

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, November 21, 2022. Mayor Peggy Dunn presided.

Councilmembers Present: Debra Filla, Mary Larson, Lisa Harrison (via Zoom), Jim Rawlings, Chuck Sipple, Julie Cain, Andrew Osman (arrived at 8:04 p.m.)

Councilmembers Absent: James Azeltine

Staff Present:

Patrick Geschwind, Interim City Admin.

Nic Sanders, HR Director

David Ley, Public Works Director

Chief Colin Fitzgerald, Fire Dept.

Travis Torrez, Bldg/Code Enforcement Dir.

Stacie Stromberg, Assistant City Clerk

Mark Tepesch, Info. Services Specialist

Patty Bennett, City Attorney

Chief Dale Finger, Police Department

Chris Claxton, Parks & Rec Director

Loretta Morgan, Interim Finance Director

Mark Klein, Planning Services Director

Mike Pelger, Info. Services Specialist

Mike Blankenship, Sen. Network Admin.

Mayor Dunn called the meeting to order at 7:31 p.m.

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

Mayor Dunn stated that Councilmember Mary Larson will give a report on Citizen Connection, so it was added under Item 11, Councilmember Reports.

A motion to approve the agenda with the addition was made by Councilmember Rawlings and seconded by Councilmember Sipple. Motion was approved with a unanimous vote of 6-0.

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.

5. PROCLAMATION – None

6. PRESENTATIONS/RECOGNITIONS

Introduction of new Parks and Recreation Employees
Chelsea Perry-Kaufman, Cultural Arts Supervisor
Danielle Foster, Recreation Services Superintendent

Chris Claxton stated that Chelsea Perry-Kauffman was unable to attend the Council meeting due to family being in town. Ms. Claxton introduced Danielle Foster. She stated that Ms. Foster started with the City a couple of months ago and is doing a fantastic job. Ms. Foster stated that she attended the University of Kansas and Baker University and has worked primarily in Missouri, but is happy to be back in Kansas.

She stated that there are a lot of exciting things coming up in the City and stood for questions. Mayor Dunn welcomed her and stated that the City is delighted she is here.

7. SPECIAL BUSINESS

- A. Resolution approving and authorizing the Mayor to execute a First Amendment of Performance Agreement between the City of Leawood, Kansas, and KBP Base Camp, LLC (LE).

Ms. Bennett stated that a Performance Agreement for industrial revenue bonds was approved last year in the summer of 2021.

Curt Peterson from KBP addressed the Governing Body. He stated that construction is completely closed in due to the weather. The company is on target for an early spring move-in and that there was a Performance Agreement that KBP met the requirements for. In addition to leasing out the first floor, KBP is asking for the ability to lease out the second floor.

Mayor Dunn asked how many people were employed at the KBP Corporate Woods location. Mr. Peterson responded that there are around 60 people, but there will be upwards of 70 in the spring.

Councilmember Sipple asked how the annual reporting against the benchmarks would go and who would receive those reports. Mr. Peterson said that under the Performance Agreement, they would report to the City and they would evaluate the data. He said that the reports would be quarterly reports averaged out for the year.

Councilmember Cain asked if the Corporate Woods location would be closing. Mr. Peterson said yes.

A motion to approve Item 7A was made by Councilmember Filla and was seconded by Councilmember Rawlings. Motion was approved with a unanimous vote of 6-0.

- B. Ordinance authorizing the City of Leawood, Kansas, to issue Taxable Industrial Revenue Bonds (KBP Base Camp, LLC Project), Series 2022, and enter into certain documents related thereto (f/k/a KBP Investments, LLC Project) (LE) *[Roll Call Vote]*

Ben Thompson with Gilmore Bell stated that this ordinance authorizes the issuing of the bonds from the City of Leawood. He pointed out that the company is buying their own bonds, and that they will close the bond issuance in December.

Councilmember Sipple asked how much will the client save in terms of sales and property tax compared to doing everything at market. Mr. Thompson said that it is a 50% property tax abatement for 10 years, and then they get a sales tax exemption on construction materials. Mr. Peterson stated that the sum is about \$400,000 a year.

A motion to approve Item 7B was made by Councilmember Larson and was seconded by Councilmember Sipple. Motion was approved with a unanimous vote of 6-0.

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. 2022-45 and 2022-46
- B. **Pulled by Mayor Dunn**
- C. Accept minutes of the October 3, 2022, Governing Body work session
- D. Accept minutes of the July 6, 2022, Public Works Committee meeting
- E. Accept minutes of the October 13, 2022, Parks & Recreation Advisory Board meeting
- F. Approve renewal of Cereal Malt Beverage [CMB] License for Walgreens #13950 located at 4701 Town Center Drive (CC)
- G. Approve renewal of Cereal Malt Beverage [CMB] License for Walgreens #09985 located at 5230 W. 151st Street
- H. Approve renewal of Cereal Malt Beverage [CMB] License for Cosentino's Price Chopper located at 3700 W. 95th Street (CC)
- I. Approve renewal of Cereal Malt Beverage [CMB] License for Breakout KC located at 11535 Ash Street (CC)
- J. **Pulled by Mayor Dunn**
- K. **Pulled by Councilmember Sipple**
- L. Resolution approving a Final Plan for Scottsdale Asset Management – Ascentist Hospital Signage, located south of College Boulevard and west of Roe Avenue (PC 102-22)
- M. **Pulled by Councilmember Filla**
- N. **Pulled by Councilmember Filla**
- O. Resolution accepting a Permanent Utility Easement from grantor Tracy McLelland for property located at 9005 Mission Road, pertaining to the 2021 Mission Road (85th – 92nd) Project [Project #82082] (PW)
- P. Resolution accepting a Temporary Construction Easement from grantor Tracy McLelland for property located at 9005 Mission Road, pertaining to the 2021 Mission Road (85th – 92nd) Project [Project #82082] (PW)
- Q. Resolution accepting a Permanent Utility Easement from grantors Roger Morrison and Megan Grossman, Trustees of the Megan Grossman Trust No. 2, for property located at 3731 West 87th Street, pertaining to the 2021 Mission Road (85th – 92nd) Project [Project #82082] (PW)
- R. Resolution approving and authorizing the Mayor to execute a letter of engagement between the City and Rubin Brown, LLP, in an amount not to exceed \$20,000.00, pertaining to the 2022 fiscal year end (FN)
- S. Resolution approving and authorizing the Mayor to execute a Grant Agreement in the amount of \$67,500.00 between the City and the Department of Justice (COPS Program) for the purchase of a virtual reality training system for the Police Department (PD)
- T. Resolution approving and authorizing the Mayor to execute Amendment No. 1 to the agreement between the City and PGAV Architects, dated August 12, 2022, in the amount

of \$8,800.00 pertaining to the Design of the Public Works Maintenance Facility - Needs Study (PW)

- U. Approve the purchase of Police vehicle equipment from Ka-Comm., Inc., in the amount of \$17,369.19 (PD)
- V. Approve purchase of 2022 Chassis in the amount of \$129,983.00 from American Equipment Co. (PW)
- W. Approve purchase of Fuel Master Upgrade in the amount of \$35,569.10 from P.B. Hoidale Co., Inc. (PW)
- X. Approve purchase of broom attachment for skid steer in the amount of \$6,158.80 from Murphy Tractor & Equipment (PW)
- Y. Approve purchase of (24) Dell Computers, (15) Dell Laptops, and (16) Dell Docking Stations in the amount of \$39,732.16 from Dell Technologies (IS)
- Z. Declaration of surplus equipment: (2007 International Swaploader 7300 unit 615, 2003 Ford F-350 Dump Truck Unit 951, Office Furniture) (PW)
- AA. **Pulled by Councilmember Cain**
- BB. Fire Department Monthly Report
- CC. Municipal Court Monthly Report

A motion to approve the remainder of the Consent Agenda was made by Councilmember Sipple and seconded by Councilmember Larson. Motion was approved with a unanimous vote of 6-0.

Discussion of Item 8B: Accept minutes of the October 3, 2022, Governing Body meeting

Mayor Dunn pointed out that the word “conforming” should have been “nonconforming”.

A motion to approve Item 8B was made by Councilmember Filla and seconded by Councilmember Larson. Motion was approved with a unanimous vote of 6-0.

Discussion of Item 8J: Resolution approving the recommended distribution of alcohol taxes by the Johnson County Drug and Alcoholism Council [DAC] for allocations of the 2023 Alcohol Tax Fund [ATF] for an amount of \$300,000.00 (F)

Christina Ashie Guidry with United Community Services of Johnson County (UCS JoCo) stated that Leawood’s contributions are on target this year. She said that the opiate settlement agreements come through the state, and Kansas is receiving \$199 million over 18 years. Kansas has passed legislation detailing how the money can be expended. The request for proposals will go out in May and they will come back with recommendations in December. The Drug and Alcoholism Council has finished its 3-5 priority review for the tax fund and the gaps are due to a lack of Naloxone, the drug that helps someone in has overdosed. Reintegration and recovery work are the goals of the DAC. People will be able to apply for opiate and alcohol tax funds through a single application.

Councilmember Filla asked what would happen if the City did not want to give all of the opiate dollars to the same process as ATF. Ms. Guidry stated that jurisdictions have the ability to decide how much they want to contribute. Mayor Dunn clarified that a third of the alcohol tax dollars go to these programs. Councilmember Filla asked if they would get to choose how they would use the opiate tax funds. Ms. Guidry specified that 100% of the funds have to be used for opioid program services.

Councilmember Cain asked if the state has always retained 75% of the alcohol dollars. Ms. Guidry says the state only keeps a third of the funds and returns the remaining 66% to the cities and counties.

A motion to approve Item 8J was made by Councilmember Filla and seconded by Councilmember Cain. Motion was approved with a unanimous vote of 6-0.

Discussion of Item 8K: Resolution approving a proposal from Travelers Insurance Company for the 2023 Property/Liability Insurance and Additional Coverages (LE)

Councilmember Sipple asked if there were competing bids. James Charlesworth, Charlesworth and Associates, appeared via Zoom. He said that there were competitors that purchased another competitor, so they do not have many competitors anymore. He said that they might bid next year depending on their quotes. Councilmember Sipple asked if there were any claims on their municipal liability. Mr. Charlesworth answer was yes and noted that wind and hail deductibles were on the incline, so 1% is the best offer.

A motion to approve Item 8K was made by Councilmember Sipple and seconded by Councilmember Filla. Motion was approved with a unanimous vote of 6-0.

Discussion of Item 8M: Resolution approving a Final Plat for Regents Park Villas, located south of 137th Street and west of Kenneth Road (PC 107-22)

Councilmember Filla requested an overview of the project. Mark Klein, Planning Services Director, stated that currently the plat is around the villas and triplexes and when they construct the footprint, they will come back and plat those lines. She asked what was left to be platted, and Mr. Klein responded that it was just the space between the buildings.

Councilmember Harrison asked if there would be fences allowed and why the lots were not symmetrical. Mr. Klein said that they will allow fences along the backyard of the units. Mr. Klein stated that there are common areas with villas and triplexes in them.

Rick Lashbrook, Lashbrook Companies, clarified that there is a stipulation that says no perimeter fences will be allowed, but residents will be allowed to fence in smaller areas in their yard for their pets. He also said that this will be a fully-maintained property. They are getting public improvement plans finalized. They have finished sanitation installation and have been addressing any possible concerns. The sewers and gutters should be coming in next. He stated that there is a builder lined up to purchase every lot and start construction potentially in April or May.

Mr. Osman joined via Zoom call at 8:04 p.m..

Councilmember Cain asked if the price point has gone up for the villas. Mr. Lashbrook answered yes, from the \$600,000 range to the \$800,000 range.

A motion to approve Item 8M was made by Councilmember Filla and seconded by Councilmember Cain. Motion was approved with a unanimous vote of 6-0.

Discussion of Item 8N: Resolution accepting a Temporary Construction Easement from grantor Mary Jane Falk for property located at 8915 Mission Road, pertaining to the 2021 Mission Road (85th – 92nd) Project [Project #82082] (PW)

Councilmember Filla asked if the easements were different. David Ley, Public Works Director, said yes and that there was one property they will not be able to get the easement from, and another that will not occur until January, but added that Evergy can work around those.

Councilmember Cain asked if there was an increased cost, and Mr. Ley answered no.

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

Discussion of Item 8AA: Police Department Monthly Report

Councilmember Cain wanted to thank the Police Department for arresting the suspects of a robbery within the same day it happened.

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

9. COMMITTEE RECOMMENDATIONS

From the October 25, 2022, Planning Commission meeting:

- A. Resolution approving a Final Plan for Mission Farms – Brown Residence (10409 Howe Ln.) – Emergency Generator, located east of Mission Road and north of 105th Street (PC 106-22)

Richard Clayton Barrett, landscape architect, and Jimmy England, Teague Electric, addressed the Governing Body via Zoom. Mr. England said that they proposed a 150-kilowatt generator for the Brown residence in order for Mr. Brown to have uninterrupted power for everything in his home.

Councilmember Cain expressed concern about how large the structure would be. Mr. England stated that the generator would have to be tucked away in the back corner of the house. She asked if there was a neighbor, and Mr. England answered that the neighbor's property line was 60 feet away from the proposed location. Councilmember Cain asked if there had been any communication with the neighbors or the HOA. Mr. Klein said that the ordinance says if it is larger than 22 kilowatts, then it is part of a final landscape plan, so it did not have a notification requirement. There is a sound requirement, which they met.

Councilmember Harrison also expressed concern and was confused as to why the homeowner needed such a massive generator. She expressed concern with the sounds emitted and the disruption it could cause to the neighbors. Mr. England stated that the property is quite large, so sound should not be an issue. He said that the Browns have a geothermal heating system in their house that takes a lot of electricity, which is why they are requesting such a large generator. He also said that they can coordinate the mandatory noise the generators make with tornado sirens and the sound will be buffered with pine trees.

Councilmember Sipple asked what the difference between a sound buffer and a sound baffle was. Mr. England said he was not familiar with those devices because they have not had the need to install those. He stated that there will be multiple decibel tests done to ensure they are meeting requirements. Councilmember Sipple stated there are options available to solve the noise issues if they come up.

Councilmember Filla wanted to know if they could ask them to communicate the plan with the residents and the HOA, and Mr. Klein stated that they could ask.

Councilmember Osman stated that he thought the generator was too much and was not comfortable with the lack of communication either. Mr. Klein stated that the lot was a little less than an acre. Mr. England said that the units are designed to run as quietly and efficiently as possible.

Mayor Dunn suggested that they tell the Browns to communicate with their neighbors and HOA and wait until the next meeting to discuss the issue after it is been communicated.

Mr. England said they would have no problem notifying the HOA and the residents.

A motion to continue Item 9A to the Governing Body meeting on Monday, December 5, 2022, was made by Councilmember Filla and seconded by Councilmember Cain. Motion was approved with a unanimous vote of 7-0.

- B. Ordinance approving a Special Use Permit, Preliminary Plan and Final Plan for Cornerstone of Leawood, Lot 8 – Rakar Dumpling House, located south of 135th Street and east of Briar Street (PC 110-22) [*Roll Call Vote*]

Jennifer Martin, architect of the project, addressed the Governing Body. Jim Zhang and Catherine Kot, co—owners, appeared for questions. Ms. Martin stated that the building is a former Winstead’s and what they are proposing is an external design overhaul. She stated that interior work has already begun. They are proposing to keep the drive-through as well.

Mayor Dunn asked what percentage will be food and what will be furniture. Mr. Zhang answered about 50% for each. Mayor Dunn inquired about the kind of food as well. Catherine Kot stated that there will be dumplings, fried rice, and noodles mostly.

Councilmember Sipple asked about their projected opening date. Mr. Zhong answered that they would like to open in January, if possible.

A motion to approve Item 9B was made by Councilmember Filla and seconded by Councilmember Cain. Motion was approved with a unanimous vote of 7-0.

From the November 2, 2022, Public Works Committee meeting:

- C. Recommendation to approve Olsson as the Inspection Consultant for the Mission Road (133rd to 143rd) Project [Project #80175]

Mr. Ley stated that Olsson was ranked first place and is the recommended consultant. Councilmember Sipple asked about the pay for the inspection. Mr. Ley stated that it will be an hourly rate.

A motion to approve Item 9C was made by Councilmember Filla and seconded by Councilmember Sipple. Motion was approved with a unanimous vote of 7-0.

- D. Improvements made to the Curé of Ars School and 93rd St parking situation

Mr. Ley stated that the no parking signs were put up for 93rd Street, which is going well. They also looked at the parking queue to Mission Road, and they were able to make changes over the course of a few meetings with the principal of Curé of Ars and the Public Works Committee.

A motion to approve Item 9D was made by Councilmember Cain and seconded by Councilmember Larson. Motion was approved with a unanimous vote of 7-0.

10. MAYOR’S REPORT

- A. I briefly attended the Leawood Police Department’s Citizen Academy Graduation which was spearheaded by Officer Christina Farquhar. Two of the 21 graduates were Leawood Interim Finance Director Loretta Morgan and Assistant City Attorney Kelci Weber. My thanks to our Leawood Police Department for offering this meaningful experience to our citizens and congratulations to all of our graduates.
- B. I participated in the National League of Cities “City Summit 2022” which was held at the Kansas City Convention Center this past week. There were several thousand attendees from across the country. AT&T was the primary sponsor, and there was much discussion about the need for broadband in our rural communities.

- C. I would like to give special thanks to Director of Parks, Recreation and Arts Chris Claxton and Anna Wilkinson, Special Events Supervisor, for orchestrating the holiday lighting ceremony that took place just prior to this meeting. Councilmembers Filla, Rawlings, Larson and Sipple joined a festive crowd for the celebration. Performing groups this year were the Nativity Parish Children’s Choir and the Leawood Stage Company. City Hall looks beautiful!
- D. Happy Thanksgiving to all!

11. COUNCILMEMBER REPORTS

Councilmember Larson wanted to look for ways to increase the number of people receiving the emails from the City of Leawood and to increase the number of emails sent out to engage and communicate with the residents.

Mayor Dunn commented about HOA’s being able to push out emails to residents.

Councilmember Filla agreed with the Mayor’s comment, but would like to see updates online on the website and social media sites with the Information Service Director being involved. She suggested that the City do their own press releases. Mayor Dunn stated that reporters from the local newspapers do watch the meetings and post articles of Leawood.

Councilmember Larson stated that progress can be made on this topic once the new City Administrator and a new Information Services Director are hired.

12. INTERIM CITY ADMINISTRATOR’S REPORT

Patrick Geschwind expressed his gratitude toward staff while he was on vacation.

13. STAFF REPORTS

Travis Torrez, Director of Building & Code Enforcement – Sign Report

Mr. Torrez stated that they had removed 2,274 temporary signs over 455 days in the right-of-way. He said that violators could be cited, but that it would be difficult and time consuming. Other cities pull the signs and discard them. He stated that three of the code officers, including himself, are the ones who pick up the signs when they see them.

Councilmember Sipple asked if other departments, such as Parks or Police, help remove the signs. Mr. Torrez replied that he has not asked them because he does not want to use their resources for this.

Councilmember Larson wondered if there were other deterrents other than citations that the City could consider. Mr. Torrez replied that staff tries to engage in a conversation with repeat offenders, but there is always a new crop of signs that pop up every season. He stated that it is very difficult to contact owners of the businesses.

Mayor Dunn thanked Mr. Torrez and his staff for the work they do picking up the signs.

Councilmember Rawlings asked about the commercial real estate signs but also noted that it is difficult to regulate all the types of signs and that staff’s time could be best used elsewhere.

Patty Bennett, City Attorney, stated that another difficulty is the duration of when the sign has been up, and not knowing when it was put in place or if it falls into disrepair.

Mr. Torrez mentioned real estate signs that advertise vacant land and meet the temporary sign size, but are really more permanent. He stated that the Governing Body could require those to be by permit only.

Councilmember Cain asked if anyone can pick up these sign or only staff of the City. Ms. Bennett replied that the ordinance allows the person who posted them to pick them up and also the occupant of the real

estate. Ms. Bennett warned that there is a measurable length in the right-of-way that is allowed. She also mentioned the political sign amendment and First Amendment.

Mayor Dunn commented on the magnitude and the amount of work that staff has been doing. She suggested that staff do more research and come back with an updated reported in a couple of months.

A motion to refer the Sign Report to staff and return for the Governing Body meeting on March 6, 2023, was made by Councilmember Filla and seconded by Larson. Motion was approved with a unanimous vote of 7-0.

14. OLD BUSINESS – None

15. NEW BUSINESS

Schedule Governing Body meeting on Monday, December 5, 2022 at 7:00 P.M.

A motion approved Item 15 was made by Councilmember Filla and seconded by Councilmember Larson. Motion was approved with a unanimous vote of 7-0.

Meeting was adjourned at 10:14 p.m.