

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, August 15, 2022. Mayor Peggy Dunn presided.

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

Staff Present:

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

Others Present:

Mayor Dunn called the meeting to order at 7:02 p.m.

1. ROLL CALL

Councilmember Osman was not present at Roll Call.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

Mayor Dunn stated that the Committee Recommendations were re-ordered.

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 7-0.

Mayor Dunn pointed out that because the length of the agenda and that the Council has read all the publics' emails and Planning Commission items, speakers should be brief in order for the Council to get through all items on the agenda this evening.

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.

5. PRESENTATION/RECOGNITIONS – None

6. SPECIAL BUSINESS – None

7. PROCLAMATION – 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 No. 2022-31
- B. Accept minutes of the August 1, 2022 City Council meeting
- C. Accept minutes of the May 25, 2022 75th Anniversary Brand Taskforce meeting
- D. Accept minutes of the July 28, 2022 75th Anniversary Brand Taskforce meeting
- E. Accept minutes of the July 14, 2022 Parks & Recreation Advisory Board meeting
- F. Resolution approving and authorizing the Mayor to execute an Agreement between the City and Diligent Corporation in the amount of \$14,800.00 pertaining to the iCompass agenda management software (CC)
- G. Resolution approving and authorizing the Mayor to execute an Addendum to the Agreement dated March 1, 2004 between the City and RecTrac, LLC, d/b/a Vermont Systems in the annual amount of \$10,680.00, subject to adjustment, pertaining to online hosting services for the RecTrac software (PR)
- H. Resolution approving a final plan for a tenant finish for Ranch Mart North – Lash and Company, located north of 95th Street and east of Mission Road (PC Case 73-22) (PC)
- I. Resolution accepting a Temporary Construction Easement from Grantor Mike C. Kaplan Revocable Trust for property located at 12631 Pawnee Lane, pertaining to the Metal Pipe Replacement Project [Project #80256]
- J. Resolution accepting a Temporary Construction Easement from Grantors Diane R. Sharp and Stuart L. Sharp, Co-Trustees, for property located at 13101 Mission Road, pertaining to the Mission Road, 127th – 133rd Project [Project #72076] (PW)
- K. Resolution accepting a Temporary Construction Easement from Grantor Cherry Creek Homes Association for property located approximately at 129th Street and Mission Road, pertaining to the Mission Road, 127th – 133rd Project [Project #72076] (Tract A) (PW)
- L. Resolution accepting a Permanent Utility Easement from Grantor Cherry Creek Homes Association for property located approximately at 129th Street and Mission Road, pertaining to the Mission Road, 127th – 133rd Project [Project #72076] (Tract A) (PW)
- M. Resolution accepting a Permanent Drainage Easement from Grantor Cherry Creek Homes Association for property located approximately at 129th Street and Mission Road, pertaining to the Mission Road, 127th – 133rd Project [Project #72076] (Tract A) (PW)
- N. Resolution accepting a Permanent Utility Easement from Grantor Cherry Creek Homes Association for property located approximately at 129th Street and Alhambra Street, pertaining to the Mission Road, 127th – 133rd Project [Project #72076] (Tract B) (PW)
- O. Resolution accepting a Permanent Drainage Easement from Grantor Cherry Creek Homes Association for property located approximately at 129th Street and Alhambra Street, pertaining to the Mission Road, 127th – 133rd Project [Project #72076] (Tract B) (PW)

- P. Resolution accepting a Temporary Construction Easement from Grantor Cherry Creek Homes Association for property located approximately at 129th Street and Alhambra Street, pertaining to the Mission Road, 127th – 133rd Project [Project #72076] (Tract B) (PW)
- Q. Resolution accepting a Permanent Utility Easement from Grantor Cherry Creek Homes Association for property located approximately at 128th Terrace and Alhambra Street, pertaining to the Mission Road, 127th – 133rd Project [Project #72076] (Tract C) (PW)
- R. Resolution accepting a Permanent Drainage Easement from Grantor Cherry Creek Homes Association for property located approximately at 128th Terrace and Alhambra Street, pertaining to the Mission Road, 127th – 133rd Project [Project #72076] (Tract C) (PW)
- S. Resolution accepting a Temporary Construction Easement from Grantor Cherry Creek Homes Association for property located approximately at 128th Terrace and Alhambra Street, pertaining to the Mission Road, 127th – 133rd Project [Project #72076] (Tract C) (PW)
- T. Resolution accepting a Permanent Utility Easement from Grantor Cherry Creek Homes Association for property located near 13017 Alhambra Street, pertaining to the Mission Road, 127th – 133rd Project [Project #72076] (Lot 27) (PW)
- U. Resolution accepting a Permanent Utility Easement from Grantor Blue Valley Unified School District No. 229 for property located at 13200 Mission Road, pertaining to the Mission Road, 127th – 133rd Project [Project #72076] (PW)
- V. **Pulled by Councilmember Sipple.**
- W. Resolution approving and authorizing the Mayor to execute Amendment No. 2 to the Agreement between the City and DeGasperi dated October 24, 2016 in an additional amount not to exceed \$5,750.00 pertaining to Fire Station No. 1 [Project #80158] (PW)
- X. Approve quarterly payment to the Johnson County Sheriff’s Office in the amount of \$18,150.00 pertaining to prisoner boarding (PD)
- Y. Approve purchase of Outer Carriers, Ballistic Vests, and related equipment from Godfrey’s in an amount not to exceed \$17,993.30 (PD)
- Z. Declaration of surplus equipment (PW)
- AA. Police Department Monthly Report (June & July)
- BB. Fire Department Monthly Report (June & July)
- CC. Municipal Court Monthly Report (June & July)

A motion to approve the remainder of the Consent Agenda was made by Councilmember Azeltine and seconded by Councilmember Larson. Motion was approved by a unanimous vote of 7-0. Councilmember Osman was absent.

Discussion of Item 8V - Resolution approving and authorizing the Mayor to execute Amendment No. 1 to the Agreement between the City and Continental Consulting Engineers, Inc. dated May 3, 2021 in a total amount not to exceed \$68,500.00 pertaining to the Tomahawk Creek Rest Station (PR)

Councilmember Sipple asked if the funds will come from the Leawood Foundation or the City’s budget. Chris Claxton, Parks, Rec and Cultural Arts Director, addressed the Governing Body. She stated that staff is waiting on information from McCarthy, so she is unsure what the amount of the total will be. She stated that the amendment is for \$24,000 to the contract that has already been executed. Ms. Claxton

stated that she is unsure if the funds will come from either the Foundation or the budget, but that staff has an agreement on the September 19th agenda with McCarthy that will include the costs.

A motion to approve Item 8V was made by Councilmember Sipple and seconded by Councilmember Filla. Motion was approved by a unanimous vote of 7-0. Councilmember Osman was absent.

9. COMMITTEE RECOMMENDATIONS

From the July 26, 2022 Planning Commission Meeting:

- A. Ordinance approving a special use permit and final plan for Somerset Shops – Leawood Wine & Spirits, located south of Somerset Drive and west of Lee Boulevard (PC Case 61-22) [Roll Call Vote]

Applicants and owners of Leawood Wine and Spirits, Cameron and Casey Heck, 3011 W. 81st Terr., addressed the Governing Body. Mr. Heck stated that they had a presentation, but in consideration of time, they will condense it and stand for questions. He stated that they live close by and have invested in the community for more than a decade, and are excited to bring a family-owned wine and spirits shop to Leawood.

He stated that their goal is to be a high-end, upscale shop that serves the local community. He stated that through their research with the Prairie Village Police Department's crime records, that their store will not bring any additional crime to the area. He pointed out that the closest comparative store had only had one police report in the last 5 year for a minimal shoplifting charge.

Mr. Heck stated that their peak hours will be 3:00 – 6:00 p.m. during the week, and 12:00 – 5:00 p.m. on the weekends, when other businesses in the Somerset Shops are either slow or off-hours. They do not believe parking in the lots will be an issue because of this. He stated that their hours are planned to not be open past 9:00 p.m., except for Fridays and Saturdays until 10:00 p.m. in the beginning to track local neighborhood needs.

Mr. Heck stated that they will offer curbside pickup and carryout for convenience and to help expedite shopping. He noted that they will only have 2-3 employees working at one time. Mr. Heck offered data on projected parking and traffic compared to the previous businesses in that location. He stated that in their lease, all deliveries will take place in the back alley that has ample space.

He stated that they want to be the premier, top-notch wine and spirits store for the communities in Leawood and Prairie Village, in addition to supporting local wineries and breweries. Mr. Heck stated that the interior will have upscale, high-end finishes. They plan to have a wine club, beer club, engraving services, First Responder and Military discounts, and partner with local charities.

Councilmember Rawlings mentioned that when the Somerset Shops first opened, there was a liquor store directly behind their proposed location. He thanked them for wanting to invest in the City in which they live.

Councilmember Harrison thanked Mr. Heck for his thorough presentation. She asked about employee parking. Mr. Heck replied that for tenants of the space there are areas of opportunity for parking to the side and perimeters.

A motion to approve Item 9A was made by Councilmember Rawlings and seconded by Councilmember Filla. Motion was approved by a unanimous roll-call vote of 7-0. Councilmember Osman was absent.

- B. Ordinance approving a special use permit for The Woodlands Subdivision – AT&T DSL Utility Box, located south of 129th Street and east of Roe Avenue (PC Case 56-22) [Roll Call Vote]

Councilmember Osman arrived at 7:21 p.m.

Applicant Lane Raitinger, Area Manager for External and Legislative Affairs for AT&T Kansas, addressed the Governing Body. He requested an approval to renew the 20-year Special Use Permit for an AT&T DSL utility box located at the entrance of the Woodlands subdivision. He explained that City staff notified them that the permit was expiring, so they have been working with staff and the Planning Commission on the renewal process. Mr. Raitinger stated they are making no changes to the box.

Mayor Dunn thanked Mr. Raitinger for sharing his contact information with the Governing Body. He stated that he is available for any questions or issues and looks forward to meeting each Councilmember personally.

Councilmember Osman stated that there are concerns from residents in the neighborhoods of Leawood South and Waterford having significant cell phone coverage and service deficiencies and in their homes. He asked that Mr. Raitinger make the executives at AT&T aware of this, and any possible lack of safety for Leawood residents. Mr. Raitinger agreed and stated that he has a meeting with City staff next week to discuss potential cell sites.

Councilmember Azeltine asked that AT&T subcontractors pull right-of-way permits before they start digging, and that Mr. Raitinger give his contact information Mark Klein, Planning Director.

Mayor Dunn remarked that she was pleased with the way the DSL box was shielded from the public.

A motion to approve Item 9B was made by Councilmember Filla and seconded by Councilmember Larson. Motion was approved by a unanimous roll-call vote of 8-0.

- C. Ordinance approving a preliminary plan and final plan for Town Center Crossing – Alternate Parking Study, located south of 119th Street and east of Roe Avenue (PC Case 62-22) [Roll Call Vote]

Curt Petersen, Polsinelli PC, on behalf of the owner of Town Center Crossing shopping center, addressed the Governing Body. He stated that he will point out the high points of his presentation out of respect for time. He mentioned that the Planning Commission gave a unanimous approval on which he is aware the Council has received materials.

Mr. Petersen presented an aerial map showing the current buildings and proposed expansion areas. He explained that the former space of La Bodega will be replaced by Rockhill Grille, and Zoe's Kitchen will be replaced by Café Europa. He stated that staff has reported that the new proposed restaurants will add a net 6 seats of restaurant space based on pre-pandemic numbers, which according to code, requires an addition of 3 parking spaces.

Mr. Petersen pointed out that this is a very popular shopping center, and suggested that parking spaces may not necessarily be available in front of the stores, but that there are open spaces close by every day. He stated that the owners are excited to have a balance of restaurants in this shopping center again. Mr. Petersen stated that they agree to all four stipulations that were presented in the packet.

Councilmember Larson expressed pleasure that the shopping center is doing well and that she is excited about the new additions. She agreed that the parking is a good problem to have because the center is thriving. She stated that she frequents it often and does not mind walking a little from the parking spot to the stores. Councilmember Larson stated that she is in support of the proposal.

Councilmember Cain stated that her new workspace is located in Town Center Crossing and she has not encountered any problem with parking. She expressed her pleasure of the new restaurants.

Councilmember Osman stated he also frequents the stores in Town Center Crossing and recently experienced other shoppers not parking within the lines of a parking space. He requested to the ownership, that the entire shopping center be re-stripped before the new restaurants open.

Councilmember Harrison echoed Councilmember Osman regarding stripping and potholes. She also asked that management enforce that employees park in the back of the buildings. She stated some concern over the parking study being done in February when shopping is slow.

Mayor Dunn expressed her excitement with the new tenants and restaurateurs because of their outstanding reputations. She mentioned that there are some line of sight issues with drivers caused by the fountain grass by Sullivan's Steakhouse and asked Mr. Petersen and staff to check it.

Mr. Petersen appreciated all the information he received and will pass it along to the owners at Washington Prime.

A motion to approve Item 9C was made by Councilmember Filla and seconded by Councilmember Larson. Motion was approved by a unanimous roll-call vote of 8-0.

From the June 28, 2022 Planning Commission Meeting:

- D. Ordinance approving a rezoning to SD-O (Planned Office), special use permit, and a preliminary plan for Johnson County Wastewater Pump Station #10/11, located south of 89th Street and west of State Line Road. (Case 25-22) [Roll Call Vote]

Mayor Dunn stated that additional emails from residents were received over the weekend that have been made available to the Council at the dais.

Isaac Crabtree, Managing Engineer, Collections for Johnson County Wastewater, addressed the Governing Body. He stated that the presentation was for the State Line Pump Stations and Forcemain Pump Station proposed to be located at 8900 State Line Rd. He stated that the new Tomahawk Creek Wastewater Treatment Facility (WWTF) is up and running, and includes flows from Leawood which are currently treated by others.

He offered a map of the service area which shows the flows from the east side to the west side of State Line and a map of the Interagency Metering Facility (IMF) locations. He explained that pumps #10/11 would service the northern portion of the map.

Mr. Crabtree stated that the project is very important to the community and will save an estimated \$100 million over the next 20 years. On a total cost comparison chart, Mr. Crabtree showed the amount that would be paid over time if they continue to send flow to Kansas City, MO is approximately \$4.5M/yr. He cautioned that it will increase over time. The construction of the pump station costs will be

approximately \$30M but the cost after that time to maintain the station will be significantly less. He stated that the break-even point will be at the 7-year mark.

Mr. Crabtree stated that there is an agreement in place with the City of Leawood on the stipulations that were passed as part of the Planning Commission process.

Mr. Crabtree explained how JCW followed the City's requirements for an INTERACT meeting in their public outreach efforts. He stated the first meeting was held in person at the Aloft Hotel with good participation. There was a virtual meeting held on March 9th that several people attended. He stated that after those meetings there were enough questions and concerns to hold another meeting on May 10th in-person at Brookwood Elementary School to help answer and respond to the questions. Mr. Crabtree stated that this meeting was not required, but they wanted to participate with the process and get input from the residents.

He indicated that after the May 10th meeting, JCW made substantial changes to the building, in particular the height of the building. They created a website to help provide answers to the public and to share all the information and updates. He stated that at the May 10th meeting, residents asked JCW to consider an alternative location in the parking lot at 8900 State Line. Mr. Crabtree explained that they presented their findings of the floodplain model and new enhancements for landscaping.

He stated that the building height and the findings were presented to the Planning Commission on June 28th. The Planning Commission gave their approval with stipulations. Mr. Crabtree stated that there were follow-up phone calls with residents on July 8th to discuss a final evaluation of an additional concept that JCW reviewed.

Mr. Crabtree pointed out on the map where two metering sites converge to cross State Line as option one, yet they looked at four other places as alternative locations. He stated that the other sites were not attractive due to increased cost or difficult construction and that they did not meet their project goals. Location one was preferred because of its proximity to IMFs, accessibility, intercepted all JCW flows, avoided disruption of park land and Dyke's Branch, and had the lowest cost.

He stated that they evaluated a number of sites within the parking lot of option one. They met with the property owner of 8900 State Line and the adjacent neighbors, and after careful consideration and evaluation, JCW decided on site B (as shown on the map). He stated that this location meets all the project goals. He pointed out that this site is the only one that achieved a no-rise flood condition, eliminating the need for mitigation efforts. Mr. Crabtree stated that JCW reviewed an alternate site plan that residents had request. He stated that they really liked the layout, but after it was modeled, it showed a flood rise on 9 properties.

Mr. Crabtree produced a preliminary site plan with a description of the wells, pipes and easements. He pointed out the site enhancements for neighboring property owners, and stated that they plan to minimize tree removal and add additional plantings in City Park on the west side of Dyke's Branch Creek. JCW had a tree survey conducted. He mentioned that there is a large sycamore tree on the lot, so they shifted the site south to avoid it. He stated that after feedback from the INTERACT meeting, they worked with City staff to plan to add ten bald cypress trees in the park for additional screening.

Mr. Crabtree provided images of the building façade and height revisions based on public responses and the INTERACT meeting. He pointed out that the reason of the building's height was due to the floodplain, but indicated that neighbors' major concern was the height of the building, so they worked with the designers to make it 13 feet lower and to add a flood wall around it. He noted that the building's

height is 17 feet, the same as the existing parking garage in that area. The footprint remained the same. He presented the Governing Body several renderings of the site before and after resident feedback of the winter, after construction, at the time of its most visibility.

Mr. Crabtree stated that residents were concerned with noise and odor control. He stated that the pump station proposal includes a vapor phase carbon scrubber and chemical injection. He explained how the odors inside the wet well would be treated. He pointed out that it is the same technology that is in place at the Tomahawk Creek Treatment Facility. JCW also has a hotline at (913)715-8600 for residents to inform them of odor concerns that will be addressed by crews within 24 hours. Mr. Crabtree stated that the only two noise makers are the pumps and fans. He stated that the pump will be below grade, 25 feet under water, and the odor control fan will be located in an acoustical enclosure surrounded by walls. He stated that they will meet the City's noise ordinance.

Mr. Crabtree gave a schedule of their timeline and mentioned that they expect construction to last 18-20 months. The pump stations would be in service by May 2025.

Councilmember Sipple asked if trees would need to be removed from the creek bed area for the force main downstream. Mr. Crabtree pointed out that the pipes for the force main will run through the parking lot and under State Line Rd. He stated that there could potentially be some disruption to the south side of the creek because of the depth of the lines but that they had been accounted for in their tree count.

Councilmember Sipple asked if the height of the building could be reduced any more by digging the pumps even deeper. Mr. Crabtree replied that the height of the building is dictated by the floodplain, which is 2 feet above the 100-yr. floodplain. He added that it is not necessarily what is inside the building but what needs to be kept out of the building.

Mayor Dunn clarified that the building is set 13 feet lower but the building itself is 17 feet tall. She mentioned that the cypress trees that were recommended by staff loses their needles in the winter. Mr. Crabtree stated that the trees around the station are evergreens, but the cypress are recommended for inside the park. Mayor Dunn suggested using an evergreen in the park for screening. Mr. Crabtree stated that they are open to all tree species and defers to Parks staff as the experts.

Councilmember Cain made a suggestion on the color of brick on the building. She was not in favor of reds because it stands out more in the wintertime. She asked about the roof. Mr. Crabtree pointed out that there are two side of the pump station and there is a roof covering the electrical equipment. The other side is the odor control area and does not house any equipment needed to be protected from the elements. He stated there are no objections to having a different style of roof on the building. Mr. Crabtree replied that they are not committed to any one particular color of brick, and that they will work with the residents and the City on the color.

Councilmember Osman asked for an explanation of the FEMA map for flooding as required by the City. He also asked if the building located at 8900 State Line is in the flood plain. Mr. Crabtree stated that HDR, Inc. has certified flood managers/engineers who ran the models and found that almost the entire parking lot is in the floodplain. He explained that if the box culvert that goes under State Line Rd. was much larger then the concern would be much less. Mr. Crabtree referenced the floods of 1977 and 1998 where water reached the front doors of the neighboring businesses. He pointed out that there is a floodplain fringe and floodway. He stated that the pump station is in the middle of floodway area, so moving it further into the parking lot does not provide any benefit. Councilmember Osman stated that he did not see on a FEMA map that this was in a floodplain. Mr. Crabtree stated that if it is not in a floodplain, then there is no jurisdictional authority from FEMA, but noted that almost the entire southern

half of the property is in the floodplain. He indicated that the map was recently updated within the last 3 years due to a project across the street. Mr. Crabtree believed that the map listed on Johnson County AIMS is correct, but would verify with their consultants.

Councilmember Rawlings asked if location C was not a viable option because the property owner has no interest. Mr. Crabtree replied that was correct and also because the floodplain model showed a rise in the properties. Mr. Crabtree mentioned the removal of trees and the difficulty of mitigation efforts downstream that would impact neighbors.

Councilmember Filla asked about the flood wall. Mr. Crabtree offered a floor plan of the staircase and two rooms below that are behind the wall. He stated that for the pump stations to be damaged by flood water, it would have to go over the flood wall. Councilmember Filla suggested that the cypress trees grow faster than evergreens, so that may be why City staff recommended them. She asked if there was any way the surrounding cities could work together to build a larger culvert. Mr. Crabtree stated that it would take a lot of cooperation from Kansas City, Missouri and it would be a very, very expensive and difficult project. Mayor Dunn mentioned that it had been discussed years ago.

Bill Munninghoff, 8914 Sagamore Rd., addressed the Governing Body. He stated that he is the current president of The Village of Leawood Homes Association. He stated that the homes in their neighborhood are appraised at over \$1M. He stated that the residents of The Village of Leawood are unanimously opposed to the proposed location of the pump station at 89th and State Line Rd.

Michael Fishman, 2149 W. 89th Terr., addressed the Governing Body. He stated concerns about the proposed location due to the height and elevation level as viewed from his home. He stated that the building will be a permanent scar on the face of the park. He expressed his disappointment with the Planning Commission and JCW. He stated that the residents have lost confidence with JCW so the HOA would like to hire their own engineers at their own expense to do a wastewater study to find any possible alternate locations.

Marlene Fishman was called to speak but she deferred.

Earl Santee, 2141 W. 89th Terr., addressed the Governing Body. He stated that he is a licensed architect with one of the largest firms in the country and he has practiced for over 40 years. He stated that the building is proposed to be located in the creek bed with a retaining wall, so he asked for consideration to move it to the east by 25 feet and raise it 3-4 feet. He asked for a delay in the approval so the HOA has a chance to work with JCW on some changes.

Gary Fenner, 2145 W. 89th Terr., addressed the Governing Body. He stated that the only reason JCW wants the pump station in the location of Dyke's Creek is because that is where the property owner wants it. He expressed concern for the removal of the vegetation along the creek. He acknowledged that JCW has reviewed the neighbors options, but that they have not tried to work out a compromise or alternative solution.

Peggy Fenner, 2145 W. 89th Terr., addressed the Governing Body. She stated that their home is in the direct sight line of the pump station. She stated her biggest concern is the removal of trees along the creek bank and suggested moving the building into the parking lot.

Alice Munninghoff, 8914 Sagamore Rd., addressed the Governing Body. She stated that their neighborhood is lovely and the residents love the park, so she asked that her neighbor's comments be seriously considered.

Phil Gibbs, Sr., owner of the building located at 9000 State Line Rd., addressed the Governing Body. He stated that his building is along the creek, so changing the water level would not be good. He stated that the City is the floodplain monitor and staff will need to be assured that there will be no rise in water. He recommended that there be a roof over the entire building for odor control and expressed concern for the maintenance of the filters. Mr. Gibbs stated concern for timeline and traffic issues due to the pipe construction running under the roadway.

Mr. Crabtree replied that JCW did 17 unique flood models yet only shared 4 or 5 with residents. He explained that the reason JCW did not proceed with moving the station to the southeast corner of the parking lot, as suggested by the neighbors, was because the property owner immediately rejected it. He stated that they will be planting 65 trees as part of the project. Mr. Crabtree clarified that the pump station will not be located in the creek bank but at the top of the creek bank. He also clarified that they agreed to the Planning Commission stipulations to continuing working with the residents of The Village of Leawood.

Councilmember Sipple thanked him for his presentation and asked if JCW would be opposed to giving the neighbors 90 days to come up with an alternative location. Mr. Crabtree did not know if he could answer on behalf of the county. There have been 17 models, encompassing the parking lot, which led to a determination that the proposed location is best because of the floodplain. Councilmember Sipple asked if they could consider suspending operations on the timeline to give the alternative engineers a chance to make recommendations, as it seemed a reasonable request, given that the proposal is a permanent change to the neighborhood.

Susan Pekarek, General Manager Johnson County Wastewater, expressed appreciation for the questions and for consideration of the plan. She referred to the cost of \$4.5 million per year to have Kansas City, MO treat the water. It will increase at 7% per year, so 90 days would continue to add cost to the project.

Councilmember Filla asked if the neighbors wanted to pick another site and the owners did not agree with it, it would not help accomplish the objective. Patty Bennett, City Attorney, was not familiar with the bargaining with the landowner, but if they could not reach an agreement with the landowner, they would need to resort to condemnation. Councilmember Filla asked about that timeline. Ms. Bennett replied that it could be four months or more; a possible jury trial would add to it.

Councilmember Filla asked for clarifications on the alternative plans and if the neighbors wanted any of them. Mr. Crabtree stated that the residents of The Village of Leawood made three suggestions, the first of which was Site C. When the site property was selected, they met with the property owner before submitting the Preliminary Development Plan for Site B. Site A is very close to the proposal given by the residents later, but it didn't work from a floodplain standpoint or for the property owner. What is not shown is that they considered closer to the parking garage. They evaluated 17 unique models. The residents suggested putting the structure in a line, putting the control building north of the wet well. They wanted it to work, but it didn't work because of the floodway. It doesn't help to move closer to the parking lot because there is flow conveyance during a flood. Councilmember Filla asked if moving it closer to the parking lot would help with tree loss. Mr. Crabtree confirmed that it would remove fewer trees. She asked about the height of the retaining wall. Mr. Crabtree replied that it was built because of the floodplain. Mr. Klein estimated it is 12 feet and becomes shorter as it moves south. Councilmember Filla asked if a slight adjustment could be a compromise. Mr. Crabtree replied that the proposed site is the only one without flood rise, which is an obstruction in the floodway that impedes flow. He did not know what the implications would be if it was shifted. She asked if he could check into it and also asked if David Ley could give thoughts and wondered about a compromise to move B farther east. Mr. Crabtree

clarified that they did not model the exact configuration that the residents proposed because the property owner said it was not acceptable to him.

Mayor Dunn asked Mr. Ley to comment. He stated that Johnson County Wastewater provided three options: one in the southwest corner and one farther north. They all reviewed the flooding and impacts. The site selected had the fewest impacts. If the site is moved, the City would need to get the flood model and have a consultant review it. Councilmember Filla asked if it would be warranted. Mr. Ley replied that he didn't know what the answer would be and that it seemed as if it was reviewed repeatedly. Mr. Ley felt confident in the work done.

Councilmember Larson stated that she read in the Planning Commission minutes that when the \$3 million project was under consideration for approval, Johnson County Wastewater knew of the need for these three pump stations. Mr. Ley felt that was always part of the plan, which is why there is enough capacity at Tomahawk Creek. Councilmember Larson stated that project was approved years ago and is now complete, but the argument that delay will cost taxpayers money ran counter to the length of time that the knowledge of the need for the project has existed. She felt that individual taxpayers such as the residents should not be adversely affected for the greater good. She felt the delay of 60 days felt reasonable. She hoped to see the property owner, Johnson County Wastewater, and the residents work things out. She was discouraged about the dead and dying trees in the Tomahawk area.

Ms. Pekarek replied that the dead and dying trees would be addressed when the weather is appropriate. There are other areas that will have additional planting.

Mr. Ley added that staff would recommend a consultant to evaluate a review of the study.

Councilmember Rawlings felt that the residents' offer to propose alternatives should be honored. He recommended to defer approval of the plan for 45 days to wait for a report. Mr. Ley pointed out it could take longer. He felt the City should do the review. Mayor Dunn agreed that it would be the correct process. Mr. Ley stated that Olsson is currently modeling the watershed for the county and that the county is updating the FEMA maps. Olsson could then review what HDR has completed for the county. Councilmember Rawlings asked if a representative of the HOA would accept the City paying for the second opinion. Mr. Fishman replied that the residents would abide by the report issued by the City's consultant. He just wanted to make sure that the residents get a fair response to all the alternatives.

Councilmember Osman stated that he represented Leawood Pizza Company and asked if he would be able to put them on the site in the floodway. Mr. Klein replied that he didn't believe so. Councilmember Osman asked if Leawood Pizza Company wanted to go into the site after the wastewater station if it would cause concern for additional flooding. Mr. Ley responded that there are codes that restrict a building being constructed in a floodplain. There are other challenges with the site that could cause issues with the floodplain, such as the parking lot grade.

Councilmember Osman pointed out that the property could not be developed in its current condition. The owner says there is a plan for the future that may or may not go on the property, but it would have to be raised out of the floodplain. If the wastewater station is there, it begs the question of what happens then. Commercial businesses could change; the pump station will not go away. The screening will take up to ten years to fill in. Homeowners will be adversely affected. He encouraged taking the time to determine if there is a better place to build it.

Councilmember Harrison pointed out that it seems a little redundant to ask for more viable options when there have already been 17 explored by wastewater engineers. She feels the wishes of one group of

property owners is taking priority over someone who has owned the property for a dozen or more years. She also pointed out that the infrastructure of the county is for the greater good, and when growth occurs, changes are inevitable. She also reminded everyone that this has been in the works for a dozen years, long before The Village of Leawood was there.

Mayor Dunn asked Mr. Ley what length of time would be reasonable for a continuance. Mr. Ley asked if the hope is to shift it east. Councilmember Filla asked about the valve vault and if it had to be where it was proposed. Mr. Crabtree replied that it could be moved, but if it were moved, the building configuration and the orientation of the wet wall would need to change. Councilmember Filla hoped to save more trees with the building location. Mr. Ley clarified that it would only be shifted east to the edge of the curb of the parking lot to not remove the trees, so it would be less than 50 feet. Removing trees on the south side would be a major impact.

Mr. Santee offered that the southwest corner was in a proposal. There was one that had it moved 25 feet west, but it would be a no-water-rise situation. He pointed out that the building footprint can be manipulated a bit. He also said if it has a lot of trees, it is still a wastewater plant. He suggested that the natural environment would screen it.

Councilmember Azeltine thanked the government entity for going through Leawood's process. He expressed that he agreed with Councilmember Harrison's perspective. He asked Mr. Ley what the cost would be to hire Olsson. Mr. Ley replied it would be about \$2,000. If it is a full model, it would be closer to \$10,000. Councilmember Azeltine said that it seems to have been thoroughly engineered. He pointed out that a delay costs all citizens of Leawood. He understood that it might not be ideal for those who live close, but it would most likely end up better than they think.

Councilmember Sipple stated that Mr. Fishman and Mr. Santee should be involved in the analysis because it appears that they were not given a chance to suggest locations.

Mayor Dunn also thanked the county for their willingness to go through the process. She pointed out that in all cases, resident involvement has made every project better. Chairman Eilert stressed to her that this station is important, and if it can be made to look better, Leawood would work with them. She asked Mr. Ley how long it would be appropriate to continue the matter. Mr. Ley replied that it would take Olsson four weeks after they get the drawings from Johnson County Wastewater. It's been mentioned to move it south, but it will remove trees. Mayor Dunn stated that it may be that this is the location with the least impact, but she felt it warranted more review.

A motion to continue Item 9D until the October 3, 2022 Governing Body meeting was made by Councilmember Filla and seconded by Councilmember Rawlings.

Mr. Ley pointed out that September 19th would be better if the review was done.

Motion was amended to the September 19th meeting by Councilmember Filla and seconded by Councilmember Rawlings. Motion was approved unanimously by a vote of 8-0.

Mayor Dunn asked Mr. Crabtree if he understood the purpose of the continuation. He replied that he had no questions about it.

Mr. Fishman pointed out that, if Olsson is looking at where he feels the building should be, it would be limited and not valid. He suggested that it should be considered where the engineer feels it would be most appropriate that would be floodplain neutral while also saving as many trees as possible.

- E. Ordinance approving a rezoning to BP (Planned Business Park), special use permit, and preliminary plan and preliminary plat for Johnson County Wastewater Pump Station #13/13A, located north of 104th Street and west of State Line Road. (PC 26-22) [Roll Call Vote]

Mr. Crabtree reviewed the basics of the case. The site is next to where Indian Creek goes under the bridge, and it collects wastewater in the purple watershed. INTERACT meetings were held on March 8th and March 9th (virtual). The station is not much different than the previous one except the floodplain elevation is considerably lower, so it doesn't have to be high off the ground. It has a control building, transformer pad, and pump station wet well. It will collect sewage from the 13 interagency metering facility site to the north. A sewer on the west will extend into the pump station. The force main will come out of the pump station and intersect the force main from Station 10 and 11. It will proceed southward under Indian Creek. The landscaping plan provides good screening and meets all Leawood requirements.

Councilmember Filla asked what is on the site now. Mr. Crabtree replied that it is the Larsen Construction Company, which will be demolished as part of the project.

Mayor Dunn asked how much farther set back from State Line the pump station is compared to the existing building. Mr. Crabtree didn't know the dimensions, but the pump station is farther away. He showed the rendering of the facility, which is 1,465 square feet, which matches what was submitted in the preliminary plan. Everything is elevated to get above the floodplain. It will have a below-grade pump station with hatches over the pumps, a transformer, and the building itself, which includes an electrical room and an odor-control room. It will occupy the general footprint of the Larsen building, just a bit to the west. For odor control, it will be vapor-phase carbon scrubber for anything in the wet well and chemicals for downstream mitigation of odors. Noise will not exceed Leawood's requirement of 60 db at the property line.

Councilmember Rawlings saw a neighborhood impact meeting for 89th Street and Hallbrook but nothing for the businesses. He asked about reactions. Mr. Crabtree replied that there was almost no feedback except the manager of Gates Barbecue, who was concerned his water would not be shut off. There were no other comments.

Councilmember Cain asked if trees on the north would be taken out and if anything could be done to soften the north side. Mr. Crabtree replied that the current property owner shared the drive access with a business to the north, so it is all pavement currently. It will have more landscaping that is there now.

Councilmember Sipple asked about the height compared to the neighboring buildings. Mr. Crabtree didn't know the exact elevation but thought it would be close to what is there currently. Mayor Dunn added that it is 21 feet tall and asked how that compares. Mr. Klein said that it is shorter than the current Larsen building.

A motion to approve Item 9E was made by Councilmember Filla and seconded by Councilmember Azeltine. Motion was approved unanimously by a vote of 8-0.

From the July 26, 2022 Planning Commission Meeting:

- F. Ordinance approving a special use permit and preliminary plan for Johnson County Wastewater Pump Station #14/16, located south of College Boulevard and west of State Line Road. (PC Case 27-22) [Roll Call Vote]

Patrick Denning, Assistant Chief Engineer of Existing Infrastructure, Johnson County Wastewater, spoke about the plan. The sewers in the Hallbrook area flow from south to north and tie into the Kansas

City 72” Interceptor that the Tomahawk Wastewater Plant used to utilize. This will pump flow into the fourth main and to the Tomahawk Facility, like the others. The location is between Brookwood and Overbrook, south of College Boulevard. Like the others, INTERACT meetings were on March 8th and March 10th. The main reasons this location was identified is that it is out of the floodplain, it is minimally visible, usability is positive, and cost is reasonable. Hallbrook Country Club representatives approve of the site. They will widen the entrance off College Boulevard and paving it to provide access to the pump station. They want to remove as few trees as possible, which can be done because the location is close to the interceptors. Screening, berms, and retaining walls will be provided. The building is intended to meet the same general look as the comfort station on the golf course, including limestone accents and lighting. The pump station and wet well are 856 square feet, which is consistent with the PDP. The pump station control building is approximately 550 feet from the nearest resident’s home and 275 feet from the two residents’ lot lines in that area. The pump station will have the same noise and odor mitigation as the other stations, but it will not have the chemical system because the two larger pump stations will provide the necessary chemicals. A commissioning period from September 2021-April 2022 caused residents to notice odors occasionally. Since then, the odor complaints have died down. The goal is to be operational in May 2025.

Councilmember Harrison asked if the pump stations are manned with staff. Mr. Denning replied that they are not, but the drive is necessary for maintenance. The pump stations are on the computer system, and they will be connected via fiber, which allows oversight at the treatment plant, which is manned 24/7. Councilmember Harrison asked if a gate was necessary. Mr. Denning replied that there is a gate, but the golf course uses the drive, so they want to maintain it.

Councilmember Cain appreciated the efforts on the site and asked about an alternate City Park location. Additionally, she read about the piping that will come underneath the future Hallbrook IV. She asked about the effect on future development. Mr. Denning replied that City Park wasn’t selected because it is still close to the floodplain, and it doesn’t have good road access. Councilmember Cain asked again about Hallbrook. Mayor Dunn speculated that she was talking about State Line Road north of College, which is not close to the proposed project. Mr. Denning added that the force main comes down under the creek and under the interstate, but it is not on the other side. The Hallbrook tract was brought up during the Planning Commission.

Councilmember Sipple asked if it would go down by the dog park and come over to the third pump station. Mr. Denning replied that alignment through City Park was planned in the best interest of everyone. There are areas that have to cross creeks.

Councilmember Cain asked if Hallbrook IV would not be touched. Mr. Denning replied that it would not. Councilmember Cain asked how wide and deep the swath would be. Mr. Denning responded that force mains are typically in a trench that is 8 feet deep and 5-6 feet wide. Councilmember Cain asked if it was then filled with dirt and sodded. Mr. Denning replied that it depended on the location.

Councilmember Osman disclosed that he is a member of Hallbrook Country Club, though he is not on the board. He asked who approved the Hallbrook negotiations and when they were completed. Mr. Denning replied that they were consulted for an optimal location, but no property transaction has occurred. Documents have been drafted for purchase or easement, but no action has been taken. Councilmember Osman stated that Hallbrook members approved a first step to remodel the country club. He asked if the comfort station goes through improvements, would it encroach on Johnson County’s site. Mr. Denning didn’t know about the scope. Councilmember Osman was concerned that, if Hallbrook decides to expand the building, the easement could prevent it. Mr. Denning replied that a structure could not be built over the easement because it would be over a sewer line.

Councilmember Osman asked about the expected decibel level on average. Mr. Denning had not conducted a study, but the requirement is 60 db at the property line. Councilmember Osman commented about the noise affecting golfers.

Councilmember Larsen is also a member of Hallbrook Country Club. She was under the impression that Hallbrook approved the plans and asked if that was correct.

Ryan Eisele, HDR, responded that the general manager of Hallbrook has said the location was fine; the property acquisition process hasn't been completed. Multiple board members participated in the early stages. Councilmember Larsen stated that the membership is unaware of the project, and she was unaware of the extent of it, including the tree removal. She was shocked by the proposal and was concerned about the screening. The comfort station is a restroom and refrigerator with snacks. Nearly 20,000 golfers play 18 holes each year. They will come right by the facility, so it is concerning. She also lives in the neighborhood, and neighbors have contacted her about concern for their property value. She wanted to understand the logistics of pumping uphill to the Hallbrook location and back downhill to the Tomahawk Creek facility when the flow goes south to north naturally. She felt City Park seemed like a better location that didn't impact homeowners. She was also concerned about odor mitigation and the 18-month construction timeline. Mr. Eisele replied that the pump station is required based on the topography of the area. It will need to go under Tomahawk Creek and back up. If it went with gravity, it would have to go so deep that it would be expensive and disruptive. The alternative site that was considered includes a disruption to the park with deep excavations as well as needing to get trucks to the station. Councilmember Larsen stated that the park is a large piece of property, so there should be more options there.

Councilmember Sipple asked why the pump station couldn't be moved closer to the creek and farther from the tennis courts. Mr. Eisele replied that there is no truck access there. Councilmember Sipple pointed out there is a road to the southwest of the tennis courts. Mr. Eisele stated that the floodplain is significant, so it could be a tall building.

Councilmember Larsen would feel more comfortable if that option was explored. Mayor Dunn asked if it could go north of College Boulevard. Mr. Denning stated that it drops off significantly on the north side of College Boulevard, and it is in the floodplain as well as being on the bank of Indian Creek. As far as the other location, it was the first proposed location, but the only access is a walking trail, so it was taken out as an option.

Councilmember Osman asked how often the pump station is accessed, with or without a truck. Mr. Eisele replied that it would be twice a week with maintenance adding to that.

Councilmember Cain encouraged more exploration of other sites as well because it's being done with the pump station, and there is potential harm to the country club and pump station.

Mayor Dunn asked Councilmember Filla if she would like to amend the motion. Councilmember Filla replied that she hadn't heard any citizens upset about it, and the general manager and board is aware of it, so she felt comfortable with the motion as stated.

Councilmember Larsen pointed out Dr. Thompson's concerns from the Planning Commission transcript. He referenced other neighbors as well.

Councilmember Rawlings opposed having a 24' building in City Park.

Mayor Dunn stated that City Park was donated to the City because it is in a floodplain and didn't know if it was a viable option. Councilmember Rawlings concurred.

Councilmember Cain added that, if the general membership of the country club isn't aware of this, it has flown under the radar, which is a big consideration. She was troubled about the level of understanding of the neighbors.

Councilmember Sipple talked about the area in the trees on the north side of College and wondered if it would be an area to consider. Mayor Dunn added that it was the City's land. Mr. Denning replied that it hadn't been considered. He reminded everyone that the existing sewers have to get to where the pump station is moved. The farther away, the more disruption there will be to the area.

Councilmember Azeltine said that the closest home was a football field and a half away. He asked about noticing. Mr. Denning replied that it was properly noticed with significantly more mailings, including 186 certified letters, 363 postcards for the INTERACT meeting. Councilmember Azeltine said that the City has done its part in informing the public, and if it hinges on the sale of the land, the people in Hallbrook should be talking to the board. He felt the proposal should be moved along.

Councilmember Osman pointed out that it would still come back for a final plan approval if approved. The project is tiny, and he feels comfortable with that. He feels the Hallbrook members were not properly notified, and the project coincides with the remodel. He asked for a letter from the HOA, the board, or the general manager to be brought to the final plan discussion. Mayor Dunn said that it would be a given because they still need to negotiate for the land.

Councilmember Sipple asked about the estimated time before seeing the final plan. Mr. Denning anticipated the design process would take it into summer of 2023. After going through the approval process, they will negotiate easements and land acquisition. As an exception, they bought the Larsen property because it was for sale and they knew they need to do something there.

A motion to approve Item 9F was made by Councilmember Filla and seconded by Councilmember Harrison. Motion was approved with a vote of 5-3. Councilmembers Rawlings, Sipple, Harrison, Azeltine and Filla voted in favor. Councilmembers Larson, Cain and Osman voted nay.

- G. Resolution approving and authorizing the Mayor to execute an Addendum to the Agreement dated June 16, 2022 between the City and the Johnson County Board of County Commissioners pertaining to the construction of three pump stations for Johnson County Wastewater (PC Cases 25-22, 26-22 and 27-22)

Ms. Bennett requested a formal addendum. It includes the first pump station, so she asked to approve but delete A and renumber B and C so that they are A and B, returning with the station at 89th and State Line.

A motion to approve Item 9G with amendments was made by Councilmember Filla and seconded by Councilmember Harrison. Motion was approved unanimously by a vote of 8-0.

- 10. MAYOR'S REPORT – None
- 11. COUNCILMEMBER REPORTS – None

12. INTERIM CITY ADMINISTRATOR'S REPORT

Public Safety salary adjustments, effective September 1, 2022

Patrick Geschwind, Interim City Administrator, spoke about his job as a bridge to work with each department head on the goals for the year. The salary adjustment is the goal of both the Police and Fire Chief. Leawood has been at a competitive disadvantage on entry-level Police and Fire at the lowest of the county, while others are also conducting salary surveys, which could put Leawood at a further disadvantage. They did not want something across the board. They were concerned about compression by increasing the entry-level salary, and the next levels are at a similar salary. The HR department studied the numbers and came up with the proposed plan with minimums and maximums. To avoid compression, the minimum may have increased to as much as 18%; the highest levels did not increase at all. The package asks for \$303,000 for Police and \$257,000 for Fire, which would only be 5% of the 2023 budget. Because of the conservative budget for 2022, a budget adjustment would not be needed until December, if at all. Lastly, the results of the Employee Engagement Survey had half the work force complete the survey. Of the 71 write-in comments, 17 were about this issue.

Councilmember Azeltine asked about the logic of lowering the maximum end of the range. Mr. Geschwind replied that the idea is to encourage people to move up quickly.

Dale Finger, Chief of Police, added that it didn't make sense to have a high maximum end in order to encourage movement to the next level. Nic Sanders, HR Director, agreed with all the reasoning. Another goal is to retain current officers and reward them for staying. There are equity adjustments for the corporals and sergeants. Higher ranks on the Fire side will remain at the current level. The goal is to keep Leawood competitive, and it is an ongoing goal because other communities are conducting salary surveys and will likely act on them by increasing their salary ranges as well.

Councilmember Osman asked how many spots are currently open in Fire, Police, Public Works, and Parks and Recreation. Mr. Sanders replied that the entire City is 10% understaffed. Fire is approximately 2-3 short. A recruitment process was the smallest one Leawood has had, with very few fully qualified applicants. Public Works is short 5-6 in total. Parks and Recreation is short 4. Councilmember Osman offered respect to Fire and Police but pointed out that the issues extend beyond their departments.

A motion to extend the meeting 30 minutes was made by Councilmember Osman and seconded by Councilmember Sipple. Motion was approved with a vote of 7-1. Councilmember Filla voted nay.

Councilmember Osman continued by commenting that it is difficult to hire people with work ethic. Indeed has stated that Parks and Recreation and maintenance are the toughest industries because they are competitive, and the jobs are not fulfilled. He encouraged a focus on those areas as well. Mr. Sanders replied that it is already in the process. The positions require coursework that is expensive in addition to the jobs being difficult, which presents a challenge. Other challenges include positions with unqualified applicants. Private firms will typically offer more money for candidates with fewer qualifications, but those positions can often be cut when their budgets are reduced. Ultimately, the goal is to continue to pursue a robust workforce.

Councilmember Azeltine concurred and was shocked that Leawood is the lowest when it comes to public safety because it should be everyone's top priority. His opinion was that Leawood should have the highest entry-level salaries. Mayor Dunn replied that Leawood will until another community raises theirs.

A motion to approve Item 12 was made by Councilmember Azeltine and seconded by Councilmember Filla.

Mayor Dunn added that she concurred with the importance of the public safety personnel comments and pointed out how challenging it is to be a policeman today. She expressed how supportive the Leawood community is of them.

Motion was approved unanimously by a vote of 8-0.

13. STAFF REPORTS – None

14. OLD BUSINESS – None

15. NEW BUSINESS

Schedule Governing Body meeting on Tuesday, September 6, 2022 at 7:30 P.M.

Councilmember Sipple asked why the start time is 7:30 p.m. Mayor Dunn replied that there is a work session at 6:00, which will be longer than the one that occurred that evening.

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

The meeting was adjourned at 11:08 p.m.

9D. (add.)

Stacie Stromberg

From: Earl Santee <Earl.Santee@populous.com>
Sent: Sunday, August 14, 2022 2:50 PM
To: Committees - City Council
Subject: Proposed JCW Pump Station 10/11 further considerations

Dear members of the Leawood City Council,

I am writing you to protest the current process by which JCW has undertaken to evaluate and determine the pump station building location.

We did meet with JCW to discuss options or slight alterations to the Pump Station location. We have not received responses that would indicate their willingness to consider options. The recent response regarding flood plain analysis has made us question whether they are giving us truthful responses. This led us to reach out to local engineers to ask a simple question. If we move the building up and out of the creek bed, would this be a positive impact on limiting water rise? The answers were a resounding 'Yes'. Yet JCW indicated it would be more problematic than their proposed solution.

Through additional discussions with other local civil engineers, I believe there are slight alternative locations of the Pump Station that would benefit both the 8900 State Line property owner and the Village of Leawood (VOL) community. These locations all are within the general area of the JCW proposal.

I feel the lack of process has not allowed us to have an honest discussion with JCW and believe that we are not being presented with the most optimal location for the pump station.

What is optimal?

For VOL, it is to move the building footprint out of the side of the creek bank thus eliminating the reduction of existing trees and vegetation and providing a consistent legacy look to the creek area. To reduce the amount of visual impact to the park and the VOL community. To execute the landscape and building design so that they are harmonious to their site location.

For 8900 State Line property owner, to limit the amount of land acquisition and to provide the most amount of buildable area and parking within his property. This would require moving the access easement and the utility easement to the same location, thus creating a single easement path from Dyke Branch to State Line.

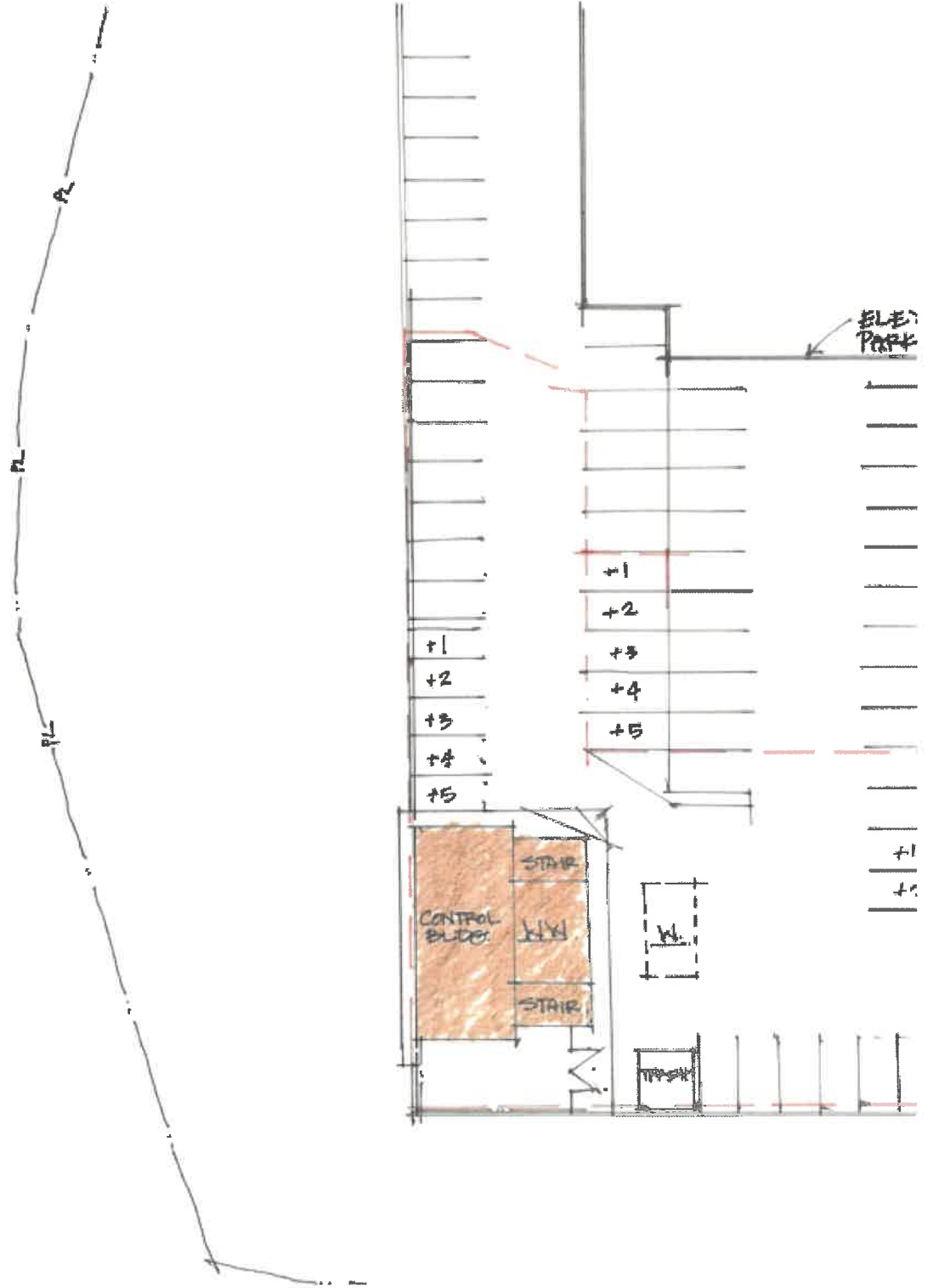
I have attached a plan that has the beginning of a solution for consideration.

I believe there is a process that allows for an optimal solution. We have conferred with several local civil engineers who agree moving the building out of the creek bank and elevating higher in the flood way would have a positive impact on water rise thus lessening the FEMA concerns. VOL is prepared to retain a civil engineer to help provide the alternative solutions. I have requested electronic files from JCW to assist in this process.

I am requesting that the Leawood City Council delay their vote for the rezoning and request that JCW work with the VOL and 8900 State Line owner to produce a better option for Council consideration.

Thank You,

Earl Santee, Licensed Architect
2141 West 89th Terrace
Leawood, Kansas 66206



Stacie Stromberg

From: Gary Fenner <Gary_Fenner@mow.uscourts.gov>
Sent: Sunday, August 14, 2022 10:22 AM
To: Committees - City Council
Cc: Mike Fishman; Earl Santee; Peter Brown; Bill Munninghoff
Subject: Re: Pump Station 10/11 at 8900 State Line

I am available this afternoon until 5pm if it might be helpful for us to talk re strategy.

Sent from my iPad

On Jul 14, 2022, at 7:45 AM, Gary Fenner <Gary_Fenner@mow.uscourts.gov> wrote:

Leawood City Council and Mayor

We have been asked by the Village of Leawood Homes Association (along with neighbors copied on this email) to spearhead the unanimous opposition of Village residents to the proposed location of Station 10/11 in the banks of Dykes Branch Creek on the eastern perimeter of the Village of Leawood Park. The proposed location will create a huge eyesore for the Park and the surrounding homes.

On June 21, 2022 we copied you with the letter we sent to the Leawood Planning Commission. We will send that letter to you separately to refresh your recollection on the issues presented by the decision of Johnson County Wastewater to place Pump 10/11 at 8900 State Line.

Below please find two pictures representing a winter view and a summer view of the pump station if JCW's proposed location is allowed to go forward.

The reason JCW is asking to put this pump station in the banks of Dykes Branch Creek is because that is where the property owner of 8900 State Line, who resides in Colorado, wants it to be placed. We can't imagine that the City would approve such a request to build into the creek bank if it came directly from the property owner and JCW should not be allowed to do this on his behalf.

JCW plans to clear a patch of ground 120 feet long (10 yards short of 1/2 a football field) and 40 feet into the bank of the creek. JCW will destroy all of the trees and natural vegetation in an immense section of the creek. There are signs along the Tomahawk Creek Trail promoting the environmental benefits of stream buffer advising that native vegetation along a stream helps stop erosion and filter pollutants. Dykes Branch Creek is no different. Below is a picture of this signage for your reference.

We and our neighbors are not trying to stop JCW from placing a pump station at 8900 State Line. As discussed more fully in our June 21 letter to the Planning Commission we prefer a site along the commercial corridor of State Line. Nonetheless, we have suggested a compromise redesign to JCW that will take the pump station out of the creek bank but leave it on the western edge of the parking lot at the site they are requesting. The proposed redesign would have very little if any significant impact on the additional space required in the parking lot from the present design. However, taking the pump station out of the bank of the creek would serve to preserve the natural environment and stream buffer.

We invite each of you to stop by our house or even just visit the Village Park to see for yourself the beautiful natural environment that will be so significantly impacted if JCW's request is approved. We do not want to impose on your time but we are happy to visit with you by phone, email or any location convenient to you if we can help further clarify our position as well as that of our neighbors. We will be out of the country from July 24 to August 10. We would be happy to meet or talk anytime before our departure or after our return. In our absence Mike Fishman will be the lead contact for the Village interests. Mike can be reached at mfishman@fishmancommercial.com or 913-645-0645.

Thank you for your service and attention to our concerns.
Gary and Peggy Fenner
2145 West 89th Terrace
Leawood, KS 66206

Gary - gary.fenner@mow.uscourts.gov - 816-806-9070
Peggy - peggymcgraw@me.com - 816-809-5454







Sent from my iPad

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