the current approval may be for over \$50 million but will not reach the full \$80 million. Mayor Dunn felt the approach was prudent.

Councilmember Sipple pointed out that interest rates have been increasing and asked what the approximate interest rate would currently be. Mr. Arterbury replied that it could be 1.5-2%. Councilmember Azeltine agreed that the proposal to stagger the notes is a good one. Councilmember Filla asked for clarification about the time frame for the second round of temporary notes. Mr. Arterbury anticipated the end of 2022 or the beginning of 2023.

Mayor Dunn expressed appreciation for the plan.

B. Resolution approving and authorizing the Mayor to execute an Agreement between the City and the Johnson County Board of County Commissioners pertaining to construction of three pump stations for Johnson County Wastewater (LE)

Patty Bennett addressed the Governing Body and stated that the process is similar to when the larger wastewater treatment facility was being built. The County does not believe it falls in their zoning ordinances; the City believes it does. The compromise is an agreement in which the County holds the interact meetings, but it is not under the ordinance; it is under the agreement.

Councilmember Rawlings asked about construction location. He understood that pipes would go up State Line Road.

Aaron Witt, Chief Engineer, Johnson County Wastewater, addressed the Council. He expressed condolences to the City for Mr. Lambers. Councilmember Rawlings asked if a construction

company would be hired and would be retained throughout the projects. Mr. Witt replied that the project will go through 2025, and the contract includes damages for delayed completion.

Councilmember Osman expressed appreciation for the work over the last four years. When the process began 6-7 years ago, Johnson County worked with Leawood staff with a great deal of compromise between them regarding aesthetics, location, and electrical. In Ward One, he has heard a significant concern from residents along State Line Road about the stations, including height, location, and cost. He hoped for the concerns to be addressed for the residents. Mr. Witt replied that he hopes to find an option that will answer the residents' questions. Mayor Dunn added that the original meetings with the residents led to many modifications.

Councilmember Sipple asked for a general idea of the proposed locations. Mr. Witt responded that they are proposed at 89th and State Line Road, 103rd and State Line, and College and State Line. They are lift stations, and the purpose is to intercept flows that currently go to Kansas City, MO. The project is projected to save \$100 million over the next 20 years. Councilmember Sipple pointed out the projects are all proposed in low areas. Mr. Witt stated that the pumps would take the water to their facility. Councilmember Azeltine shared concerns already expressed, but he also appreciated the work to address the terms in the Leawood Development Ordinance.

A motion to approve Item 8B was made by Councilmember Filla, seconded by Councilmember Sipple. The motion was approved unanimously with a vote of 8-0.

- C. Ordinance levying special assessments on certain property to pay the costs of improvements in the City of Leawood, Kansas, as previously authorized by Resolution No. 5772 (Aventino Development Company, LLC Project) of the City; and providing for the collection of such special assessments (LE)

Patty Bennett stated that this is the next step of the process. Mr. Ben Thompson of Gilmore Bell is on Zoom to answer questions.

Ben Thompson, Gilmore and Bell, 2405 Grand Blvd, Suite 1100, Kansas City, MO, 64108, gave a summary of the process. The next step is to approve an ordinance levying the special assessments. The property owner provided a waiver of the Public Hearing and Right to Protest. This is the pre-construction assessment ordinance.

A motion to approve Item 8C was made by Councilmember Azeltine, seconded by Councilmember Cain. The motion was approved unanimously with a roll-call vote of 8-0.

9. CONSENT AGENDA

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

- A. Accept Appropriation Ordinance Nos. 2022-17A through 2022- 22
- B. Accept minutes of the May 2, 2022 Governing Body meeting
- C. Accept minutes of the August 9, 2021 Art in Public Places Initiative meeting

- D. Accept minutes of the February 24, 2022 Ironhorse Advisory Board meeting
- E. Accept minutes of the March 14, 2022 Leawood Arts Council meeting
- F. Accept minutes from the April 6, 2022 Public Works Committee meeting
- G. Accept minutes of the April 14, 2022 Park Board meeting.
- H. Approve appointment of Loretta Morgan as Acting Finance Director and Acting City Treasurer effective May 31, 2022 (LE)
- I. Approve renewal of Cereal Malt Beverage (CMB) License for Price Chopper #500, located at 13351 Mission Road (CC)
- J. Resolution approving the 2023 Human Service Fund recommendation from United Community Services of Johnson County (UCS) and the City of Leawood's participation in the amount of \$18,000.00 pending availability of the funds (CC)
- K. **Pulled by Councilmember Larson.**
- L. **Pulled by Councilmember Cain.**
- M. Resolution approving and authorizing the Mayor to execute a Professional Services Agreement between the City and Terracon Consultants, Inc. in the amount of \$61,930.00 pertaining to special testing for the Park Maintenance building [Project #80173] (PR)
- N. Resolution approving and authorizing the Mayor to execute an extended Service Agreement with extended warranty in the amount of \$12,703.00 between the City and Smiths Detection, Inc. pertaining to the Smiths Detection X-ray machine for the Court Security Screening Station (PD)
- O. **Pulled by Councilmember Cain.**
- P. Resolution approving and authorizing the Mayor to execute Change Order No. 1 to the Agreement between the City and The Slide Experts in the amount of \$4,700.00 pertaining to slide renovations at the Aquatic Center (PW)
- Q. Resolution approving and authorizing the Mayor to execute Change Order No. 1 to the Agreement between the City and J.M. Fahey Construction Company decreasing the amount of the Agreement by \$199,521.00 pertaining to the widening of Lee Blvd (83rd to Somerset Dr.) [Project #72087] (PW)
- R. Resolution approving and authorizing the Mayor to execute Amendment No. 1 to the Agreement between the City and Burns and McDonnell Engineering, Inc. in the amount of \$165,538.80 pertaining to the Mission Rd - 133rd St to 143rd St project [Project #80175] (PW)
- S. Resolution approving and authorizing the Mayor to execute Amendment No. 1 to the Agreement between the City and Olsson, Inc. in the amount of \$2,000.00 pertaining to the 2022 Pedestrian Signal Crossing – 143rd St West of Windsor [Project #80402] (PW)
- T. **Pulled by Councilmember Harrison.**
- U. Resolution approving and authorizing the Mayor to execute a Cooperative Agreement between the City and MARC in an amount not to exceed \$109,300.00 pertaining to Operation Green Light System Enhancements (PW)
- V. Resolution approving and authorizing the Mayor to execute an Agreement between the City and J.M. Fahey Construction Company in the amount of \$1,372,308.35 pertaining to the 2022 Residential Mill & Overlay project [Project #70032] (PW)

- W. Resolution approving and authorizing the Mayor to execute a Reimbursement Agreement for Relocation of Gas Distribution Facilities between the City and Kansas Gas Service, a division of ONE Gas, Inc. [“KGS”] in the amount of \$282,809.39 pertaining to the Mission Rd – 133rd St to 143rd St project [Project #80175] (PW)
- X. Resolution approving and authorizing the Mayor to execute a Service Agreement between the City and Superior Electrical Construction, Inc. in the amount of \$20,680.00 pertaining to the shop fan installation (PW)
- Y. Resolution approving and authorizing the Mayor to execute a Right-of-Way Maintenance Agreement between the City and Aventino Development Company, LLC, pertaining to the Aventino Development (LE)
- Z. **Pulled by Councilmember Sipple.**
- AA. **Pulled by Councilmember Larson**
- BB. Approve purchase of 2,500 tons of salt in the amount of \$134,825.00 from Central Salt, LLC (PW)
- CC. Approve purchase of functional accessories in the amount of \$191,028.00 from Henke Manufacturing Corp. for single axle dump chassis (PW)
- DD. Declaration of surplus property Parks & Recreation and Ironhorse (PR)

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

Discussion of Item 9K: Resolution approving the 2023 Alcohol Tax Fund recommendation from United Community Services of Johnson County (UCS) and the City of Leawood’s participation in the amount of \$300,000.00 pending availability of the funds (CC)

Councilmember Larson asked about the process of arriving at the \$300,000 contribution and asked how the availability would be determined. Mayor Dunn replied that the amount had been reduced the prior year. Ms. Bennett stated that 2023 had not been budgeted yet; when the budget is set, if there is not enough money, it would not be allotted. Councilmember Larson asked if the City felt comfortable with the \$300,000 amount. Ms. Bennett affirmed the amount.

A motion to approve Item 9K was made by Councilmember Larson, seconded by Councilmember Filla.

Mayor Dunn stated that the donation had typically been 1/3 of the alcohol tax. She felt that the proposal was a realistic number.

The motion was approved with a unanimous vote of 8-0.

Discussion of Item 9L: Resolution approving and authorizing the Mayor to execute a Services Agreement between the City and Greenflush Technologies, LLC in the amount of \$344,158.00 pertaining to the manufacture and delivery of a modular restroom to be located at the North Lake (PR)

Councilmember Cain noted that the City had previously committed \$100,000 to the project. The estimated cost was \$344,000. The Leawood Foundation is raising funds, but she understood that they have yet to raise \$250,000. She asked when the funds would be needed and if there is a contingency plan for payment. Chris Claxton did not know exactly but believed it was somewhere around \$225,000. They are aware that the price has increased. They will continue with fundraising, despite challenges with

getting the contract moving. Construction of the building will begin when the contract is executed. Alice Hawk is the chairperson of the foundation, and she understands money needs to be raised. This is their active project. Mayor Dunn stated that the foundation is committed to spending the money (and currently has it) if needed. The foundation seldom receives fundraising dollars that are restricted. Councilmember Cain expressed appreciation for the foundation's efforts.

A motion to approve Item 9L was made by Councilmember Cain, seconded by Councilmember Filla.

Mayor Dunn wished the foundation the best.

The motion was approved with a unanimous vote of 8-0.

Discussion of Item 9O: Resolution approving and authorizing the Mayor to execute a School Resource Officer Agreement between the City and Blue Valley Unified School District No. 229 pertaining to the assignment of School Resource Officers (PD)

Councilmember Cain referred to the school shooting in Texas and wondered if Leawood is utilizing the School Resource Officers in the most effective way. Police Chief Finger replied that training is coming up to address a similar occurrence. He feels that one SRO at Prairie Star and one at Mission Trail is appropriate, given that previous incidences have all been minor. Councilmember Cain pointed out that it leaves holes. She also stated that the door in the school in Texas didn't lock. She asked if those types of things were being addressed. Chief Finger replied that the officers would help but that the responsibility lies with the schools.

A motion to approve Item 9O was made by Councilmember Cain, seconded by Councilmember Filla.

Mayor Dunn expressed that she has experienced good security when she has visited the schools. Councilmember Osman asked if the district would lose a resource officer in the new year. Chief Finger responded that one would be retiring but that one is appointed to take his place. Councilmember Cain asked about the parochial schools and if they had resource officers. Chief Finger responded that the parochial schools have D.A.R.E. programs but no resource officer. Chief Finger stated that resource officers are assigned to more than one school in Leawood. Councilmember Cain asked if staff would be available if the parochial schools wanted to hire one. Chief Finger replied that there is not enough current staff for that.

The motion was approved unanimously with a vote of 8-0.

Discussion of Item 9T: Resolution approving and authorizing the Mayor to execute a Utility Agreement between the City and Evergy Metro, Inc. in the amount of \$1,856,728.96 pertaining to the improvement of Mission Road - 133rd St to 143rd St [Project #80175] (PW)

Councilmember Harrison expressed excitement about the project. She asked about the utilities being buried from 133rd to 143rd rather than 127th to 143rd. Mr. Ley replied that there are separate agreements for the project, including one for 127th to 133rd.

A motion to approve item 9T was made by Councilmember Harrison, seconded by Councilmember Filla. The motion was approved unanimously with a vote of 8-0.

Discussion of Item 9Z: Approve an expenditure in the amount of \$1,511.18 for LED Lighting Reimbursement to Siena of Leawood Homes Association (PW)

Councilmember Sipple is an active member of the board that will receive the check, so he will recuse himself from voting.

A motion to approve Item 9Z was made by Councilmember Cain, seconded by Councilmember Azeltine. Motion approved with a unanimous vote of 7-0, including a recusal from Councilmember Sipple for reasons stated.

Discussion of Item 9AA: Approve an expenditure in the amount of \$17,213.21 for LED Lighting Reimbursement to Hallbrook Farms Single Family Residence Community Association (PW)

Councilmember Larson is an active member of the group receiving the funds, so she will recuse herself from voting.

A motion to approve Item 9AA was made by Councilmember Azeltine, seconded by Councilmember Harrison.

Councilmember Filla appreciated the partnership between the parties involved. Councilmember Harrison agreed.

The motion was approved unanimously with a vote of 7-0, including a recusal from Councilmember Larson for reasons stated.

10. MAYOR'S REPORT

- A. I would like to extend our deepest sympathies to Mary Ann, Clarissa and Jennifer Lambers and their entire family on the loss of husband and father, Scott Lambers, who passed away on May 31st at age 66. I also share condolences with his entire Leawood family as he was our City Administrator for the past nearly 21 years. During his tenure, Leawood experienced historic growth and development that has been recognized as deliberative and high-quality. He leaves an extraordinary legacy for all who live, work and visit our community. As our journey continues, we will miss his keen insights and thoughtful advice, but we will make sure we remember much that he taught us. Please join me in a moment of silence.
- B. I participated on a panel of Mayors for Johnson County Leadership Programs held at the Greater Kansas City Chamber of Commerce Board Room in Union Station. Other participants included Kansas City, Missouri Mayor Lucas, Overland Park Mayor Skoog and Unified Government/Kansas City, Kansas Mayor Garner. The topic was Regionalism and Leawood resident John Holt of FOX4 facilitated.
- C. Councilmembers Andrew Osman, Mary Larson and Chuck Sipple joined me at the ribbon cutting ceremony for the Johnson County Wastewater Treatment Plant. On June 15th there will be a tour of the facility for anyone available.
- D. There were two D.A.R.E. graduations during the past month where I was joined by Chief Finger and Captain Robbins. The first was at St. Michael's where Officer Christina Farquhar is serving, and the second was at Curé of Ars where Officer Phil Goff serves. My thanks to these officers for providing such great instruction to our students.
- E. There were also two Johnson and Wyandotte Counties Council of Mayors meetings since we last met. The May meeting was hosted by Mission Woods Mayor Darrell Franklin where Mayor Lucas was also in attendance to discuss regional issues. The June meeting

was hosted by Bonner Springs Mayor Jeff Harrington, and it was a joint meeting with our Johnson and Wyandotte Counties Legislators. The topics included their views on accomplishments and disappointments of the recent session.

- F. The City of Leawood was pleased to once again host the National Day of Prayer event on May 5th. It was well attended and scheduled to be outside by our flagpole; however, it was relocated to indoors due to inclement weather.
- G. The recently appointed Director General of Taipei Economic and Cultural Office in Denver, Bill Huang, and his Deputy Leanne Kao made a trip to Leawood to meet and host me, I-Lan Sister City Committee Chair Bette Monson and members of her committee to a delightful luncheon at Blue Koi in Leawood. I-Lan Sister City Councilmember Liaison Chuck Sipple was also in attendance.

11. COUNCILMEMBER REPORTS

- A. Councilmember Cain – Referral to develop a Crosswalk Policy to the Public Works Committee meeting on June 8, 2022.

Councilmember Cain stated that, on May 4th, the Public Works Committee reviewed a request for a crosswalk at Lee Boulevard and 93rd Street. The outcome was the development of a Pedestrian Crossing Treatment Installation Policy and Guideline that is not currently in existence. She referred the need for development of a policy at the Public Works Committee meeting on June 8, 2022. Mayor Dunn asked if most residents who requested it understand the creation of the policy. Councilmember Cain affirmed that they do.

A motion to approve Item 11A was made by Councilmember Cain, seconded by Councilmember Azeltine. Motion passed with a unanimous vote of 8-0.

- B. Councilmember Filla – Request staff review of Sports Court Ordinance

Councilmember Larson affirmed that the criteria for Sports Tennis Courts and the letters received by concerned neighbors are in the packets. She confirmed that Travis Torrez did have a permit issued for the sports court, but asked if it was approved with lighting. He said that it had not and explained that the process is to apply for the sports court through the Planning Commission first. If approved, they would issue a building permit to track construction. In this case, they were approved for the planning permit and building permit and have followed through on everything in the process. Councilmember Larson expressed concern about the noise into the late-night hours, especially because this was approved as a tennis court. Pickleball is being played instead, and is distinctively louder. She recommended that staff review what is allowed on the court. Mr. Torrez advised that they can certainly address those concerns and let them know that a different type of permit and approval would be needed if they are using lights out there.

Mark Klein, Planning Services Director, commented that if the sports court has lighting, they would need approval of a Special Use Permit, which would have to go through the Planning Commission and Governing Body.

Councilmember Larson expressed doubts that a Special Use Permit would be approved.

Mayor Dunn mentioned the desire for surrounding neighborhood notice and input and asked if it could be reviewed by Building and Code Enforcement.

Travis Torrez, Building and Code Enforcement, advised that his department doesn't do individual neighborhood contacts, but they do communicate with the Homeowners Associations (HOAs). If there are any revisions necessary to the Sports Court Ordinance, it would be up to the Planning Commission and City Council to review.

Councilmember Harrison asked about the Noise Ordinance, and Mark Klein explained that no more than 60 decibels at the property line on a continual basis is acceptable. He also mentioned the hours of the ordinance being from 7a.m. to 9p.m.

Councilmember Filla asked that the City Council specifically preclude pickleball and look at best possible process, including notices to neighbors.

A motion to approve Item 11B was made by Councilmember Filla, seconded by Councilmember Harrison.

Mayor Dunn asked about a timeline for this review to be done. Mr. Klein commented that it would likely be completed within the next two months.

Councilmember Cain added that she hopes that the words "preclude" and "pickleball" would not go together in the City of Leawood. However, she understands the need for some constraints on lighting and time. Mayor Dunn agreed.

Councilmember Larson questioned the recommended recourse for noise complaints. Chief Finger said that the police respond to noise complaints. Mr. Klein recalled that the City of Leawood used to require all Sports Court proposals to go through a rigorous process for Special Use Permits and how contentious things got. He asked for clarification on what the council would like. Mayor Dunn proposed finding a middle ground.

Motion passed with a unanimous vote of 8-0.

12. CITY ADMINISTRATOR'S REPORT - None

13. STAFF REPORTS

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

Ms. Claxton advised that they received their TCO for the pool and mentioned what the pool's hours are. Concessions are not up and running yet, but will be very soon. People are still allowed to bring in their own food and coolers. The event space is expected to be completed in thirty days. There is work going on for the bike hub.

Mayor Dunn congratulated Ms. Claxton on the hiring of all the lifeguards.

Councilmember Rawlings asked if the staff is being penalized or if there is a retention bonus being paid since there was a two-week delay in the facility opening. Ms. Claxton stated that there has been work for them to do and they are on the payroll.

Councilmember Rawlings asked about the artwork installation and Ms. Claxton pointed him to the last page in the packet that she provided.

Ms. Claxton confirmed that pond and trail improvements were nearly complete and that the new bridge should be finished within the next three weeks, but that the low bridge could be replaced for use in the meantime. They are working on stocking the pond.

Councilmember Filla asked about the issue of the chlorine leak and if the water district was going to pay for the lost fish. Ms. Claxton said it is under discussion and financial contribution was requested.

Ms. Claxton talked about the west-to-east construction of the trail extension from the culvert to the pedestrian bridge. The project has stayed on schedule and looks to be completed in September. Work should start next week on the Terracon project with a June 23rd occupancy. No change on the Sky Writing art piece. Praise, the piece going in at Fire Station 3, is underway and installation should be complete by the end of this week or next. The dedication is on the 23rd at 11:30 and the artists will be there. She reminded the Councilmembers of a dinner that was being provided the day before as well. She assured Councilmember Rawlings that the pool art pieces are complete but that they will be completing the event space before they are installed.

Ms. Claxton discussed the 75th anniversary Brand Strategy meetings and said that they had great input. After the meeting minutes are received, they will do their brand identity development approach, deliverables, timeline, and budget. She will update City Council with their progress at the September 6th meeting.

Councilmember Larson congratulated Ms. Claxton on getting the pool open thanked her for all of her effort.

B. David Ley, Director of Public Works – Report on Projects in Progress

Mr. Ley reported that the portion of Lee Boulevard that is currently closed will remain so until October. Once the water line is completed, they will widen the roadway to add bike lanes. They are still looking to do an intersection improvement at Somerset Drive and Lee Boulevard and The State of Kansas has hired a traffic engineer to review it. He is hopeful that they will have answers in the next couple of months. Mr. Ley discussed the project happening on Mission Road between 85th and 92nd Streets. Evergy is helping with that project because of power lines. Mission Road will be down to one lane in both directions for several months.

Mayor Dunn asked if there was an opportunity for directing placement of the utility boxes to the most inobtrusive locations. Mr. Ley confirmed that they are working with Evergy on that, and on obtaining permits from residents.

Councilmember Sipple inquired as to whether the Mission Road project would affect the traffic situation at Curé of Ars school. Mr. Ley said there should be no negative impact.

Mr. Ley discussed the project on Mission Road that is taking place between 95th and 103rd, as well as in front of Ranch Mart. It should be completed within the next month.

Mr. Ley talked about the project on Mission Road from 127th to 133rd. Every is going to be relocating their lines underground, so this project will be rebid on later this year to begin early next year.

Mr. Ley reported that the construction on Mission Road from 133rd to 143rd will likely be bid on in September, with construction to start later this year.

Mr. Ley commented on the project involving the pedestrian crossing on 143rd Street in front of Prairie Star Elementary. They are going to be doing a HAWK system and it is due to be completed by August.

C. Colin Fitzgerald, Fire Chief – Report on Fire Station Projects

Mr. Fitzgerald reported that the contractors are logged at two months of weather delays currently. Due to seepage issues from the sides of the pit, the contractors want to do more drainage studies, so the project is at a standstill. They hope to start back up on the 20th with construction on the elevator pits.

Mayor Dunn asked about sump pump plans for the project.

Mr. Fitzgerald confirmed that they have two sump pumps for the project. Things were originally planned to be completed by November, but it is looking like it may be February of 2023 at this point.

14. COMMITTEE RECOMMENDATIONS

From the April 26, 2022 Planning Commission Meeting:

- A. Resolution approving a final plan for Leawood City Park – Leawood Bike-Walk HUB Signage, located south of I-435 and east of Lee Boulevard (PC 41-22)

Mark Klein, Planning Services Director, addressed the Governing Body. He gave a brief summary of the application’s purpose for two signs on the walls that flank the HUB. The letters will be ten inches tall, two inches thick, and halo-illuminated with a white light. One sign will say “walk” and the other will say “bike”. The Planning Commission unanimously recommended approval.

A motion to approve Item 14A was made by Councilmember Sipple and seconded by Councilmember Larson. The motion was approved unanimously by a vote of 8-0.

- B. Resolution approving a revised final plan for Park Place – Plate (Restaurant) – located north of 117th Street and east of Nall Avenue (PC 37-22)

Scott Keller addressed the Governing Body via Zoom regarding this resolution and advised that he was present for any questions.

Mark Klein, Planning Services Director, addressed the Governing Body regarding the application. He discussed that the existing stone out there was originally approved to be unpainted, but an inspector noticed that some of it had been painted and some awnings had been removed. Staff recommended denial and to have the stone returned to its natural state, but the Planning Commission removed the stipulation with regard to removing the paint and replacing the awnings.

Mayor Dunn asked about the stipulation of potted landscaping remaining in place and Mr. Klein confirmed that the Planning Commission did leave that stipulation in as part of the approved plan.

Councilmember Osman asked Mr. Klein if this was just an oversight on the part of the contractor, staff, or tenants. Mr. Klein advised that the applicants stated there was some miscommunication between all

of the entities that put the project together. Councilmember Osman recommended that staff look at penalties for changes to plans that require reapplication.

Mr. Keller discussed how the changes came about and shed some light on the miscommunication and oversight.

Travis Torrez, Director of Building and Code Enforcement, addressed the Governing Body and clarified that the plan that was submitted for Governing Body approval matched. There were a lot of comments and revisions in the process. At the end, they asked for a complete set of plans that would include any revisions that took place so that a permit could be issued. That is where they sent the change, unclouded, and it was slipped in with the drawings.

Mayor Dunn assured Councilmember Osman that this was not the normal process and agreed that his views were in line with those of the Planning Commission.

Councilmember Cain agreed that she had trouble with how the process was hijacked, but that she thought the restaurant looked great and feels lucky to have it in Leawood and as an anchor in Park Place.

A motion to approve Item 14B as revised by the Planning Commission was made by Councilmember Cain and seconded by Councilmember Osman. The motion was approved unanimously by a vote of 8-0.

- C. Ordinance amending Section 16-4-2.6 of the Leawood Development Ordinance entitled “Sewage Disposal, Septic Tanks” and repealing existing Section 16-4-2.6 and other sections in conflict herewith (Case 146-21)

Mark Klein, Planning Services Director, addressed the Governing Body and summarized the reason for the application. As it stands right now, the ordinance states if a new building moves into the city of Leawood, it is required to hook up to the sanitary sewer system and would not be allowed to use septic tanks unless the Governing Body approves. Another requirement of the LDO is that if sanitary sewer becomes available within 200 feet of a property that didn’t have it before, they are required to hook up to it within 3 years. Johnson County Wastewater is running into instances where that is physically difficult to do and they have granted waivers. This application brings alignment between the current LDO and what Johnson County Wastewater’s approval process is.

Councilmember Sipple asked about how many homes in Leawood are not already connected to the wastewater plant. Mr. Klein did not have an exact figure.

Councilmember Filla asked for Mr. Klein to get that number to the Governing Body within the next week or so.

Councilmember Azeltine asked if there is already a rule involving septic systems failing and not being able to rebuild them. Mr. Klein confirmed that to be the case, but said it is Johnson County Wastewater that manages the approval of those permits with the connections.

Councilmember Cain asked about a threshold as far as cost to install the septic systems. Mr. Klein stated that Public Works would have that number.

A motion to approve Item 14C was made by Councilmember Larson and seconded by Councilmember Sipple. The motion was approved unanimously by a role call vote of 8-0.

- D. Ordinance amending Section 16-2-5 of the Leawood Development Ordinance entitled “Residential Districts” pertaining to septic systems and sewage disposal, and repealing existing Section 16-2-5 and other Sections in conflict herewith. (PC 44-22, 45-22, 46-22, 47-22, 48-22, 49-22, 50-22)

Mark Klein, Planning Services Director, addressed the Governing Body. He stated that these amendments apply to the rest of the residential districts. It all references back to the amendment that was just approved in Item 14D.

A motion to approve Item 14D was made by Councilmember Azeltine and seconded by Councilmember Filla. The motion was approved unanimously by a role call vote of 8-0.

15. OLD BUSINESS - None

16. NEW BUSINESS

- A. Schedule a Governing Body Work Session on Tuesday, June 21, 2022 at 6:00 P.M. to discuss the proposed Tree Ordinance

A motion to approve Item 16A was made by Councilmember Filla and seconded by Councilmember Harrison.

Councilmember Azeltine inquired as to what the work session entailed.

Patty Bennet, City Attorney, addressed the Governing Body and reminded that it was requested by City Council that Leawood adopt a Tree Ordinance. It would protect trees in the right-of-way during construction.

The motion was approved unanimously with a vote of 8-0.

- B. Schedule Governing Body meeting on Tuesday, June 21, 2022 at 7:30 P.M.

A motion to approve Item 16B was made by Councilmember Filla and seconded by Councilmember Larson. The motion was approved unanimously with a vote of 8-0.

- C. Schedule a Finance and Budget meeting on Monday, June 27, 2022 at 6:00 P.M. and an additional Finance and Budget meeting on Tuesday, June 28, 2022 at 6:00 p.m., if needed.

A motion to approve Item 16C was made by Councilmember Filla and seconded by Councilmember Harrison.

Councilmember Osmon asked if the budget would be ready to discuss by then, given recent staffing circumstances. Mayor Dunn confirmed that it would be.

The motion was approved unanimously with a vote of 8-0.

ADJOURN

The meeting was adjourned at 9:11 p.m.



Aquatic Center

- Received the TCO today.
- Opening to the public tomorrow. Normal hours 12-8:00
- Concessions not up and running yet. Next week.
- Can bring own food and drink (no glass or alcohol)
- Event space still under construction. Expected to be completed in 30 days.
- Working on marketing for rental of space. Anticipate opening mid-August.
- Bike/Walk Hub
 - Concrete base and wall poured.
 - Shelter framing is installed.
 - Masonry stone flat work is underway.

Ironwoods Pond and Trail Improvements

- Contractor poured the north bridge abutment last Friday, also poured the trail connection from the south abutment to the existing trail.
- Hope to finish grade and hydro-seed the south side of the pond, weather permitting.
- The new bridge east of the pond that replaced the low water crossing is anticipated to arrive in the next 3 weeks.

Roe to Tomahawk Creek Parkway Trail Extension [KDOT Grant]

- Contractor plans to pour trail from the Roe culvert to the pedestrian bridge this week, weather permitting.
- The old asphalt trail has been removed and is being hauled away.
- Old trail and sidewalk have been removed.
- September remains estimated completion date.

Park Maintenance Facility

- No changes since last report.
- Terracon agreement approved tonight for testing.
- Anticipating a June 2023 occupancy.

Cultural Arts

"Skywriting I"

- Will be installed by Mega KC as part of the Tomahawk Trail extension. Location is on the east side of TCPKW
- Installation is planned for September and should take 2-3 weeks to complete depending on weather.

- The sculpture is currently stored at the former Parks Maintenance Shop. Dedication date TBD.

"Praise"

- Footings are in and granite has been set.
- Granite will be drilled for installation of piece.
- Installation complete by EOW or next week.
- Dedication on June 23 at 11:30. Artist will attend. Invitations will go out tomorrow.
- Dinner the evening before at Sullivan's with the artist. Please RSVP to Holly if you haven't done so.

Pool Art

- Artist Dierk Van Keppel has completed this work for both pieces.
- Event space will be installed first.
- Pool breezeway piece will be installed once the permanent gate that accesses the pool deck is installed.

75th Anniversary Brand Strategy

- Stage I – Brand Strategy is near completion
 1. Topline minutes from the first two meetings of the task group to be delivered by Willoughby this week.
 2. Next step: Brand Identity Development approach, deliverables, timeline and budget.
 3. Work session to be scheduled with GB on September 6th to present progress