

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, October 3, 2022. Mayor Peggy Dunn presided.

Councilmembers Present: Lisa Harrison, Andrew Osman, Debra Filla, Jim Rawlings, Chuck Sipple, Mary Larson, and Julie Cain (via Zoom)

Councilmembers Absent: James Azeltine

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	Nic Sanders, HR Director
Fire Chief Colin Fitzgerald, Fire Dept.	Travis Torrez, Bldg/Code Enforcement Dir.
Mark Klein, Planning Services Director	Loretta Morgan, Interim Finance Director
Stephen Powell, City Clerk	Stacie Stromberg, Assistant City Clerk
Mike Pelger, Info. Services Specialist	Mark Tepesch, Info. Services Specialist
Mike Blankenship, Senior Network Admin.	

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 switched the order of the proclamations.

A motion to approve the modified agenda was made by Councilmember Rawlings and seconded by Councilmember Sipple. Motion was approved by a unanimous vote of 7-0.

4. **CITIZEN COMMENTS**

Persons wanting to speak during the meeting must sign in and indicate the agenda item they wish to address.

Members of the public are welcome to use Citizen Comments to make comments about City matters that do not appear on the agenda, or about items on the Consent Agenda. It is not appropriate to use profanity or comment on pending litigation, municipal court matters, or personnel issues. Speakers are requested to keep their comments to 3 to 5 minutes. A total of 30 minutes per meeting is allocated for the Citizen Comment portion of the agenda.

The Governing Body will hear comments about items appearing on the agenda from those who have signed in, as each item is considered. In the event a large number of persons sign in to speak, individual comment time may be further limited at the discretion of the Mayor.

Michael Gillaspie, 9411 Canterbury, addressed the Governing Body. He stated that he is an architect who has been involved in sustainability and energy efficiency for most of 40 years, as well as the chairman of the USGBC local advisory board. He stated that because of a partnership with Solarize KC he learned that homeowners in Leawood are prohibited from installing solar panels on accessory structures, such as pergolas. He pointed out that there are many beautiful trees in Leawood that provide shade to homes, but having the opportunity to add solar panels on a separate structure would still be a good benefit. Mr. Gillaspie provided images of several solar panel examples located on accessory structures, and mentioned that as an architect he would not want to see anything in an unattractive fashion.

5. PROCLAMATION

World Polio Day, October 24, 2022

Mayor Dunn asked for members of the Leawood Rotary Club to come forward. President and former Police Chief John Meier, members Chuck Udell, Mel Hawk, and Stephen Powell were introduced prior to the Mayor reading the proclamation into record. Mayor Dunn mentioned that Jim Arnett was the key Rotarian who advocated for the World Polio Day in Leawood.

Mr. Meier thanked the City for its recognition of their efforts to try and eradicate polio. Mayor Dunn mentioned that she is an honorary Rotarian and other Rotarians are Councilmembers Chuck Sipple, past president; Jim Rawlings, secretary/treasurer; and Lisa Harrison. Mayor Dunn thanked the group for attending.

Double Ten Day, October 10, 2022

Mayor Dunn stated that since 1988 Leawood's Sister City has been I-Lan, Taiwan. Mayor Dunn read the proclamation into record. She noted that this proclamation will be mailed to the Taipei Economic and Cultural office in Denver to the attention of Director General Bill Huang.

6. PRESENTATIONS/RECOGNITIONS – None

7. SPECIAL BUSINESS

Resolution approving recommendations of the Brand Strategy Task Force (formerly the “Motto Task Force,”) and Willoughby, Inc., pertaining to the City's Brand Strategy, including logo and tag lines

Mayor Dunn called to attention Item 8D under the consent agenda of the minutes of the work session for the branding topic and how well it expressed their discussion. Mayor Dunn recognized Chris Claxton, Director of Parks, Rec and Cultural Arts; Holly York, former Cultural Arts Supervisor; Alice Hawk; Bill Claussen; Marc Elkins; and Anne Blessing as members of the task force.

Ms. Claxton stated that in the work session there was consensus on the logo, colors and other items. She stated that the difference between this item and what was discussed at the work session was the addition of the tag lines. She explained that they will be available and optional to use.

Mayor Dunn stated that she appreciated the tag lines. Councilmember Sipple asked what the first change citizens will see. Ms. Claxton replied that it has not been prioritized yet, but she believes the banners, business cards, and other smaller things. She confirmed that the new branding will be pushed out in January with the Mayor's State of the City address. Mayor Dunn added that things will be replaced as needed with the new logo, and not all at once.

Mayor Dunn commented that Willoughby did an excellent job.

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

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. 2022-38 and 2022-39
- B. Accept minutes of the August 15, 2022 Governing Body Work Session - *Continued from September 19, 2022 Governing Body meeting*
- C. **Pulled by Mayor Dunn.**
- D. Accept minutes of the September 6, 2022 Governing Body Work Session
- E. **Pulled by Councilmember Sipple.**
- F. Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and INSCO Industries, in an amount not to exceed \$118,678.00, pertaining to the painting of the pool and sprayground and baby pool amenities at the Aquatic Center (PR)
- G. Resolution approving and authorizing the Mayor to execute agreements in a total amount not to exceed \$136,794.48 pertaining to an upgraded phone system for the City (IS)
- H. Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Control Service Company in the amount of \$140,000.00 pertaining to the design and installation of the Automated Logic Energy Management System (PW)
- I. Resolution approving and authorizing the Mayor to execute a Maintenance Agreement between the City and Mission Prairie Homes Association pertaining to the Conduit Installation under 141st Street (PW)
- J. Resolution approving Change Order No. 1, in the amount of \$3,666.18 with John A. Marshall Co., pertaining to flooring for Phase I clubhouse remodel – Ironhorse Golf Course (PR)
- K. Approve payment in the amount of \$71,968.20 to City of Overland Park for upgrades to the Computer Aided Dispatch [CAD] software (PD)
- L. Approve payment in the amount of \$26,364.51 to City of Overland Park for 2022 annual maintenance, pertaining to computer aided dispatch software and accompanying software products used in patrol cars (PD)
- M. Approve 6th and final payment, in the amount of \$56,036.47 to She Digs It, pertaining to the pond renovation project at Ironwoods Park (PR)
- N. Approve 3rd and Final pay to J.M. Fahey Construction Company in the amount of \$12,066.25 pertaining to the 2022 Residential Mill and Overlay Project [Project #70032] (PW)
- O. Approve Final Payment to Cartwright Tree Care in the amount of \$1,350.93 pertaining to the Mission Road 133-143 Tree Removal (PW)
- P. **Pulled by Councilmember Filla.**

Q. Approve purchase of (1) 8500E Paver from Kirby-Smith Machinery in the amount of \$200,919.50 (PW)

R. Declaration of Surplus Equipment: HP DesignJet printer (PW)

A motion to approve the remainder of the consent agenda was made by Councilmember Harrison and seconded by Councilmember Sipple. Motion was approved by a unanimous vote of 7-0.

Discussion of Item 8C: Accept minutes of the August 15, 2022 Governing Body meeting.

Mayor Dunn corrected “assessed” to “appraised” on page 9.

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

Discussion of Item 8E: Resolution approving and authorizing the Mayor to execute 2023 Employee Benefit Plan documents (HR).

Councilmember Sipple asked how Leawood compares to other cities in terms of benefits. Nic Sanders, Human Resource Director, replied that the City started out with a 12% rate increase but was able to negotiate it down to 7%. He pointed out that there could have been some minute changes that would have been passed down as increases to staff, but they decided that it would not have been beneficial overall to save 0.75%. He stated that the market has started to over-correct, and pointed out that the medical field has a shortage of staff, nurses and nurse practitioners. Mr. Sanders noted that although staff budgeted for a 5% increase this year, last year there was a 0% increase.

He stated that compared to some of the other agencies who are doing salary surveys, Leawood is doing competitively well in its plan design. Mr. Sanders stated that although it is a 7% increase, it is better than most. He affirmed that they will fight every day to be a health care advocate for the employees.

Councilmember Sipple asked what the impact would be of a 7% increase. Mr. Sanders stated that the total amount of the 7% increase will be \$250,000.

Councilmember Harrison mentioned that she would like to have some conversation in the future about other benefits with a discussion of options of sick/personal leave for employees in order to hire and retain staff.

Mayor Dunn congratulated Mr. Sanders on holding the increase to 7%.

Mr. Sanders noted that staff is currently conducting surveys about unlimited PTO (paid time off), as mentioned by Councilmember Harrison. He explained that it can be complicated and is normally found more commonly in private industries. He noted that it can be a benefit for those who take a lot of leave, but for the employees who are at work every day because of being short-staff, they generally do not take their leave. Mr. Sanders stated that his staff is reviewing this and are aware that some agencies have increased their amount of sick leave and vacation accruals 4-5 years ago. He pointed out some of the downsides to these adjustments and what smaller cities have done for retention bonuses. Mr. Sanders pointed out the challenges of balancing the leave for long-time, dedicated employees while still having the staffing capabilities.

Mayor Dunn mentioned that the number of years of time and service was decreased from 5 to 3 years. Mr. Sanders replied that it was decreased approximately 10 years ago, but that it has set a standard.

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

Discussion of Item 8P: Approve Final Payment to Infrastructure Management Services in the amount of \$1,089.70 pertaining to the 2021 Pavement Condition Index (PW).

Councilmember Filla asked what the new number is on the PCI. David Ley, Public Works Director, replied that it is down 2-3 points overall. He stated that this is the first time they conducted the review with the truck over the past 10 years. In years prior, they only used the computer to depreciate the PCI value. He stated that the hope is when doing the residential mill and overlay every 10 years, it will increase the PCI. Mr. Ley confirmed that the goals are still being met.

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

Mayor Dunn asked how thick the micro-surface is on the mill and overlay. Mr. Ley confirmed that it is 1 inch, and that 2 inches are done to streets when inspectors determine when those roads on the program need it.

9. MAYOR'S REPORT

- A. Councilmember Julie Cain joined me at the Shawnee Mission Education Foundation Breakfast that was spearheaded by Leawood resident Kim Hinkle, who is the Executive Director of the Foundation. Kim is also the chairperson of the Leawood Arts in Public Places Initiative. There was a very special announcement at the breakfast that the SMEF becomes the first affiliate in Johnson County to partner with Dolly Parton's Imagination Library. Children ages birth to 5 years old and living within the boundaries of the Shawnee Mission School District will have the opportunity to receive one age-appropriate book free each month thanks to this partnership. We congratulate them on that wonderful news.
- B. Councilmember Chuck Sipple joined me at the Leawood Chamber ribbon cutting for the Goodwill Boutique located at 129th and State Line Road. This Goodwill site has long been a community drop-off, but this beautifully designed boutique is a new part, and it is the first boutique connected with a Goodwill drop-off in the community. They hope to have many more soon. Nothing will ever go to a landfill; do not be afraid to donate an item with a hole in it, and every single item will be re-purposed and re-used. They have a beautiful boutique that everyone needs to see. Lots of items that come into that drop-off site still have their tags on them.
- C. Great appreciation to Vivian Swafford for orchestrating the celebration of the 111th National Day of the Republic of China on Taiwan at Vista 154 over the weekend. Councilmember Chuck Sipple joined me along with Jean Asbury and Lynn Strout, members of our I-Lan Sister City Committee. Vice Consul Leanne Kao from the Taipei Economic and Cultural Office in Denver was in attendance along with the Kansas House Majority Leader Dan Hawkins. There were many expressions of hope for world peace from the numerous speakers during the program.
- D. Hallbrook Country Club hosted for the second year an appreciation breakfast for our Leawood First Responders and their families this past Saturday. The weather could not have been more perfect, and there was great attendance at this special event. We thank Hallbrook for their generosity.

- E. Congratulations are in order for Leawood Rotarian Chuck Udell. There was a district conference and the Leawood Rotary Club received a number of awards, but most importantly, Chuck Udell received the *Service Above Self* Award from Rotary International. This prestigious award from Rotary is only given to 150 Rotarians a year. (There are over 1.4 million members in 221 countries.) This is quite an honor and well-deserved, and I know that all of you who know Chuck know his passion for Rotary and how much service he puts into it. We congratulate Chuck.

10. COUNCILMEMBER REPORTS

Councilmember Debra Filla

Discussion of Solar Energy

Councilmember Filla stated that there are tax credits available for solar energy use, and explained that there are co-op groups that can join together to determine if they would like to participate or not. She pointed out that Mr. Gillaspie presented several nice photos of solar roofs and mentioned he has high standards as an architect.

A motion to direct staff to review and make any recommendation on how the City can participate with solar credits was made by Councilmember Filla and seconded by Councilmember Osman.

Mark Klein, Planning Director, stated that the City currently allows solar collectors as an accessory use in both residential districts and commercial districts. The metal color must be warm earth tones or black, and components must be concealed. He stated that it does not exclude solar panels on certain areas, but indicated that the pergola issue may have come from the definition of a pergola as having open rafters.

Mr. Klein showed three examples of currently permitted solar panel roofs. He pointed out that examples of what is not allowed by policy are ground-mounted panels, canopy structures, and solid roof accessory structures.

Councilmember Filla asked if carports in mixed-use developments could be solar panel roofs. Mr. Klein replied that currently the Leawood Development Ordinance (LDO) allows commercial solar panels to be on flat roofs as long as they are screened. Councilmember Filla asked what other cities allow. Mr. Klein stated that they are similar to Leawood, except Kansas City, MO allows ground-mounted solar panels. He pointed out the KCMO did receive some complaints about sunlight being reflected into the neighbor's properties or residents wanting to fill their entire yard with panels.

Mayor Dunn recognized that Mr. Klein has been doing a lot of research on this topic.

Councilmember Harrison asked about home owners association (HOA) restrictions versus the City's ordinance. Mr. Klein stated that is generally the more restrictive of the two that is followed. He pointed out that the City cannot enforce a private covenant. Councilmember Harrison asked if staff expected the state to restrict panels in the future. Mr. Klein answered that he is not aware of that happening in Kansas.

Councilmember Filla asked if Leawood owned properties have been assessed for solar panels. Patrick Geschwind, Interim City Administrator, replied that he would check into that possibility for buildings such as the new Park Maintenance building.

Mayor Dunn stated that the solar credits have been available for commercial buildings for a long time.

Mr. Klein clarified that the Council would like to have staff look at solar panel opportunities for City buildings and also for detached structures that adhere to the code. Mayor Dunn agreed.

Motion was approved by a unanimous vote of 7-0.

Councilmember Sipple asked for addresses of residents who have solar panels so he and others could observe what is already approved and in use. Mr. Klein stated that the Neighborhood Services Dept. could help provide those.

11. INTERIM CITY ADMINISTRATOR’S REPORT

Mr. Geschwind reported that SGR has posted the job for the City Administrator. He stated that each of the Governing Body members will receive a copy of the 8-page packet. He pointed out that a date for final applications is not included in the packet but HR found mention online that applications will be accepted through the month of October. He stated that SGR expects to conduct a screening process through the month of November.

Mr. Geschwind stated that he recently met with the Leawood Police Chief Finger and staff to discuss the recent pay increases for their department. He stated that it has been successful for new hires, especially in entry level positions. He noted that the police captains are very appreciative of the Governing Body’s approval for the increase. Mr. Geschwind explained the challenges of salary compression but commended the PD and HR Departments for finding a solution.

He thanked Mark Andrasik, Mike Blankenship and the Information Services Dept. for the work they have been doing for the technology refresh. He pointed out that the Department Heads were pleased to be asked for input and shared insight to help make a decision going forward.

Mr. Geschwind mentioned that by the next City Council meeting, he believes all parties will have agreed to a solution for the JCW pump station at 8900 State Line Rd.

12. STAFF REPORTS

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

Ms. Claxton offered a report handout. She summarized that the Aquatic Center AV equipment that was approved is on order. There have been some supply chain issues with some of the components, but it will not affect the use of the facility.

She stated that the pond project is closed out and completed.

Ms. Claxton stated that there is activity on the trail behind City Hall and that staff is addressing the graffiti, the weeping wall, and concerns about the trail along the greenway. Mayor Dunn explained where cars and foot traffic intersect and suggested curbs in that area. David Ley, Public Works Director, stated that to install curbs, the City would have to add storm sewers to collect rainwater but noted that it should be solved when the roundabout is completed to slow down car speeds and create a wider area between the trail and the roadway.

Mayor Dunn asked about sod. Ms. Claxton stated that seed has already gone down on the east side and the other side will be sod. Rain is needed but they are currently working on the irrigation system that was disturbed during the construction. Ms. Claxton stated that the trail needs a name so nearby residents will know it is there.

She stated that there is a little holdup on the stormwater drainage for the Parks Maintenance building due to a supply chain issue.

Ms. Claxton explained that staff has been working very hard on the North Lake restroom. Fabrication has started and installation is planned for mid-March 2023.

“Reflections” art piece at the pool has been installed in the breezeway. The open house is tentatively planned for November. Ms. Claxton is hoping to have the Bike Hub finished first but masonry work is being planned now.

She stated that the 75th Anniversary art piece, “Reaching” is currently being worked on by the artist who is also asking for a confirmation of the location. Ms. Claxton noted that staff will reach out the HGR to follow up.

Ms. Claxton reported that she is waiting for O’Neill Events and Marketing to send her a proposal for a signature event in a couple of weeks. She is continuing to work with the author of the Leawood History Book. Ms. Claxton stated that there has not been much change to the Ironhorse Golf Course. Mayor Dunn commented that the new doors look great.

Ms. Claxton stated that their department has a new Superintendent of Recreation Services. Her name is Danielle Foster and she started work today. A new Cultural Arts Supervisor was also hired recently. Her name is Chelsea Perry-Kaufman and she will start on October 24th. She noted that both of these positions are public facing and she would like to introduce them to the Council at an upcoming meeting.

Ms. Claxton stated that the special event “Into the Night” this Friday has sold out. Weather should be terrific and they are expecting 600 people.

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

Mr. Ley reported that Lee Blvd. north of 83rd St. should be completed later this week. Staff checked into the amount of light coming from the street lights after some complaints and decided to install different light coverings to be done in the next few weeks. The rapid fire beacons at the crosswalk at 93rd and Lee will be installed in the next couple of week. The crosswalk is finished. Mr. Ley stated that the fire station project has approximately 80% of the foundation and foundation walls completed. He noted that the brick work will likely be going on in December and January, so they will need to tent and heat the building.

The Mission Rd. projects from 127th to 133rd Streets and 133rd to 143rd Streets are continuing with utility relocation and undergrounding of power lines. The Mission Road project bids opened last week and they came in over budget, so staff will review the engineering to try and bring it within budget. They will not re-bid but go with the lowest bid and value engineer for a couple of areas.

He stated that the crosswalk on 143rd in front of Prairie Star Elementary School has all the equipment installed this week and they are working with Evergy to get power turned on in a couple of weeks.

Councilmember Filla asked what project was going on at 83rd and Mission. Mr. Ley replied that from 83rd to 92nd Streets, Evergy is replacing a vault on the City of Prairie Village side. He stated a negotiator is trying to obtain easements from the Leawood residents in order to underground our power lines in conjunction with Evergy’s project.

Councilmember Sipple asked if there had been any update on the traffic issues with school drop off and pick up at Curé of Ars School. Mr. Ley stated that staff plans to bring it to the Public Works Committee meeting in November. He stated that police will fly their drone over the next 4 weeks to gather data and the new principal will be invited to the meeting.

13. COMMITTEE RECOMMENDATIONS

[From the September 13, 2022 Planning Commission Meeting]

Resolution approving a revised final plan for Town Center Crossing – The Rockhill Grille – addition for cooler, located south of 119th Street and east of Roe Avenue (PC 104-22)

Dev Anand, Architect with Dev, Inc., applicant on the project, stood for questions. Mr. Klein stated that the Fire Marshall pointed out that an existing door, as shown on the building plans, would be partially blocked when the cooler is installed. The architect has moved the door to the west. The Fire Marshall indicated that if the change was approved by the Governing Body, the permit application would need to be amended.

Councilmember Osman asked why this change is coming before the Council and not approved administratively. Mr. Klein stated that it is an addition of square feet to the development, and therefore, is required to go before the Planning Commission and Governing Body. Councilmember Osman asked the applicant about the timeline of when he was notified of the changes. Mr. Anand acknowledged that he has always had a good working relationship with Mr. Klein and his staff, but he remarked that he has struggled with the amount of time lost through the process. Mr. Anand explained that the additional space needed for the cooler would have cut into greenspace so they negotiated with staff to reduce the size and try to keep the restaurant opening on time. He stated that they plan to open the restaurant in a couple of weeks and are requesting a temporary permit and temporary cooler.

Mayor Dunn confirmed that the restaurant is opening in the most popular shopping center in Leawood that is also deficient on greenspace. She noted that a reason why staff required him to go through the planning process is that it is over on FAR (floor area ratio) and the Council recently approved deviations on parking in that shopping area.

Mr. Anand stated that they did not know in June that when they submitted the tenant finish documents with exterior remodel that it would have to go through this process. He noted, however, that it has been easy to work with Mr. Klein, and that he is excited for the public to attend the restaurant.

Councilmember Rawlings asked what impact will it have on the restaurant operations to go from a 500 sq. ft. to 150 sq. ft cooler. Mr. Anand stated that they kept reducing it to get to the final size and the restaurant will have to make it work. Councilmember Rawlings echoed Councilmember Osman's comments and noted that he hoped it could have been handled more efficiently and quickly.

Councilmember Harrison stated that it is not customer facing parking where the cooler will be located and is not Leawood resident greenspace they are dealing with.

Mr. Anand expressed his appreciation for the Council acknowledging the challenges. He stated that the owner of the restaurant had asked for 22 sq. ft. more but could not get it because staff's hands were tied. If approved, they will have to use a temporary cooler so the restaurant can open on time while the permanent cooler is being constructed.

Ms. Bennett stated that 150 sq. ft. sounds small but she warned that if every shop in the center wanted to remove greenspace for an addition, then the Planning Dept. would be unable to hold on bounded discretion. She stated that the greenspace is also to allow a pervious area so that water can drain and percolate back into the ground.

Mr. Klein reminded the Council that at this shopping center, they were already below a 30% greenspace requirement. He stated that technically they are in a legal, non-conforming situation. He stated that the City wanted to accommodate the request, but because what is allowed they had to work within the ordinance.

Councilmember Cain stated that she would like to later discuss what kind of discretion staff should have so there is some middle ground in the future.

Councilmember Osman stated that he is thrilled to have Rockhill Grille come to Leawood. He and Councilmember Filla have discussed that they would like to explore at a later point in time some alternative ways to be creative with greenspace and removing/replacing trees. Mr. Klein confirmed that

staff has discussed a tree bank but agreed that he is happy about the restaurant coming to Leawood, as well.

A motion to approve Item 13 was made by Councilmember Larson and seconded by Councilmember Filla. Motion was approved by a unanimous vote of 6-0. Councilmember Harrison was not seated for the vote.

14. OLD BUSINESS – None

15. NEW BUSINESS

- A. Resolution confirming rejection of bid received for construction of certain Aventino Special Benefit District Improvements [Project #80305] (PW)

Travis Schram, President of GRATA Development, 6300 W. 143rd St., Overland Park, KS, addressed the Governing Body. Mr. Schram stated that after review of the bid for their Special Benefit District (SBD) request for Aventino there were a number of quantity irregularities. He stated the numbers have come back much higher than anticipated from when they started in March. Mr. Schram stated that they are coming back with a change in their SBD request, specifically the scope. They are working to remove some items from the scope so that the SBD assessment to the homeowner remains the same as what was originally set.

He stated that they will need to go through the steps to adjust for the higher construction costs, first being to reject the bid, redo the scope, adjust the quantities, and value engineering. He stated that they will come back to the Council in two weeks with a change of scope as reflected in the petition.

Mayor Dunn thanked Mr. Schram for being cognizant of what the market can bear.

A motion to approve Item 15A was made by Councilmember Filla and seconded by Councilmember Rawlings.

Councilmember Sipple asked if downsizing the stormwater detention is because it was originally constructed for commercial use. Mr. Schram confirmed that it is over-detained because of the original commercial development which is now unnecessary and creates an unusable development area.

Councilmember Osman expressed his concern for the market in the next six months to two years. He stated that he does not want to see this project fail. He encouraged Mr. Schram to sharpen his pencil. Mr. Schram agreed that the market is shifting hard but he monitors it continuously. He mentioned that the higher price points are less affected by the rising interest rates, and theorized that is because there is more equity or cash offered instead of being fully financed at those price points. Mr. Schram pointed out that when interest rates started to climb, their company decided to fund it internally and not go through a bank.

Motion was approved by a unanimous vote of 7-0.

- B. Ordinance levying special assessments on certain property to pay the costs of improvements in the City of Leawood, Kansas; providing for the collection of such special assessments; and amending Ordinance No. 3081 and Resolution No. 5772 of the City (LE) [*Roll Call Vote*]

Mr. Schram stated that they are changing the scope of the benefit district. He stated they have started their marketing and that reception has been very strong.

Councilmember Sipple asked when the first home will be constructed. Mr. Schram stated that they hoped to have foundations in before this winter, weather permitting.

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

- C. Resolution approving and authorizing the Mayor to execute an amendment to a development agreement between the City of Leawood, Kansas, and Macallister Land Development Company, LLC, pertaining to a special benefit district for the Aventino Development (LE)

Mr. Schram clarified that this development agreement with Macallister Land Company has been assigned to their subsidiary, Aventino Development Company.

A motion to approve Item 13C was made by Councilmember Osman and seconded by Councilmember Rawlings. Motion was approved by a unanimous vote of 7-0.

- D. Schedule Governing Body meeting on Monday, October 17, 2022 at 7:00 P.M.

A motion to approve Item 13D was made by Councilmember Rawlings and seconded by Councilmember Sipple. Motion was approved by a unanimous vote of 7-0.

Meeting was adjourned at 9:31 p.m.