

Minutes

DVD No. 370

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, 7:30 P.M. on Monday, May 16, 2016. Mayor Peggy Dunn presided.

**Councilmembers Present:** Lou Rasmussen, Debra Filla, Andrew Osman, James Azeltine and Chuck Sipple

**Councilmembers Absent:** Jim Rawlings and Julie Cain

<b>Staff Present:</b> Patty Bennett, City Attorney	Kathy Byard, Budget Manager
Richard Coleman, Comm. Dev. Director	Chief Dave Williams, Fire Department
Joe Johnson, Public Works Director	Brian Anderson, Parks Superintendent
Chief Troy Rettig, Police Department	Nic Sanders, Human Resources Dir.
Mark Andrasik, Info. Services Director	Mark Klein, Planning Official
Karl Weinfurter, Info. Services Specialist II	Colin Fitzgerald, Fire Training Chief
Bob Kerr, Fire Battalion Chief	Cindy Jacobus, Assistant City Clerk
Debra Harper, City Clerk	

**Others Present:** Kevin Jeffries, President, Chief Executive Officer and Director of Economic Development, Leawood Chamber of Commerce

- 1. PLEDGE OF ALLEGIANCE** – Led by Boy Scouts from Troop 10.
- 2. APPROVAL OF AGENDA**

Mayor Dunn stated the agenda would be amended to renumber the Councilmembers' Report by Councilmember Azeltine to Agenda Item 9.A. and to add Agenda Item 9.B., a Councilmembers' Report by Councilmember Filla in regard to a Sustainability Advisory Board Report.

**A motion to approve the amended agenda was made by Councilmember Sipple; seconded by Councilmember Rasmussen. The motion was approved with a unanimous vote of 5-0.**

- 3. 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 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.**

Mayor Dunn confirmed with Mr. Chad Hayes that he would speak when Agenda Item 11.B. [PC Case 37-16] was addressed by the Governing Body.

**4. PROCLAMATIONS**

**National Public Works Week, May 15-21, 2016**

Mayor Dunn asked Public Works Director Joe Johnson to come forward to accept the proclamation which she read into the record. Mayor Dunn thanked Mr. Johnson for his leadership and his outstanding Public Works Department.

**5. PRESENTATIONS/RECOGNITIONS Introduction of visiting French Firefighter, Antoine Pinart**

Fire Chief Dave Williams stated Fire Training Chief Colin Fitzgerald, who coordinates and arranges contacts for the Fire Student Exchange Program would introduce visiting French Firefighter Antoine Pinart and provide a brief history of the program.

Training Chief Fitzgerald stated about one year ago the Leawood Fire Department hosted French Firefighter Adrien Tisseau and that Firefighter Pinart is the 6<sup>th</sup> intern hosted by Leawood. Firefighter Pinart is part of a class of 58 students at the University of Bordeaux in the Department of Health Safety and Environment. Twenty-three of the 58 students are studying abroad, seven of the 23 students are visiting the United States and four of the seven students are being hosted by the Johnson County cities of Olathe, Shawnee, Overland Park and Leawood. Firefighter Pinart will spend 11 weeks at Fire Station No. 2 and be fully immersed in department activities. He participated in the live burn training at the South Platte Training Facility.

Firefighter Pinart stated his home is located near the city of Bordeaux in southwest France. He was happy to be in Leawood and had enjoyed activities outside of training, including a Royals baseball game, fishing, horseback riding and being welcomed in the homes of firefighters.

**6. SPECIAL BUSINESS**

- A. **PUBLIC HEARING** Consider 2017-2021 Capital Improvement Program [C.I.P.] for the City of Leawood

Mayor Dunn declared the Public Hearing open; no one was seen or heard to speak.

**A motion to close the public hearing was made by Councilmember Rasmussen; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 5-0.**

- B. **Resolution No. 4626**, approving the 2017-2021 Capital Improvement Program [C.I.P.] for the City of Leawood, Kansas [PC Case # 35-16]

Mayor Dunn recognized Budget Manager Kathy Byard and thanked her for her hard work.

**A motion to approve Agenda Item 6.B. was made by Councilmember Filla; seconded by Councilmember Rasmussen. The motion was approved with a unanimous vote of 5-0.**

- C. **PUBLIC HEARING** Consider the advisability of amending a Transportation Development District [TDD] in the City of Leawood, Kansas, and financing of certain transportation project improvements therein [SALES TAX] [PROJECT # 83196]

Mayor Dunn declared the Public Hearing open; no one was seen or heard to speak.

**A motion to close the public hearing was made by Councilmember Rasmussen; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 5-0.**

- D. **Ordinance No. 2782**, amending and restating Ordinance No. 2698 which authorized the creation of a Transportation Development District [TDD] for the Park Place Project in the City of Leawood, Kansas; authorizing the development of certain transportation project improvements relating thereto; approving the maximum costs of such transportation project improvements; and providing for the method of financing therefor [Park Place Development] [TDD] [SALES TAX] [Project # 83196]

Ms. Bennett stated no changes had been made other than what had been discussed when the Public Hearing date was set by the Governing Body about one month ago.

Councilmember Rasmussen stated previous Councils had expressed concern over the possibility of TDD term extensions and the City relinquished a portion of taxing authority, so the TDD term was limited to 22 years. He stated for the record justification for the proposed amendment, so as to not set a precedent. The proposed amendment benefits citizens as it would revise the start of the original TDD 22-year term from the date bonds were issued to the date sales tax commenced. Ms. Bennett stated bonds were never issued for this project and so the 22-year term clock never started. The amendment proposes no bonds; it would be pay as you go [PAYG]. Mayor Dunn noted PAYG would continue as it had been and was a key point.

Ms. Bennett confirmed to Councilmember Azeltine the proposed amendment complies with the City's debt policy and also the Community Improvement District policy which states a term of 22 years, and that the TDD policy does not state a specific term. She stated Mr. Stone, representing the new owners of the majority of Park Place, KSBIII, and Ms. Taylor, representing Park Place Investors, were present to answer questions.

**A motion to approve Agenda Item 6.D. was made by Councilmember Filla; seconded by Councilmember Sipple. The motion to pass the ordinance was approved with a unanimous roll call vote of 5-0.**

- E. **Resolution No. 4627**, approving and authorizing the Mayor to execute an amended and restated TDD Development Agreement [Park Place – Sales Tax] between the City, KSBIII Park Place Village, LLC, and Park Place Investors, LLC [TDD] [SALES TAX] [Project # 83196]

**A motion to approve Agenda Item 6.E. was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 5-0.**

- F. **PUBLIC HEARING** Consider the advisability of amending a Transportation Development District [TDD] in the City of Leawood, Kansas, and financing of certain transportation project improvements therein [GUEST TAX] [PROJECT # 80455 & 80458]

Mayor Dunn declared the Public Hearing open; no one was seen or heard to speak.

**A motion to close the public hearing was made by Councilmember Rasmussen; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 5-0.**

- G. **Ordinance No. 2783**, amending and restating Ordinance No. 2699 which authorized the creation of a Transportation Development District [TDD] for the Park Place Project in the City of Leawood, Kansas; authorizing the development of certain transportation project improvements relating thereto; approving the maximum costs of such transportation project improvements; and providing for the method of financing therefor [Park Place Development] [TDD] [TRANSIENT GUEST TAX] [Project # 80455 & 80458]

**A motion to approve Agenda Item 6.G. was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion to pass the ordinance was approved with a unanimous roll call vote of 5-0.**

- H. **Resolution No. 4628**, approving and authorizing the Mayor to execute an Amended and Restated Development Agreement for use of Transient Guest Tax between the City, and Park Place Investors, LLC [TDD] [GUEST TAX] [Project # 80455 & 80458]

**A motion to approve Agenda Item 6.H. was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 5-0.**

## 7. **CONSENT AGENDA**

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted on 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. 2016-16, 2016-17, and 2016-18
- B. Accept May 2, 2016 Governing Body minutes
- C. Accept May 2, 2016 Governing Body Work Session minutes
- D. Accept March 8, 2016 Parks & Recreation Advisory Board minutes
- E. Accept February 11, 2016 Sustainability Advisory Board minutes
- F. Accept January 6, 2016 Bicycle Friendly Committee minutes
- G. Approve Appointment of Presiding Officers for remainder of 2016
- H. Approve Mayoral Appointments of Council Liaisons and Volunteers for Committees, Commissions and Boards [Effective June 1, 2016]
- I. Approve purchase in the amount of \$70,125.49 to DigiTICKET Electronic Ticketing Solution for an electronic ticketing system for the Police Department
- J. Approve Change Order No. 1 in the [deduct] amount of \$5,670.00 to Cannon Building Systems, Inc., pertaining to repairs at Public Works vehicle/equipment storage facilities located at 14303 Overbrook [Project # 74074]

- K. Approve Final Pay Request in the amount of \$56,808.00 to Cannon Building Systems, Inc., pertaining to repairs at Public Works vehicle/equipment storage facilities located at 14303 Overbrook [Project # 74074]
- L. Approve payment in the amount of \$67,573.00, to Microsoft Corporation via Software House International, Inc., pertaining to the annual Microsoft license renewal
- M. **Resolution No. 4629**, establishing Nominating Committee to fill Council Vacancy in Ward Three, pursuant to § 1-210 of the Code of the City of Leawood, 2000
- N. **Resolution No. 4630**, approving and authorizing the Mayor to execute a Service Agreement for an annual amount not to exceed \$59,454.00, between the City and All City Management Services, to provide School Crossing Guard Services for the 2016-2017 and 2017-2018 school years
- O. **Resolution No. 4631**, accepting a Permanent Roadway and Sidewalk Easement from Rick and Sarah Trumbull, for a part of Lot 35 of GlenAbbey of Leawood, 3<sup>rd</sup> Plat, located at 4949 W. 141<sup>st</sup> Terrace
- P. Fire Department Monthly Report
- Q. Municipal Court Monthly Report
- R. Police Department Monthly Report

Councilmember Sipple requested Consent Agenda Item 7.A. be pulled.

Mayor Dunn requested Consent Agenda Items 7.H. and 7.R. be pulled.

Councilmember Filla requested Consent Agenda Items 7.J., 7.N. and 7.P. be pulled.

**A motion to approve the remainder of the Consent Agenda was made by Councilmember Filla; seconded by Councilmember Rasmussen. The motion was approved with a unanimous vote of 5-0.**

- A. Accept Appropriation Ordinance Nos. 2016-16, 2016-17, and 2016-18

Councilmember Sipple stated he would recuse from voting as his wife was listed as a payee.

**A motion to approve Consent Agenda Item 7.A. was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 5-0, with Mayor Dunn voting and Councilmember Sipple recusing for reason previously stated.**

- H. Approve Mayoral Appointments of Council Liaisons and Volunteers for Committees, Commissions and Boards [Effective June 1, 2016]

Mayor Dunn inquired if any appointees were present. She noted Alarm Appeals Committee member Kevin Jeffries was in attendance and she thanked him. Mayor Dunn stated it was a rewarding experience to once a year reach out to volunteers, those interested in appointments or in a different appointment. She thanked the Councilmembers for their role as liaisons to all groups.

**A motion to approve Consent Agenda Item 7.H. was made by Councilmember Sipple; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 5-0.**

- J. Approve Change Order No. 1 in the [deduct] amount of \$5,670.00 to Cannon Building Systems, Inc., pertaining to repairs at Public Works vehicle/equipment storage facilities located at 14303 Overbrook [Project # 74074]

Councilmember Filla noted the deduct in cost and stated her appreciation that a project had been completed under-budget.

**A motion to approve Consent Agenda Item 7.J. was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 5-0.**

- N. **Resolution No. 4630**, approving and authorizing the Mayor to execute a Service Agreement for an annual amount not to exceed \$59,454.00, between the City and All City Management Services, to provide School Crossing Guard Services for the 2016-2017 and 2017-2018 school years

Councilmember Filla noted the City's funding of this important service may go without appreciation and that service to two schools was added last year. Chief Rettig confirmed City Management Services was the provider prior to Securitas.

Councilmember Filla stated her satisfaction with the proposed company as their resources typically include retired military personnel and actual community members overseeing the well-being of the children. She thanked Chief Rettig for his work on the bid.

**A motion to approve Consent Agenda Item 7.J. was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 5-0.**

- P. Fire Department Monthly Report

Councilmember Filla invited Chief Williams to speak about the new county-wide citizen lift assistance and referral program. Chief Williams stated 25% to 35% of Emergency Medical Service [EMS] calls in Leawood involve falls and lift assistance. The Fire Department would work with other county fire departments and Johnson County Med-Act to assist with referrals for related services such as hand-holds in hallways and bathrooms. The department has applied for a grant in regard to fall and lift assistance education and information distribution. Councilmember Filla thanked Chief Williams for his leadership.

**A motion to approve Consent Agenda Item 7.P. was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 5-0.**

- R. Police Department Monthly Report

Mayor Dunn offered congratulations to Officer Sam Day for a successful 1<sup>st</sup> Annual Leawood Police Department Car Show held at the Town Center Plaza parking lot, which raised \$3,000 for Kansas Special Olympics. Chief Rettig expressed excitement to see the outcome of future events.

Mayor Dunn noted the ranking of Leawood as the safest city in Kansas based on FBI crime statistics and research by BackgroundChecks.org. In the website's 2016 ranking, Leawood's top spot was followed by Prairie Village. She mentioned this at the recent Johnson & Wyandotte Counties Council of Mayors meeting.

**A motion to approve Consent Agenda Item 7.R. was made by Councilmember Filla; seconded by Councilmember Rasmussen. The motion was approved with a unanimous vote of 5-0.**

## **8. Mayor's Report**

- A. Entire region saddened and our sincere sympathies on behalf of the City of Leawood to the family of Kansas City, Kansas Detective Brad Lancaster who was tragically murdered in the line of duty.
- B. We also extend condolences to the family of Penny Medved who was a past President of the Leawood Woman's Club and the Leawood Garden Club. She and her deceased husband, former City Councilmember Mark Medved, were also active with the Leawood Lion's Club.
- C. Attended the United Community Services of Johnson County Council of Advisors meeting and reception honoring outgoing Executive Director Karen Wulfkuhle and welcoming her successor, Julie Brewer. Karen led this organization for the past 32 years, and provided remarkable leadership and valuable information for all Johnson County cities. Please see her final Comparison Trends Analysis for years 1980 and 2014 that is included in Council packets.
- D. Edwardsville Mayor John McTaggart hosted the May Johnson & Wyandotte Counties Council of Mayors meeting. Lobbyist Dick Carter provided an in-depth review of the 2016 legislative session.
- E. Participated on a Mayoral Panel for the Chamber leadership programs representing participants from the cities Lenexa, northeast Johnson County, Olathe, Overland Park and Shawnee. Other panelists for the regionalism topic included the mayors of Blue Springs, Riverside, Olathe and the Unified Government of Wyandotte County/Kansas City, Kansas. Leawood resident John Holt served as moderator.
- F. Councilmember Chuck Sipple joined me at the Leawood Chamber of Commerce ribbon cutting for newly remodeled Glitters Fine Jewelry located in Camelot Court. Their previous two locations in Ranchmart make them the longest tenured retail establishment in Leawood at 31 years.
- G. Attended a ribbon cutting for Schabel Performance Health & Wellness located in a new space in Parkway Plaza. This is their second Leawood location.
- H. Participated in the American Public Square program "Cents and Sensibility" at the Plaza Branch of the Kansas City Public Library. The discussion focused on the appropriate use of incentives and abatements as well as the "border war" topic.
- I. Councilmember Sipple joined me at the Leawood Arts Council studio art show presented in partnership with Eva Reynolds in her studio in Parkway Plaza. Congratulations to Arts Council Chair Mary Tearney and her team, as well as Cultural Arts Coordinator April Bishop, for a wonderful show and reception.

- J. Tremendous congratulations are in order for the Leawood Stage Company's [LSC] presentation of "My Fair Lady" in collaboration with the Church of the Resurrection. Kevin Bogan, LSC Board Member and Musical Director for the church, directed the production and helped facilitate the collaboration with Reverend Adam Hamilton and the church. There were 20 cast members and a 25 member orchestra backed by a choir of at least 60 voices, for a total of 120 volunteer singers performing in the three shows. Each night a total of 130 volunteers offered their talents to present this spectacular production. Total attendance at the three performances was 1,750. Congratulations to LSC Chair Dennis Maddux, the LSC Board, Cultural Arts Coordinator April Bishop and Councilmember James Azeltine, who was outstanding in multiple roles.
- K. Attended the 14<sup>th</sup> Annual Hadassah Greater Kansas City Mother's Day Walk for Health at our beautiful Gezer Park. This fundraiser was for their Nurses Council.
- L. Police Chief Troy Rettig joined me at the Curé of Ars School Drug Abuse Resistance Education [D.A.R.E.] graduation. Officer Emily Craighead is in her first year with this assignment and doing a fabulous job with the students.
- M. Attended a retirement reception for Todd Stettner, Executive Director of the Jewish Federation. Todd was instrumental in the establishment of our Sister City relationship with the Gezer Region of Israel in 2003. The new President and Chief Executive Officer is Dr. Helene Lotman.
- N. Pleased to share the May/June issue of "KC Studio" featuring Leawood's high quality, free cultural entertainment options upcoming this summer.

## 9. COUNCILMEMBERS' REPORT

- A. Councilmember Azeltine - Public Works Committee Referral

Councilmember Azeltine stated he received a communication from a resident that frequents trails with children requesting a sidewalk on Mission, from Berkshire entrance to the trail at 123<sup>rd</sup> and Mission. He stated that segment of Mission was scheduled for overlay, curbs and corrugated pipe, and requested a referral to assess the feasibility of the adding the sidewalk to the 2017 design and 2018 construction. Mr. Johnson advised the next Public Works Meeting was scheduled in June.

**A motion to approve the referral was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 5-0.**

- B. Councilmember Filla – Sustainability Advisory Board Report [SAB]

Councilmember Filla stated SAB member Michael Gillaspie shared at their recent meeting that Johnson County was applying for participation in the City Energy Project. The City Energy Project pilot was in New York City, where buildings representing 80% of energy consumption were analyzed. Since nearly one-third of energy goes for building heating and cooling, managing building energy performance from construction through operation is important. The National Resource Defense Council [NRDC] rolled out the City Energy Project to 10 cities, one of which was Kansas City, Missouri, and is now preparing to add another 10 cities. Expanding the project to Johnson County on the Kansas side of the metropolitan area would be of great benefit.

The proposed SAB letter was drafted by Mr. Gillaspie and would have the first sentence revised to read “On behalf of the Sustainability Advisory Board with support of the Governing Body of the City of Leawood, Kansas, we are pleased...” Councilmembers Filla and Sipple would sign the letter.

**A motion to support the proposed letter was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 5-0.**

**10. STAFF REPORT – None**

***COMMITTEE RECOMMENDATIONS***

**11. PLANNING COMMISSION**

*[From the April 19, 2016 Planning Commission meeting]*

- A. Resolution approving a Final Plan for the City of Leawood – Justice Center Art – Weight of Your Heart/Weight of a Feather, located at the southwest corner of Town Center Drive and Tomahawk Creek Parkway. (PC Case 21-16)

Mayor Dunn noted that Councilmembers Sipple and Filla were Justice Center Art Task Force members, but Councilmember and Justice Center Art Task Force Chair Jim Rawlings was not present.

Mr. Klein displayed the art piece configuration and provided a brief overview of the proposed plan details that include a modification of existing sidewalks to allow for a central conical fulcrum 13-1/2 ft. in height and 3 ft. in diameter, flanked by art panels 23 ft. in length, 8 ft. in width and 12 ft. in height constructed of weathering steel with cut-outs of Chestnut leaves, Rudbeckia and Coltsfoot. Three stone benches would line the southwest edge of the circular plaza area, with the two outside benches engraved with text; one with “Weight Of Your Heart” and one with “Weight Of A Feather.”

The fulcrum would have four ground-mounted up-lights and a recess around the top edge for LED lighting. The art panels would be lit along the top to create shadows on the ground. Benches would be lit at the foot to create a glow in front of each.

Some exhibits in the agenda packets are shown rendered in white foam core, but the actual pieces would be constructed of weathering steel. Mayor Dunn noted and Mr. Klein confirmed the Planning Commission [Page 3 of Staff Report] had expressed concern about sharp edges of the cut-outs and the artist had slightly modified the design of the leaves and would take painstaking steps for edges to be rounded. Staff recommends approval.

Councilmembers Rasmussen and Filla discussed the orientation of the art piece in relation to the Justice Center building and the curb/roadway. The art piece would be centered on the apex or middle of the two distinct portions of the building.

No plaque is planned for the art piece, but a QUARK code could be used and scanned by a viewer with their mobile device to learn about the art piece. Information could be taken from the extensive historic and symbolic connections document provided by the artists and presented in the agenda packets.

**A motion to approve Agenda Item 11.A. was made by Councilmember Osman; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 6-0, with Mayor Dunn included in case the vote required an override of the Planning Commission for the change of the leaf design.**

B. Resolution approving a Revised Final Plan for Wells Fargo Parking Lot Expansion, located north of 103<sup>rd</sup> Street and west of State Line Road. (PC Case 37-16)

Mr. Chad Hayes, Project Manager, Wells Fargo Bank, 1 Wells Fargo Way, Des Moines, Iowa, gave an overview of the proposed plan. The plan proposes to add nine parking spaces to the current 20, removing the drive north of the building to use one-half of the area for parking and the remainder for green space. The parking ratio for the proposed project would be 6.8, which triggered a parking study that was conducted by Kaw Valley Engineering. The facility is the largest Wells Fargo Bank in the area and the bank does not offer drive-through lanes or an Automated Teller Machine [ATM]; all customers must park and enter the building. The additional parking was requested to alleviate parking congestion frequently experienced by employees and clients. Wells Fargo currently leases 10 parking spaces from the vacant office building to the north for employee parking, but that lease could be terminated when the vacant office building is occupied. All existing trees including a mature Oak and Elm would be preserved and applicant/owner agrees to replace these trees if they die within one year of construction. An additional 9 Elm and Maple trees would be planted and the new berm to screen parking would be landscaped. The concrete drainage flume would be removed and replaced with underground tile stormwater connection.

Councilmember Rasmussen stated he was very familiar with the location and questioned why consideration had not been given to closure of the north exit to the neighboring parking lot and use of that area to the property line for parking spaces. He stated the proposed plan would not alleviate traffic concerns in the area. Mr. Klein stated a 25 ft. parking set-back was required. Councilmember Rasmussen stated a variance could have been requested. He inquired why expansion into the hill to the west was not considered. Mr. Hayes stated reasons were concern for the potential to destabilize the soil of the homes located on the hill and construction of a new retaining wall would be cost prohibitive.

Councilmember Sipple agreed with Councilmember Rasmussen. The area has a high number of traffic accidents and is very busy in rush hour, and closure of the entrance off State Line could potentially ease the number of accidents. He inquired if future plans included a drive-through. Mr. Hayes stated Wells Fargo did not want to limit customer accessibility and the parking lot would include a hammerhead area to allow for turnaround. He did not foresee a future drive-through.

Mr. Hayes clarified for Councilmember Rasmussen that Wells Fargo owns the existing retaining wall, but he was uncertain as to ownership of the west-side fence. Councilmember Rasmussen stated the maintenance of the area has been lacking since becoming a Wells Fargo facility. He asked Mr. Coleman if the proposed plan would allow for enforcement of landscaping; Mr. Coleman confirmed. Mr. Hayes stated he is not tasked with properties management, which is a separate function, and the current retaining wall had been brought into compliance with City code.

Councilmember Rasmussen inquired when construction would be expected to be complete. Mr. Hayes stated the project would start as soon as funding had been approved internally at Wells Fargo. Ground-breaking should be June and project complete in two weeks. The construction would be hampered somewhat due to bank operation hours and limited hours of construction. Hammond Asphalt Paving, a women-owned business, would be the paving contractor.

Councilmember Filla thanked staff for implementing and providing the “Best Management Practices Guide to Managing Trees During Construction” to the applicant. She expressed appreciation for Planning Commission Stipulation No. 3 regarding mature tree death and replacement.

Councilmember Filla reminded that data confirms 2.5 to 3 inch caliper trees thrive and survive more often after installation than 4 inch caliper trees required by City code. Mayor Dunn stated that item would be reviewed in the future.

**A motion to approve Agenda Item 11.B. was made by Councilmember Azeltine; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 5-0.**

**12. OLD BUSINESS** – None

**13. OTHER BUSINESS** – None

**14. NEW BUSINESS** – None

Councilmember Filla asked Parks Superintendent Brian Anderson to address the Governing Body in regard to electric bicycles being used on trails and the potential to remand to multi-collaboration staff group for review. Ms. Bennett stated that motorized vehicles are not permitted on trails.

Mr. Anderson shared information that had been learned at a Johnson County Trails meeting. There are various categories of battery-assisted bicycles, ranging from those that require pedaling with electric motor assist for challenging terrain allowing all skill levels to travel together, to top-end models similar to an electric motorbike with speeds of 28 miles per hour without peddling. All of the battery-assisted bicycles have pedals. The definition of a motorized vehicle may require clarification and a county-wide standard would be best.

Councilmember Azeltine stated Kansas has three classifications of motorbikes; mopeds, motorbikes with engines of 55 cubic centimeters or less, and motorcycles with engines of 60 cubic centimeters or greater.

Mayor Dunn suggested that Mr. Anderson continue discussions with Johnson County and that the topic could be addressed by the Bicycle Friendly Committee.

## **ADJOURN**

There being no further business, the meeting was adjourned at 8:49 P.M.

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Debra Harper, CMC, City Clerk

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Cindy Jacobus, Assistant City Clerk