

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 Tuesday, September 6, 2022. Mayor Peggy Dunn presided.

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

Councilmembers Present via Zoom: Debra Filla

Staff Present:

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

Others Present: Carol Crane, Jackie Aaron, Kim White, and Fr. Mike Hawken

Mayor Dunn called the meeting to order at 7:30 p.m.

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

Mayor Dunn noted changes to the agenda: an addition of Item 16 - Executive Session; a minor typographical edit on Items 7A – 7D; and Item 4 – Citizen Comments will be moved after Item 6 – Presentations/Recognitions.

A motion to approve the amended agenda was made by Councilmember Rawlings and seconded by Councilmember Azeltine. Motion was approved by a unanimous vote of 7-0. Councilmember Filla was absent.

4. **PROCLAMATION** National Suicide Prevention Week – Sept. 4-10, 2022

Mayor Dunn read portions of the National Suicide Prevention Week proclamation into record.

Constitution Week – Sept. 16-22, 2022

Mayor Dunn recognized Ms. Crane and Ms. Aaron, as present to accept the proclamation. Mayor Dunn read it into record. Ms. Aaron, Regent of the Sagamore Chapter of the National Society of the Daughters of the American Revolution, stated that every year they celebrate Constitution Week and work to promote the celebration of the Nation’s founding document. She encouraged everyone to ring a bell at

3:00 p.m. on September 17th to honor the signing of the Constitution in 1787. She introduced Carol Crane, Chairman of the Constitution Week Committee, as present to help accept the proclamation.

Mayor Dunn thanked them for their work and the importance of their advocacy, and thanked them for attending the meeting.

Councilmember Filla arrived on Zoom at 7:39 PM.

5. PRESENTATIONS/RECOGNITIONS

Leawood First Responders Special Recognition

Mayor Dunn called forward Police Chief Dale Finger, Fire Chief Colin Fitzgerald, Mrs. Kim White and her family and guests.

Ms. White gave a detailed description of a medical emergency she experienced on Friday, May 13, 2022. She expressed extreme gratitude to the 13 First Responders who assisted her daughter through the emergency situation, and who were able to bring Ms. White back from near death, as a result from a heart attack. Ms. White thanked the Governing Body for their support of First Responders, and thanked them in allowing her to honor the men and woman who saved her life at a Council meeting. A standing ovation was given by staff, guests, and the Governing Body.

Mayor Dunn stated that Ms. White's remarks were thoughtful and impactful. She stated that her story was extraordinary but unfortunately is common for our First Responders. Mayor Dunn thanked Ms. White for coming forward with her profuse gratitude.

Ms. White presented each First Responder with a certificate of recognition, as read aloud by Mayor Dunn:

- Scott Frager, Leawood Police Officer II
- Brian Campbell, Johnson County Emergency Communications 911 Dispatch Telecommunicator
- Lia Greenhalgh, Johnson County Emergency Communication 911 Supervisor (not present)
- Capt. James Walker, Leawood Fire Dept. BC32 Battalion Chief
- Lt. Joe Ostermann, Leawood Fire Dept. Engine 32
- Master Firefighter Rick Schulze, Leawood Fire Dept. Engine 32
- Firefighter Brittney Youngquist, Leawood Fire Dept. Engine 32
- Lt. Jason Parker, Leawood Fire Dept. Truck 32
- Master Firefighter Travis Bloomingdale, Leawood Fire Dept. Truck 32
- MMF/Paramedic Ethan Gilkey, Leawood Fire Dept. Truck 32
- Lt. Kristi Walton, Johnson County MedAct Medic 1140 Ambulance (not present)
- Paramedic Madeline Hastings, Johnson County MedAct Medic 1140 Ambulance (not present)
- Battalion Chief Jonathan Kaplan, Johnson County MedAct BC 1105

Father Mike Hawken, Pastor of Church of the Nativity, thanked the First Responders from the community at large and expressed gratitude for those who serve on a daily basis. Fr. Mike offered a prayer for all First Responders, as requested by Ms. White.

Mayor Dunn noted that these First Responders have one of the best records and success rates in the country, and that they are valued and appreciated. She thanked everyone for attending.

6. CITIZEN COMMENTS

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. It is not appropriate to use profanity or comment on pending litigation, municipal court matters or personnel issues. Comments about items that appear on the action agenda will be taken as each item is considered. CITIZENS ARE REQUESTED TO KEEP THEIR COMMENTS UNDER 5 MINUTES. A TOTAL OF 30 MINUTES WILL BE ALLOCATED PER MEETING FOR CITIZEN COMMENTS.

Charles “Bob” Brettell, 9221 Wenonga Rd., addressed the Governing Body. He expressed frustration regarding when to address the Council under the citizen comments and action agenda items. Mayor Dunn pointed out that citizens are allowed to speak on items when they sign in and to indicate what topic they wish to speak. She also reminded Mr. Brettell that court decorum is to be used within City Hall and when addressing the Governing Body. Patty Bennett, City Attorney, suggested that she and Mr. Brettell have a discussion via phone or email later in the week to further discuss his question. Mr. Brettell argued that the language on the agenda is not clear and left the Council Chambers.

7. SPECIAL BUSINESS

- A. Public Hearing: Consider exceeding the Revenue Neutral Rate of 22.266 mills
- B. Public Hearing: Consider the 2023 Fiscal Budget for the City of Leawood, Kansas

Stephen Powell, City Clerk, pointed out that this presentation has been previously emailed to the Governing Body and was also made available on the City’s website. He gave an overview of the Revenue Neutral Rate (RNR) highlighting the following items:

- The RNR was enacted by the State in 2021 by Senate Bill 13
- It requires that cities who exceed that RNR pass a resolution, notify the County Clerk, and hold a public hearing
- The RNR is established by the County Clerk. It is the mill levy that would generate the same amount of revenue as last year.
- Leawood’s current mill levy is 24.076. It has remained stable for many years. Last year it decreased from what it had been historically.

He stated that because the City’s 2023 proposed budget is based on exceeding that rate and keeping the mill levy flat, a public hearing is required according to the state statute. All of the cities and school districts in Johnson County are intending to exceed their RNR. He stated that new this year was an estimated tax notice that the County Clerk’s office sent to all tax payers in Johnson County that includes the RNR, the proposed mill levy rate, and information on the public hearing.

Mr. Powell explained what a mill levy is and the formula used to calculate the number. He stated the staff is proposing to keep it the same for 2023, which is 24.076. There has not been a mill levy increase since 2003.

Loretta Morgan, Interim Finance Director, addressed the Governing Body. She presented the 2023 Annual Budget in Brief. She gave a high-level summary of the budget that was presented to the Governing Body in June. Highlights included:

- Mill levy, no change from 2022 (24.076)
- Assessed valuation growth is 7.51%
- Sales tax growth is 5.6% projected. She stated that this is on track for 2022.
- No general obligation debt issued in 2022

- General fund transfer to City Capital Art Fund – reflected a \$2 per person increase from prior years; additional \$68,092
- 302.08 FTEs; 269 FT positions which assumes full staffing in 2023
- 3.9% merit increase and wages are increasing by 8.16%. She stated that this includes an increase for Fire and Police, time in service payments, leave redemptions, promotions, career development, and expected retirement bonuses.
- Health insurance costs increase 12.53%, and all other benefits increase by 2.29%
- Includes in \$2.5M in decision packages by departments

Ms. Morgan highlighted the 2022/2023 Tax Comparison – Ad Valorem rates. She stated that it equates to a \$12 difference in the RNR. She pointed out that the budgeted revenue is slated for \$64.4M and of that, the property taxes and sales & use taxes are the biggest contributors to the revenue. Ms. Morgan broke down where the property tax dollars goes that includes all the taxing entities, and what the expenditures are of each department by funds.

Councilmember Osman clarified that the percentage of tax dollars for the Blue Valley and Shawnee Mission School Districts is approximately 50%. Mayor Dunn reference the slide in Ms. Morgan’s presentation and concurred that the City of Leawood receives approximately 20% of the tax dollar.

Councilmember Larson thanked Ms. Morgan for her presentation. She noted that the local newspapers had reported the mill levy rates for all the cities in Johnson County, but they did not report important distinctions in the rates for northern cities versus the southern cities in the County, such as fire protection. She pointed out that the City of Leawood is a good steward of tax-payer money and will continue to do so. Mayor Dunn agreed.

Councilmember Filla asked Ms. Morgan to repeat the breakdown of the percentages of tax dollars to each taxing entity. Ms. Morgan obliged.

Mayor Dunn formally opened the Public Hearings for the Revenue Neutral Rate and the 2023 Fiscal Budget.

Phil Bauer, 3217 W. 82nd Terr., addressed the Governing Body. He stated that to exceed the RNR and increase property tax for 2023 puts too much burden on the taxpayers right now. He pointed out how prices of gas & groceries have doubled, retirement accounts have lost money, and the nation is in a recession. Mr. Bauer stated that residents cannot afford a tax increase and encouraged the City to cut back. He questioned if City Equipment and Capital Improvements increases on the budget are necessary. He proposed the Council vote no to exceed the RNR and no to adopt the budget.

David Harwood, 14417 Norwood St., addressed the Governing Body. He stated that there are opportunities for the City to take advantage of with the new Infrastructure Investment and Jobs Act (IIJA), also known as the Bi-partisan Infrastructure Law. It provides for significant grant dollars available to cities and counties in ways the Federal Government has never done before. Mr. Harwood explained that he was recently appointed to serve on the Kansas Infrastructure hub advisory board, who work together to help their local cities and counties take advantage of the federal grant dollars. He offered his support to the City and encouraged the City to be aggressive, and to potentially augment the budget and reduce costs to constituents in the future. Mr. Harwood further explained how the grant money could be used for projects along State Line Rd., storm water, and burying power lines. He pointed out that part of the Bill has to do with electric vehicles and charging stations for city fleets.

Mayor Dunn thanked him for the information and suggested he contact Ms. Morgan, Patrick Geschwind, Interim City Administrator, and David Ley, Public Works Director.

Councilmember Harrison asked about charging stations at multi-family housing developments. Mr. Harwood explained that these dollars are set aside specifically for cities and counties, not for developers

but that cities could use the money for public enhancements around the projects to enhance the capacity for a grid.

Thad Carver, 12408 Eaton St., addressed the Governing Body. He offered a handout to the Council and stated that he represents homeowners in his area. He stated that they opposed the tax rate in excess of the RNR. He read from his handout (*attached to these minutes.*) He stated that State Senator Kelly Warren, a resident of Leawood, was present. He stated that she was a leader in passing K.S.A. 79-2988, that mandates a public hearing when a Kansas taxing entity proposes raising taxes.

A motion to close the Public Hearing on Item 7A was made by Councilmember Azeltine and seconded by Councilmember Larson. Motion was approved by a unanimous vote of 8-0.

A motion to close the Public Hearing on Item 7B was made by Councilmember Rawlings and seconded by Councilmember Sipple. Motion was approved by a unanimous vote of 8-0.

C. Resolution of the City of Leawood, Kansas to levy a property tax rate exceeding the Revenue Neutral Rate [*Roll Call Vote*]

Mayor Dunn asked to clarify what one mill equals. Ms. Morgan replied that between the revenue neutral rate of 1.81, it is 2.841 million, so it is a little over 1 million per one mill. Mayor Dunn stated that she asked the Public Works Director for a projection of increases in street projects. Mr. Ley reported to her that projects increased 15-20% from last year to this year, and the stormwater projects were also rising approximately 25% from 2020 to 2022. She reminded the Council that the City is trying to address critical needs and that costs are always increasing.

Councilmember Rawlings stated that he believes that all Councilmembers are fiscally responsible with the budget. He acknowledged increases to the budget in order to meet the needs of what citizens require and expect from the City. He calculated that the average increase per homeowner would be approximately \$.41 a day.

Councilmember Filla appreciated that citizens made comments tonight and their involvement. She mentioned that during the recession, many other cities had to lay off personnel, but Leawood was able to maintain a professional staff, technical skills, and First Responders.

Councilmember Harrison stated that she does not believe gasoline has doubled recently, but acknowledged the price of many other items such as concrete, materials, asphalt and labor has increased. She agreed that to retain staff and maintain a good infrastructure, an increase is needed.

Mayor Dunn mentioned that the City's AAA bond rating was recently re-affirmed.

Councilmember Azeltine stated that Leawood is one of two municipalities that has a AAA bond rating. He stated that the \$150/yr. increase is based on the average, or mean. He stated that the median is much less, so for the services the City provides, he feels it is a bargain. Councilmember Azeltine stated that 70% of the dollar goes to education, and he agreed that the City has been very good stewards of tax money.

Mayor Dunn clarified that the average Leawood resident pays approximately \$1,836/yr. (\$153/month) in property taxes to the City. She stated that many times residents express concerns over their property values when new development is proposed nearby. She stated that owning property in Leawood is a good investment because property value will always go up.

Councilmember Cain stated that there is thoughtful planning so that the revenue coming into the City is not solely dependent upon residential sales tax.

Councilmember Osman was appreciative of the residents who spoke at the public hearing. He mentioned that there are discussions that take place behind the scenes in which staff try to find new and creative solutions to problems that they foresee 5-10 years in the future. He warned that there can be a certain

period of time when deferred maintenance goes to a negative. He encouraged residents to contact staff or their Councilmembers for any questions.

A motion to approve Item 7C was made by Councilmember Sipple and seconded by Councilmember Azeltine. Motion was approved by a unanimous roll-call vote of 8-0.

D. Resolution adopting the Fiscal Year 2023 annual budget for the City of Leawood, Kansas

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

8. CONSENT AGENDA

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

- A. Accept Appropriation Ordinance Nos. 2022-32, 2022-33, 2022-34 and 2022-35
- B. Accept minutes of May 12, 2022 Ironhorse Advisory Board meeting
- C. Approve the Mayoral appointment of Sherrie M. Gayed to the Sustainability Advisory Board
- D. Appointment of Mayor Dunn as the voting delegate, and Councilmember Larson as the alternate, to Kansas League of Municipalities
- E. Resolution approving a final plan for 11250 Tomahawk Creek Parkway – Monument Sign, located south of 111th Street and west of Tomahawk Creek Parkway (PC 89-22)
- F. Resolution approving an Eligible Facilities Request for the replacement and addition of antennas and associated equipment for Verizon Wireless at Aloft Hotel, within the Park Place development, located north of 117th Street and East of Nall Avenue (PC 88-22)
- G. Resolution approving and authorizing the Mayor to execute a Permanent Sanitary Sewer Easement, granting said easement from the City to Johnson County Wastewater, pertaining to the Tomahawk Creek Rest Station [Project #71050] (PW)
- H. Resolution approving and authorizing the Mayor to execute Amendment No. 1 to the agreement between the City and Patrick Geschwind dated June 6, 2022 in a total amount not to exceed \$126,000 (LE)
- I. Resolution approving and authorizing the Mayor to execute Change Order No. 1 to the Independent Contractor Agreement between the City and Paint Pro, Inc., dated June 21, 2022 in an amount not to exceed \$20,000 pertaining to additional work to the Nature Center in Ironwoods Park (PR)
- J. Resolution approving and authorizing the Mayor to execute Change Order No. 1 to the agreement between the City and Total Electric Contractors Inc., dated July 5, 2022 in the amount of \$25,000 pertaining to the Pedestrian Signal Crossing, 143rd Project [Project #80402] (PW)
- K. Resolution approving and authorizing the Mayor to execute Change Order No. 2 to the Agreement between the City and Combes Construction in the amount of \$33,950.00 pertaining to the Leawood Aquatic Center [Project #71029] (PR)
- L. Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Blue Valley Public Safety Inc., in the amount of

\$35,398.90 pertaining to the purchase and installation of a replacement storm siren at 139th Street & Mission Road (PW)

- M. Resolution approving and authorizing the Mayor to execute a Construction Agreement between the City and VF Anderson Builders, LLC, in the amount of \$1,370,095.00 pertaining to the 2020 CMP Replacement Project – Location 3. [Project #80256] (PW)
- N. Resolution approving and authorizing the Mayor to execute an Independent Contract agreement between the City and Mission Electronics, in the amount of \$76,047.54 pertaining to the purchase and installation of cameras, speakers, wall mounts and microphone systems located at Fire Station No. 1 (PW)
- O. Approve the purchase of Patrol In-Car Laptop Computers from Turn-Key Mobile, Inc., in the amount of \$73,502.00 (PD)
- P. **Pulled by Councilmember Harrison**
- Q. Approve the purchase of a 2022 Harley Davidson Motorcycle from Worth Motorsports of Kansas City in the amount of \$19,116.00 (PD)
- R. Approve the purchase of a 2022 Dakota 440 Turf Tender material handler and a 2022 Dakota 410 truck mount for Ironhorse Golf Course from Van-Wall Equipment, Inc., in the amount of \$55,083.00 (PR)
- S. Approve surplus equipment from Ironhorse Golf Course: 2009 Toro Workman HDX, 2016 Toro truck mount 200 gallon sprayer, and Vicon Pendulum Spreader (PR)
- T. Approve surplus equipment from Public Works: Various office equipment (PW)

A motion to approve the remainder of the Consent Agenda was made by Councilmember Sipple and seconded by Councilmember Larson. Motion was approved by a unanimous vote of 8-0.

Discussion of Item 8P - Approve the purchase of Mobile License Plate Reader Camera System from Electronic Technology, Inc., in the amount of \$15,831.80 (PD)

Councilmember Harrison asked how many systems does the City have. Police Chief Dale Finger replied that there are 13 fixed LPRs and 1 mobile LPR. He stated that this will be in a mobile unit.

A motion to approve Item 8P was made by Councilmember Harrison and seconded by Councilmember Larson. Motion was approved by a unanimous vote of 8-0.

9. COMMITTEE RECOMMENDATIONS

[From the July 26, 2022 Planning Commission Meeting]

- A. Ordinance amending Section 16-9-209 of the Leawood Development Ordinance entitled “Pool Cabana”, and repealing existing section 16-9-209 and other sections in conflict herewith (PC 87-22) *[Roll Call Vote]*

Mark Klein, Planning Director, stated that this application and the one following (Item 9B) have to do with the definition of the pool cabana. He explained that some of the terms in the LDO included more than pool cabana, such as a bathhouse.

Mayor Dunn thanked Mr. Klein for his many months of work on this ordinance with much deliberation from the Council and Planning Commission.

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

[From the August 23, 2022 Planning Commission Meeting]

- B. Ordinance amending Section 16-4-1.3 of the Leawood Development Ordinance entitled “Permitted Accessory Uses, Buildings and Structures” pertaining to pool cabanas and repealing existing section 16-4-1.3 and other sections in conflict herewith (PC 78-22) *[Roll Call Vote]*

Mr. Klein stated that this part of the ordinance deals with the accessory dwelling units and refers to pool cabanas as being allowed, but without any parameters. He stated that earlier in 2022, the Council directed staff to review parameters and address storage. He stated that only pool equipment was allowed to be stored but this change allows other equipment to be stored with limitations. It also provides additional specifications that pool cabanas be designed and stamped by a KS registered engineer or architect, and be complimentary to the primary house on the lot. It also required that the cabana be adjacent to the pool and that the orientation be towards the pool. The maximum size would be no more than 2%, or maximum of 400 sq. ft. of the lot.

Councilmember Osman asked about roofing materials and solar panels on a cabana. Mr. Klein replied that currently the only solar roofing material that is allowed are Tesla solar panels, but he stated that solar panels are allowed on an accessory structure as long as they are placed on the roof and not as the roofing material itself. The roofing material is required to match the primary structure on the property. Mayor Dunn stated that it should be clarified.

Councilmember Osman asked how the maximum 40% size requirement is enforced. Mr. Klein stated that applications are reviewed through the building department that would require a layout of the pool cabana.

Councilmember Harrison asked about the pool pumps being hidden. Mr. Klein stated that the pumps can be located in other areas of the property but must be screened. He added that there are setback requirements also. Travis Torrez, Codes and Neighborhood Enforcement Director, noted that inspectors check that pumps are no more than 60 decibels when measured to the property line. Councilmember Harrison asked if any living space could be included in a pool cabana. Mr. Klein stated that the LDO defines a unit as having a kitchen and bathroom, so it would not be allowed because only 1 dwelling unit is allowed on a lot. Mr. Torrez added that generally a unit includes a kitchen, bathroom and bedroom. He stated that 400 sq. ft. is not much room.

Councilmember Osman asked about the notices that have already been sent to some residents. Mr. Torrez stated that staff will re-notice them and explain that it has been discussed and reviewed and what the new requirements are to bring them to compliance.

A motion to approve Item 9B was made by Councilmember Cain and seconded by Councilmember Larson. Motion was approved by a unanimous roll-call vote of 7-0. Councilmember Filla was unable to vote due to technical difficulties.

10. MAYOR’S REPORT

- A. I was joined by Councilmembers Rawlings, Harrison, Sipple, Cain and Interim City Administrator Geschwind at the Blue Valley Education Foundation Breakfast. There was a great deal of focus on the importance of good student mental health and teacher retention. The theme was Homegrown Heroes, and they honored teachers who grew up in the Blue Valley School District who came back to teach. We are fortunate to have such excellent schools in this district.

- B. Congratulations to Leawood Rotary President John Meier and Rotarians Chuck Sipple, Lisa Harrison and Jim Rawlings on a most successful 5K Labor Day Run/Walk. Although I only walked, Councilmember Mary Larson was spotted running the race. The weather was perfect for over 300 participants. Thanks to the Leawood Police and Public Works Departments for assistance with this event and for the local businesses who allowed for parking in their lots. It was a great morning. Congratulations to one and all.

11. COUNCILMEMBER REPORTS – None

12. INTERIM CITY ADMINISTRATOR’S REPORT

Mr. Geschwind thanked that Council for their support of Item 8H and that it will be a pleasure to serve the Governing Body until a permanent City Administrator is hired. Mayor Dunn stated that they appreciate and value his leadership.

He stated that he and staff worked diligently on the RNR presentation to explain the reason to exceed, and he thanked the Council for their support and acknowledgement of the previous city leaders’ intentions. He stated that staff is doing a great job and the Governing Body should be very proud.

Mr. Geschwind stated that the technology refresh is going very well and the work being done is impressive. He recently met with representatives from AT&T and T-Mobile regarding cell phone coverage in south Leawood. He believes there should be answers soon on improving coverage for citizens in that area.

He stated that Parks and Rec has recently had some workforce losses but they feel it is a good opportunity to restructure and re-build their department. He is working with Human Resources and Parks staff.

13. STAFF REPORTS

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

Ms. Claxton offered a handout to the Governing Body (*attached to these minutes*) to highlight the recent projects.

She stated that the pool closed yesterday and Doggie Dunk is tonight. Staff met with the contractor at Aquatic Center to go over the punch list and hope to have everything completed by the end of October. Inquiries are already coming in for the Event Space.

The pond and trail improvement project is nearly complete. Wet weather is needed to fill the pond and help with the grass seed. Mayor Dunn and Councilmember Cain remarked that the new bridge is beautiful. Ms. Claxton stated that the security camera and lighting will be complete at the end of the week on the trail behind City Hall. Landscaping will be done.

The footings at the Park Maintenance Facility are going in soon. There are large boulders that will need to be removed. Mayor Dunn asked if they could be used in other projects. Ms. Claxton stated that she would check with Public Works, but that there were very large in size.

She reported that McCarthy, who is the North Lake restroom general contractor, sent back the agreement with questions. It is under review with the City’s legal department.

She stated that the flashing beacon is not yet operational, but the art piece “Skywriting I” has been installed. Mr. Ley and staff are working on the signage in that area. “Purple Twist” is in next to City Hall. She stated that they have received positive feedback. She stated that the pool art breezeway piece will be started on September 12th and an open house has yet to be determined.

The 75th Anniversary piece, “Reaching” is being planned. Ms. Claxton showed a photograph of a wooden pole as an example of the height of the piece once installed. She explained that the scrub trees to the

north will be removed so it could be seen from the highway. Mayor Dunn pointed out that the piece will also be 40' wide, with lights that twinkle.

Councilmember Osman stated that he found it difficult to see from the highway. Ms. Claxton explained that the piece will be easier to see since it is 40 feet wide with lights once installed, but agreed that they want it to be as visible as possible.

Councilmember Cain asked if it would be visible if traveling on the highway heading east. Ms. Claxton stated that she was not sure. Councilmember Cain asked what the rest of the site will be used for. Ms. Claxton confirmed that they are still gathering data, but that a major component is getting fill dirt in that site.

Councilmember Filla asked about the view from the other side of the street in Overland Park. Ms. Claxton replied that the pole takes into account a 3-5' fill. She stated that she will ask Public Works to attach an orange flag to the top so the height can be seen better.

Ms. Claxton stated that the contractor CONCO came out last week to review and gave a cost estimate pro bono for a site for the Ironhorse Golf Course equipment storage building. She stated that work is moving along. She stated that the store front looks wonderful and they are receiving good feedback on the updates.

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

Mr. Ley confirmed that they will raise the pole to the height of Mission Rd. and add a different marker on top this week.

He gave an update on several projects: the Lee Blvd project is nearly complete and will be open to traffic soon. The 93rd and Lee Pedestrian Crossing project will start in the next week, since the Change Order was approved at tonight's meeting. The foundation walls at Fire Station No. 1 have been started. He stated that over the next 4 weeks the foundation walls and basement floor blocks will be added. Mr. Ley reported that 2022 CMP Project was approved by Council at the last City Council meeting, so it should get started in the next four weeks and completed by the end of the year. He stated that the utilities have been started on the Mission Rd. 127th-133rd section. Road construction will not start until early next year after the bidding process. Mission Rd. from 133rd to 143rd St. is currently on the same schedule. The final project of the 143rd Pedestrian Crossing near Windsor is waiting for a couple of items to come in stock but should be completed within a few weeks.

Councilmember Harrison thanked Mr. Ley for all the great improvements.

Councilmember Cain asked if the federal dollars that Mr. Harwood mentioned could be used to underground the utilities along Mission Rd. Mr. Ley stated that he will reach out to Mr. Harwood to discuss the funding. He talked to him earlier about sidewalks and curbs on the south side of 123rd St.

Councilmember Rawlings asked if the Fire Station No. 1 project will be winterized soon. Mr. Ley confirmed that because of the schedule the contractor will have to prepare the building in order to do the mason work and the bays during the cooler weather.

C. Colin Fitzgerald, Fire Chief – Report on Projects in Progress

Chief Colin Fitzgerald stood for questions on the Fire Station No. 1 project. Councilmember Sipple asked what the expected move-in date is. Chief Fitzgerald stated that at this time they expect it to be late February/early March. Councilmember Sipple asked if the equipment the Council approved recently will be easily moved to the new station. Chief Fitzgerald replied that the equipment is intended for the new station and will not be moved from an existing station.

D. Mark Klein, Director of Planning – Report on sports courts and wireless communication

Mr. Klein gave a presentation of additional information on sport courts as requested by the Council. He went over the current regulations and procedures of sport court/tennis courts, sport courts without lighting, with lighting, and the building permit process. He pointed out that courts with lights require a Special Use Permit, a recommendation by the Planning Commission, and an approval by the Governing Body. He outlined the regulations for location, setbacks, drainage, lighting, screening, and fencing.

Mr. Klein stated that the most common concerns are lighting, drainage, noise, setbacks, screening, hours of use, and size. He stated that a common complaint is if a homeowner moves the sport court closer to the adjacent resident. Mr. Klein offered a list of proposed modifications:

- Hours of lighting – from 7 a.m. to 10 p.m. to 8 a.m. to 9 p.m.
- Minimum setback – from 10 ft. from side and rear property lines to distance from primary residence of the lot containing the sport court shall be less than the setback from adjacent properties, and in no case shall be less than 20 ft. from adjacent side and rear property lines.
- Size limitation – limit the sport court to a maximum to 5% of the lot area.
- Clarify screen requirements – require screening of the sport court be evergreen landscaping not less than 6 ft. in height at the time of planting to muffle noise and block lights from all properties adjacent to the sport court.
- Modify process – administrative approval: if not illuminated and meets all requirements, including proposed modifications. Special Use Permit: if the court is illuminated or does not meet the above requirements.

Councilmember Cain suggested that 5% of the lot area also coincide with the side and rear property, to be more reflective of the location of the court, as opposed to the entire lot. Mr. Klein agreed. He suggested that the sport court be located closer to the primary residence than to the adjacent properties.

Councilmember Cain asked about the fencing. Mr. Klein replied that most of the sport courts in the City tend to be basketball courts or putting greens. He stated that pickleball is getting more popular. He stated that the ordinance does not specify the fencing for various sport courts. Councilmember Cain requested that it be clarified along with other modifications.

Councilmember Osman suggested that staff review acoustic fencing, especially for applications around pickleball courts.

Councilmember Harrison expressed concern about dead landscape screening and neighbors who do not use common courtesy in regards to noise and time limitations. She thanked Mr. Klein for tightening up the regulations. He stated that the City can enforce regulations for homeowners with approved landscape plans if their plants are dead or have been removed.

Councilmember Filla thanked Mr. Klein for all his work. Mr. Klein noted that Mr. Torrez and Marcy Knight, Assistant City Attorney, also assisted in the research and proposal. Councilmember Filla asked about the 5% size limitation in regards to certain homes in Old Leawood. Mr. Klein agreed that with these modifications, the limitations would not allow for a sport court. He stated that for a pickleball court, a homeowner could have a lot slightly larger than R-1. She asked about the setbacks. Mr. Klein stated that this was due to many lots being long and narrow, so the homeowner could push the court to the very back of their property, but it might only be 10 ft. from the neighbor's property. Councilmember Filla suggested that adjacent neighbors be notified of a sport court application. Mr. Klein stated that if it goes through a Special Use Permit, signs are put up in the public right of way, a notice is placed in the local newspaper, and certified mail and INTERACT meeting notices are required. He stated that HOAs are also noticed. Mr. Klein stated that exceptions go through the Board of Zoning Appeals (BZA). He stated that public hearings in front of the Planning Commission or BZA are best for neighbors to express their concerns.

Mayor Dunn suggested that staff's letter to the HOAs include that they notify the neighbors. She stated that the staff's process is thorough so it would be better to have the applications administratively approved, and not as Special Use Permits.

Councilmember Sipple asked if staff has reviewed hours of use and hours of lighting. Mr. Klein stated that they have reviewed what those impacts are to neighbors and indicated that those could be dealt with on a complaint basis.

Mayor Dunn thanked Mr. Klein for the information on sport courts.

Mr. Klein stated that Mr. Geschwind had been in discussions with AT&T and T-Mobile representatives recently. Both companies indicated that they would look at the issues and get back to staff. Mr. Klein stated that they have also contacted Verizon and gave them the addresses of those residents who reported having issues.

Councilmember Harrison mentioned that she has experienced employees at mobile phone retail store spreading misinformation about the City's unwillingness to put up towers. Mr. Klein stated that staff will discuss that with their contacts at the communications companies.

14. OLD BUSINESS – None

15. NEW BUSINESS

Schedule Governing Body meeting for Monday, September 19, 2022 at 7:30 p.m.

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

16. EXECUTIVE SESSION

Recess into executive session in the Main Conference Room, for the purpose of consultation with an attorney, deemed privileged in the attorney-client relationship, pursuant to the privilege exception, K.S.A. 75-4319(b)(2). The open meeting will reconvene immediately following the executive session in the City Council Chambers

At 10:25 p.m. a motion to recess into executive session in the Main Conference Room for a period of 20 minutes, for the purpose of consultation with an attorney, deemed privileged in the attorney-client relationship, pursuant to the privilege exception, K.S.A. 75-4319(b)(2) and to reconvene the open meeting in the Council Chambers at 10:45 p.m. was made by Councilmember Azeltine and seconded by Councilmember Harrison. Motion was approved unanimously by a vote of 8-0.

The regular meeting reconvened at 10:45 p.m. in the Council Chambers. No action was taken during the Executive Session.

A motion to adjourn the regular meeting was made by Councilmember Filla and seconded by Councilmember Azeltine. Motion was approved by a unanimous vote of 8-0.

Meeting was adjourned at 10:45 p.m.

Leawood City Council Property Tax Revenue Hearing, September 6, 2022

Mayor Dunn and members of the Leawood City Council, my name is Thad Carver. I live at 12408 Eaton Street in Leawood. I represent home owners in my area who are here with me this evening.

Leawood has proposed a tax rate in excess of the revenue neutral rate for the coming budget year. KSA 79-2988 adopted in March 2021 requires this hearing and a majority vote of the Council to increase property tax receipts above the amount received the previous year.

The attachment is a graph from the Kansas Open Government data base showing the percentage increase in Leawood's property tax revenue from 1997 through 2021. Note that Leawood's mill rate has been flat during the 24 years represented on the graph, yet the property tax is up 255% during a period when inflation increased 61% and Leawood's population increased 32%. This disproportionate increase in property tax revenue collection over time is the compounding effect of a flat mill levy applied year after year to an increasing assessed valuation. It is this phenomenon across the state that brought about passage of KSA 79-2988 and the requirement for this public hearing for those taxing entities that want to raise taxes.

Leawood's Revenue Department tells me that the US Congress through its Covid relief legislation has sent Leawood \$5,200,000 in two installments, one a year ago last spring and a second this June. This money remains unallocated and unspent at this time. Leawood's 2022 budget summary has a property tax line item that totals \$26,452,853.

The purpose of the Covid relief money is to offset losses and hardship suffered by citizens as a result of the pandemic. Since the loss per homeowner and business property owner is varied and the processing of individual claims would be an impossible burden on the city, we propose that Leawood set aside \$2,645,285, approximately half the Covid money received and equal to 10% of the 2022 property tax. Remit to each property tax payer 10% of their 2022 property tax as a proxy for each taxpayer's Covid hardship. Doing it this way instead of having everyone apply greatly streamlines the process of compensating people for their losses and hardship.

The remaining Covid money, \$2,554,751, is more than the difference between the 2023 proposed property tax revenue and the 2022 property tax revenue. \$28,496,061 less \$26,452,853 is \$2,043,208.

Use the remaining Covid money to prepare a revenue neutral budget for 2023.

We are not asking you to curtail government services. We ask that you increase the efficiency of government.

Will the homeowners who are with me here tonight please stand?

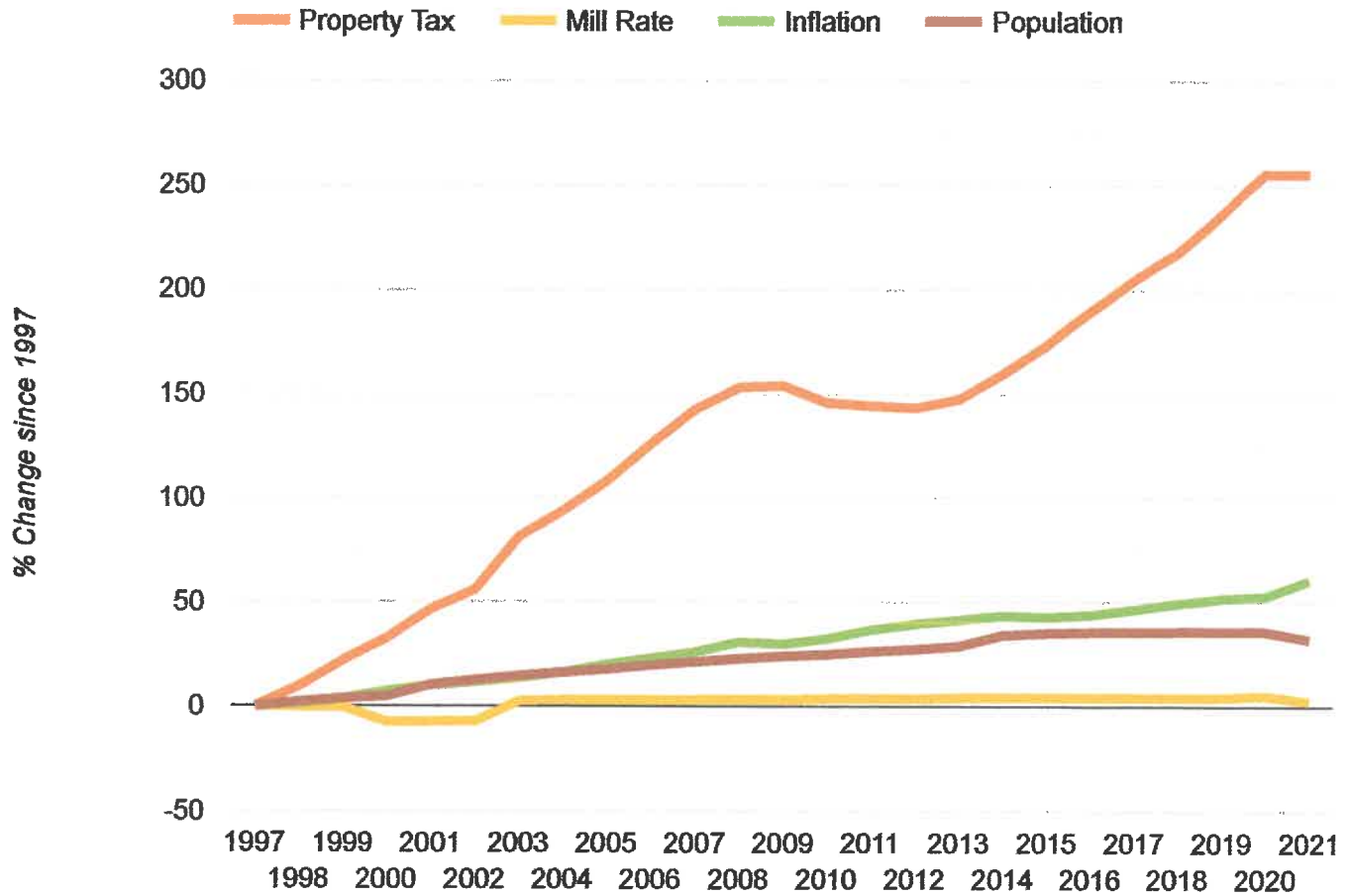
Thad Carver

KS OPENGOV

Leawood, Kansas

City Property Tax, Mill Rate, Population, & Inflation

Shows the cumulative change in property tax, mill rate, population and inflation since 1997. Data from Kansas Dept. of Revenue, Property Valuation Division in Open Records requests, US Census (<http://www.census.gov/>), Bureau of Labor Statistics Consumer Price Index (<http://www.bls.gov/cpi/>) for Midwest Urban Cities.





Aquatic Center

- Pool Closed for season yesterday at 6:00.
- Doggie Dunk is tonight.
- Contractor has been addressing punch-list items.
Goal is to complete punch-list by the end of October.
- Landscaping work will re-commence next week – includes replacing any dead trees/plants, and irrigation system issues.
- Mason scheduled to be on-site in 2 weeks at the Bike/Walk Trailhead.
- Inquiries are coming in about rental of event space.
Need to get AV equipment purchased and installed.

Ironwoods Pond and Trail Improvements

- Contactor finished the seeding late last week. This was the final item on the contact so we will be closing this one out soon.
- Some prolonged wet weather is needed to get the pond completely full. It is about 18” below normal pool at this time.

Roe to Tomahawk Creek Parkway Trail Extension [KDOT Grant]

- Concrete trail has been installed
- Lawn seeding has been completed east of the Tomahawk Creek Parkway
- Irrigation system repairs need to be done along the Tomahawk Condos property
- Sod will installed along the west side of Tomahawk Creek Parkway, along Town Center Drive and the trail to Roe.
- Tunnel – lighting replacement and security camera installation is underway.
- Trail to and around “Dancers” is underway. Planning on finishing the concrete trail installation week of September 12th
- Final grading and seeding in mid-September.

Park Maintenance Facility

- Spread footings for the admin building are completed. Starting on the footings for the shops/equipment storage and bulk material storage.
- Conduits installed that go through the footings.
- Large boulders encountered while excavating for the footings and site storm water systems that were not determined in the geotech report. The force account will be used to pay for hauling this material off site.

North Lake Restroom

- McCarthy legal team has reviewed the agreement for being the GC. Awaiting replies of comments by city.

Cultural Arts

"Skywriting I"

- The piece has been installed and the area is being seeded.
Landscaping to be installed in the spring when plants are readily available.

"Purple Twist" (by Jessie Cargas)

- Installation is complete.

Pool Art Pieces

- Installation of "Reflections" in the breezeway at the Aquatic Center will begin on September 12.
An Open House to celebrate the space and art is TBD

75th Anniversary Piece – "Reaching"

- Public works has placed the pole to indicate height. Should be able to be seen from interstate. [photo]
Olsson is waiting on modeling of area by HDR who did the WW treatment plant

75th Anniversary

- Branding recommendation revealed at work session earlier this evening.
- Working with author on book chapters
- Taking O'Neill Events & Marketing on a tour of park facilities next week to consider possible events based on locations.
- Commissioned art piece of City Hall by Alex Hamil is near completion.

IRONHORSE Golf Course

- Storefront has been installed.
- Film has been applied to the windows.
- CONCO visited the site last week regarding the equipment storage building. Waiting on suggested location and new cost estimate – (pro-bonbo0
- Architect is working on plans for phase II of clubhouse – kitchen expansion.