

Minutes

DVD No. 192

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, at 7:30 P.M., on Monday, June 16, 2008. Mayor Peggy Dunn presided.

Councilmembers present: Gregory Peppes, Gary Bussing, Jim Rawlings, Lou Rasmussen Debra Filla, Julie Cain, and James Azeltine

Mayor/Councilmembers absent: Mike Gill

Staff present:

Scott Lambers, City Administrator
Chief John Meier, Police Department
Chief Ben Florance, Fire Department
Mark Andrasik, Info. Systems Director
Deb Harper, City Clerk
Pam Gregory, Deputy City Clerk

Patty Bennett, City Attorney
Joe Johnson, Public Works Director
Chris Claxton, P&R Director
Mark Klein, Asst. to the Planning Director
Jeff Joseph, Senior Planner

1. PLEDGE OF ALLEGIANCE

Mayor Dunn expressed condolences on behalf of the City of Leawood to the families of the boy scouts that were killed last week at a scout camp in Iowa from the deadly tornados.

2. APPROVAL OF AGENDA

Mayor Dunn noted Councilmember Filla would be making a Councilmembers Report. Item No. 11A has been continued to the July 7, 2008 Council meeting.

A motion to approve the agenda was made by Councilmember Peppes; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 7-0. (Councilmember Gill absent).

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.**

4. PROCLAMATIONS – None

5. PRESENTATIONS/RECOGNITIONS – None

6. SPECIAL BUSINESS - None

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. 1104B and 1105A
- B. Accept Minutes of the June 2, 2008 Governing Body meeting
- C. Accept Minutes of the May 19, 2008 Governing Body meeting
- D. Accept Minutes of the May 5, 2008 Governing Body Work Session meeting
- E. Accept Minutes of the November 14, 2007 Leawood Foundation Meeting
- F. Accept Minutes of the February 13, 2008 Leawood Foundation Annual Board meeting
- G. Accept Minutes of the May 15, 2008 Green Initiative Citizen Task Force Committee meeting
- H. Approve Change Order No. 1 [time extension] to Kevin Cowan Architects, pertaining to the Amphitheater Area Master Plan at Ironwoods Park
- I. Approve purchase in the amount of \$171,804.87 to Turf Professionals Equipment Company for the purchase of IRONHORSE Maintenance Equipment
- J. **Resolution No. 3048** calling for a public hearing to be held on Monday, August 4, 2008, to consider the 2009 Fiscal Budget for the City of Leawood
- K. **Resolution No. 3049** calling for a public hearing to be held on Monday, July 21, 2008, to consider the vacation of an easement located at 4006 W. 140th Street, Willow Creek Subdivision, Lot 1
- L. **Resolution No. 3050** approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$265,123.20 between the City and Mega Industries, Inc., pertaining to the 119th & Mission Road [Tomahawk Park] trails & Storm Sewer Improvement Project
- M. **Resolution No. 3051** revising the fee, not specifically provided for in the Code of the City of Leawood, 2000, specifically for the Senior Golf Rate for the IRONHORSE Golf Course, in accordance with Section 1-701 of the Code of the City of Leawood, 2000
- N. **Resolution No. 3052** approving an amendment to the IRONHORSE Golf Course Business Plan, specifically designating the IRONHORSE senior age to age 60
- O. **Resolution No. 3053** approving and authorizing the Mayor to execute a Service Agreement in the amount of \$23,981.0 between the City and Corvan Construction, Inc., pertaining to the painting of the Lodge at Ironwoods Parks
- P. **Resolution No. 3054** accepting Permanent Drainage Easement from John P. Silkiner, Trustee; David A. & Lee K. Svet; Paul L. & E. Juliann Jorgensen; Geraldine M. Pike; Samuel S. & Julie A. Zollicker; Leawood South Country Club; John B. & Christine S. Stalder; and David A. & Melissa L. Bernard, in connection with the 2008 Residential Street Improvement Project and the 2008 Residential Mill and Overlay and Residential Street Reconstruction Project

- Q. **Resolution No. 3055** approving a Final Site Plan for a tenant finish for Mission Farms - Mulberry & Mott, located at the southeast corner of 105th Street and Mission Road *[From the May 27, 2008 Planning Commission meeting]*
- R. **Resolution No. 3056** approving a Final Plat for Centennial Park - Building 23, located at the northeast corner of 143rd Street and Overbrook *[From the May 27, 2008 Planning Commission meeting]*
- S. **Resolution No. 3057** approving a Final Plat for Centennial Park - Building 19, located south of 141st Street and east of Overbrook *[From the May 27, 2008 Planning Commission meeting]*
- T. **Resolution No. 3058** approving a Final Plat for Tuscany Reserve Fourth Plat, located at 3419 W. 138th Street *[From the May 27, 2008 Planning Commission meeting]*
- U. **Resolution No. 3059** approving a Final Plat for Hazelwood 6th Plat, located north of Wenonga Circle and east of Pawnee Lane *[From the May 27, 2008 Planning Commission meeting]*
- V. **Resolution No. 3060** approving a Revised Final Site Plan for One Nineteen Revised Sign Criteria, located at the southeast corner of 119th Street and Roe Avenue *[From the May 27, 2008 Planning Commission meeting]*
- W. Police Department Monthly Report
- X. Fire Department Monthly Report
- Y. Municipal Court Monthly Report

Councilmember Rasmussen requested to pull Item No. 7V. Mayor Dunn noted Item No. 7H had an additional document.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Peppes; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 7-0. (Councilmember Gill absent).

- 7V. **Resolution No. 3060** approving a Revised Final Site Plan for One Nineteen Revised Sign Criteria, located at the southeast corner of 119th Street and Roe Avenue *[From the May 27, 2008 Planning Commission meeting]*

Councilmember Rasmussen noted the West Elm tenant space had an extraordinary amount of signs. The City Council had eliminated the West Elm transom sign by resolution. He noted the applicant had returned requesting the same sign.

Mark Klein, Assistant to the Planning Director, noted when the applicant came forward with their final site plan for approval of signage, they were requesting the following:

- a. A sign on the hard canopy over the store front.
- b. A sign on the wall over the store front.
- c. A transom sign (box sign) over the store front.
- d. A blade sign on the front of the building.
- e. Decal signs on each of the front windows.

At the time of approval, they were limited on the front elevation to only the sign on the wall over the store front, as well as the blade sign. In addition, they had signage proposed on the back of the building:

- a. A Wall sign.
- b. An awning for customer pick-up.
- c. Signs on each of the doors.

They were allowed to have the customer pick-up awning over the service doors and the application of vinyl letters on the service doors themselves. He noted the Planning Commission gave them a blade sign on the back of the building, as well. The applicant is currently requesting the transom sign be added back into the plan. Mr. Klein clarified that the transom sign is made of vinyl lettering with wood slats, and would be located directly over the double front doors.

Councilmember Rasmussen made a motion that the original resolution by the City Council be upheld and to deny approval of the West Elm transom sign with the application. The motion died for lack of a second.

Councilmember Rawlings noted Stipulation No. 2, "The design guidelines for the One Nineteen Development shall be amended to allow a maximum of three signs on the front façade of each tenant finish, and/or as approved by the Governing Body." Mr. Rawlings asked how this differentiated from what was stipulated last fall. Mr. Lambers stated they were supposed to have two signs; however, the developer was requiring everyone to have a blade sign, thus giving limited options. The Council did not approve this request initially with the blade sign requirement; however, there could be some circumstances where a third sign may be appropriate. The language does note three signs on the front. By approving this amendment, the maximum number of signs allowed would be three; knowing one of these signs would need to be the required blade sign; subject to Council review on an individual basis.

Councilmember Rawlings confirmed with Mr. Lambers if there was going to be signage on the back, it would be approved independently. Since this is a furniture store, they needed some indication in the back for their pick-up area.

Mayor Dunn noted the stipulation did not indicate that one of the signs would be required to be a blade sign, and wanted to be assured that other tenants would not be requesting three signs. Mr. Lambers noted this may occur with the larger tenants; however, he didn't see it being requested for the smaller narrow ones. Mayor Dunn noted it could be important to add "one of which will be a blade sign" to the stipulation.

Councilmember Rasmussen confirmed with Mr. Klein that the applicant was proposing a total of three signs for the front of the building, one of which was a blade sign. The window signs were not approved.

Jose Rangel, Red Development, stated they were in complete agreement with staff. Out of all of the applicants that had come forward, West Elm had been the only one requesting the option of using the transom signage. He noted 8" lettering over door transom signs were permitted.

They were considering each tenant on a case-by-case basis. He stated there was only one other tenant that was equivalent to the size of West Elm; this would be Z Gallery, and they have not requested it. Mayor Dunn confirmed with Mr. Rangel they were in favor of what the Planning Commission had approved.

Councilmember Bussing made a motion to approve the One Nineteen Revised Sign Criteria with a change in Stipulation No. 2 to read: "The design guidelines for the One Nineteen Development shall be amended to allow a maximum of three signs, one of which will be a blade sign, on the front façade of each tenant finish"; seconded by Councilmember Azeltine.

Councilmember Azeltine clarified with staff this would be on a case-by-case basis, and this amendment would not obligate the Council in any way to a future applicant.

The motion carried following a unanimous vote of 7-0. (Councilmember Gill absent).

8. MAYOR'S REPORT

- A. Hosted a welcome luncheon in Leawood for new Director General Dale Jieh and Joseph Chang from the Taipei Economic and Cultural Office, and was joined by City Administrator Scott Lambers, Assistant City Attorney Franki Shearer, Staff Liaison to the I-Lan Sister City Committee, Councilmembers Debra Filla and Jim Rawlings, Council Liaisons to the Committee, Chair Donna Kaelke and former Chair Jim Rochel.
- B. Attended a farewell reception with Councilmember Azeltine for Leawood Fire Department Captain Jackman Bieger, recognizing his 29 years of service to the City, hosted by Fire Chief Ben Florance and the Leawood Fire Department.
- C. Attended the Johnson County delegation luncheon with Councilmember Azeltine, hosted by the Overland Park Chambers Government Affairs Committee.
- D. Attended the Council of Mayors' dinner and meeting, hosted by Mission, Kansas Mayor Laura McConwell with Johnson and Wyandotte Counties delegations and noted they had discussed many topics, including: transportation in 2009, serial meetings, demand transfers, gaming revenues, credit card fees, involuntary blood draws, Transportation Development Districts [TDD's], and limitations on bonded debt for the state. They also discussed revenues coming in that were greatly reduced from what was budgeted.
- E. Mayor Dunn expressed congratulations on behalf of the City of Leawood to Mission, Kansas Mayor Laura McConwell for being recognized as the Kansas Mayors Association's 2008 Mayor of the Year.
- F. Attended the Leawood Chamber of Commerce ribbon cutting and grand opening festivities with Councilmember Azeltine for the Leawood Cosmetic and Family Dentistry office, located at Parkway Plaza. Mayor Dunn wished them much success and thanked them for becoming new members of the Chamber of Commerce.

- G. Attended the National Trails Day Walk hosted by the Leawood Parks and Recreation Department and Parks Director Chris Claxton. Mayor Dunn noted there were approximately 50 people in attendance, including: Councilmember Azeltine, City Administrator Scott Lambers and his daughter that walked from the Leawood Park to Mill Creek Park in Missouri.
- H. Attended the Annual Rotary Picnic for the Leawood Rotary Club with Councilmember Bussing, hosted by Stuart and Diane Sharp. Mayor Dunn thanked them for their hospitality. Also in attendance was Police Chief John Meier, acting as a judge.
- I. Attended the Leawood Lions Shelter and Fountain Re-dedication in honor of Leawood's 60th Anniversary with Councilmember Azeltine. In conjunction with this event was an ice-cream social. Mayor Dunn noted appreciation to Lions Club President Gary Flick for his efforts in organizing the event.
- J. Mayor Dunn noted a reminder for the Taste of Leawood to be held on Saturday, June 21, 2008, from 7:00 – 10:30 p.m.
- K. Mayor Dunn noted a reminder of the July 4th cookout behind City Hall for all of the volunteers and their families from 6:00 – 8:00 p.m. There will be shuttles to transport people to the park for the fireworks display.

9. COUNCILMEMBERS REPORT

Councilmember Filla noted she attended the Mid-America Regional Council [MARC] annual meeting along with City Administrator Scott Lambers, new Intern George Ertle, assigned to the Green Initiative Task Force, Planning Commission staff, including: Mark Klein, Jeff Joseph, and Melissa Cownie, Planning Commissioners Ken Roberson, Len Williams, and Bud Munson, members of the Green Initiative Task Force, including: David Crupper, Camille Croteau, and herself. Ms. Filla noted appreciation to Mr. Lambers for inviting them. They anticipated the keynote address "Building Sustainable Partnerships" to be a little more *greener* in its focus. Denver has implemented the largest regional transit program; however, much of the speech was not green initiative related. The award recipients were Bob Berkebile, Chris Koster, Missouri State Senate, and Pat Roberts, U.S. Senator, Kansas. They honored the Kansas City Scout, which is the regional effort to have green lights to minimize the amount of stopping traffic. There was special recognition for the Mayors who signed the "Climate Protection Act." Also recognized was the Girl Scout Troop, who created the "No Idle Zone."

Mayor Dunn thanked Ms. Filla and all of the others that attended the meeting and expressed her apologies for not attending, due to being out of town.

10. STAFF REPORT - None

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

From the May 27, 2008 Planning Commission meeting]

- A. Ordinance approving a Preliminary Site Plan and Final Site Plan for Park Place - Building G, located at the northeast corner of 117th Street and Nall Avenue [Roll Call Vote] – **CONTINUED TO THE JULY 7, 2008 GOVERNING BODY MEETING**

- B. Ordinance approving a Preliminary Site Plan, Final Site Plan, and Final Plat for Johnson County Library, located at the northwest corner of Roe Avenue and Town Center Drive [Roll Call Vote]

Mayor Dunn noted some elevations that had been submitted since the Planning Commission's approval. Mr. Lambers stated the original plan approved had the mechanical equipment located by the drop-off box; however, they have decided to place this equipment on the roof instead. This had changed the elevation of the building. The Planning Commission had not yet seen the proposal before Council. It was noted under Staff Comments, that because of this change; Council could either remand this to the Planning Commission, or if acceptable, proceed.

Councilmember Rasmussen confirmed with Mr. Lambers that the heating and air conditioning on the roof complied with City's standards in terms of concealment.

Rick Wise, Clark Enersen Partners Architects, gave a presentation on the addition to the east side of the building. The trash enclosure had previously been shown in the southeast corner of the parking lot; however, the Planning Commission felt this wasn't appropriate; therefore, it was moved adjacent to the building. The plan showed some additional paving and parking. The front entry had changed to show the pedestrian crossing. Currently, the plan shows the front entry between two columns; however, they decided to put a bench between the columns to force pedestrian traffic around them to slow them down as they exit. This way, there won't be issues of children darting into traffic. They added pavers to enhance the entry in compliance with the Planning Department recommendations. Mr. Wise noted they had a sloped roof over the children's area of the Library to mimic the existing large gable roof on the existing building. They had decided it would be more appropriate to change the elevation on the roof, still showing the clear story windows over this children's area. This alteration better incorporates the design of having strong horizontal lines. The pre-cast concrete band around the addition will match exactly to the existing banding around the library. This would allow them to better screen the mechanical equipment located to the west of the clear story area. He noted problems with the staff entry currently located at the book drop-off and stated it would be moved to the front of the building with a sidewalk.

Councilmember Filla confirmed with Mr. Wise that the trash cans were originally located in the southeast corner and is now proposed to be located just to the east of the staff entrance. This was done in compliance with the Planning Commissions recommendation.

Councilmember Peppes stated the pitch roof on the original plan looked good and the buildings resembled one another. He noted the roof on the new plan looked similar to an office with a warehouse attached because of the horizontal lines. Dr. Peppes asked why they couldn't have both pitch roofs and still have the mechanical equipment between them.

Mr. Wise stated the size of the mechanical unit was 8' tall, 8' wide, and 40' long. If it was installed between the gable roofs, it would be visible from the street without a screen in front of it. This would alter the roof pitch of what was currently there. To put the roof pitch back to match the existing one, they would need to make the clear story area much larger to allow for screening.

Councilmember Peppes confirmed with Mr. Wise that the window area on the roof was not a second floor; however, it was to allow additional lighting into the building.

Mayor Dunn asked why the mechanical equipment had to be moved to the roof area. Mr. Wise noted the project had experienced some budget issues and this would be a less expensive option for them. Originally located on the ground in the middle of the book drop-off area, they wanted to install it nicely with a lot of screening around it, made of brick with stone copings. With the size of the mechanical equipment, it would be a large expense. Another problem with the building was the slate shingles. They are replacing them on the new building roof and around the existing one with a simulated slate shingle that was approved by the City. They were attempting to minimize the amount of the simulated slate shingles used, due to problems with them falling off, thus creating roof leaks.

Mayor Dunn concurred with Dr. Peppes that she also preferred the original roof elevations.

Councilmember Rasmussen referred to the proposed location of the trash containers and asked if staff had checked into the ability of a disposal service being able to back into this area. Mr. Lambers noted the limited amount of trash generated would allow them to bring the containers to the truck to dump. Mr. Wise noted they had met with Deffenbaugh Disposal and had indicated they would use a front load truck at this site.

Councilmember Rasmussen referred to the roof and asked if it was more expensive to landscape the original ground area for the mechanical equipment, rather than install the proposed new roof plan. Mr. Wise confirmed with Mr. Rasmussen they would need to increase the structural capacity of the roof to handle the equipment; however, had not received the price from the contractor yet. He did indicate it would be less expensive, and noted the difference in cost would be approximately \$50,000 - \$100,000. The masonry screen wall would be 6'-8' tall and estimated at 70' in length that would surround the entire mechanical equipment. The wall would be made of brick and pre-cast concrete. He noted they would still have a small element of this in the new design to help support the canopy over the book drop-off.

Councilmember Filla agreed that a *clean look* would make the buildings symmetrical and liked their idea; however hoped they could do the same look to the original building and make them both with the flat roof. Mr. Wise noted the owner could not afford to remove all of the slate shingles off of the original roof and change it to flat.

Mayor Dunn stated she preferred the pitch, rather than the flat roof, when comparing the library in conjunction with City Hall.

Councilmember Peppes stated he could not support the roof as proposed, and asked if the plan could be remanded to the Planning Commission. Mayor Dunn noted this would be appropriate, since the Planning Commission was not aware that the applicant wanted to move the mechanical equipment and change the roof elevation.

Councilmember Bussing asked if they could make a change to this plan, due to a delay on the expansion if it was to be remanded. Mayor Dunn asked Mr. Wise what type of time frame they had. To approve something other than the Planning Commissions recommendation, would be considered an override; therefore, would take a super majority vote.

Mayor Dunn asked how long it would take to get this on the agenda for the Planning Commission to hear if this was remanded. Mayor Dunn confirmed with Mr. Lambers that, if possible, they could put this on the meeting next week and it could come before Council again on July 7, 2008. Mr. Wise noted if staff and Council could follow these dates, this would not create a significant impact for them.

Councilmember Peppes made a motion to remand Item No. 11B [Leawood Public Library Addition] to the Planning Commission for purpose of changes that have taken place since their review, along with the discussion by the Governing Body this evening; seconded by Councilmember Bussing.

Councilmember Filla complimented the architect for his creativity and noted she liked the linear look; however, agreed that the buildings would fit in with City Hall better the way it is. Ms. Filla confirmed with Mr. Wise if they decided not to move the mechanical equipment to the roof, they still may need to change the transformer location to go with the trash enclosure, due to budget reasons. Mr. Wise stated they had no other options, but to install the mechanical equipment on the roof, due to the cost involved. Ms. Filla asked if there would be other alternatives to spending so much money on the masonry. Mr. Wise stated the most appropriate solution they had found was to move the equipment to the roof.

Councilmember Bussing asked that the applicant not limit their consideration to installing the mechanical equipment on the roof, and noted even if they wanted to keep the original gable roof, the large equipment would not be appealing between two gables either. He understood the budget constraints; however, noted people would be looking at the building for many years to come and wanted it to look right.

Councilmember Cain noted she liked the curved window on the existing library, and noted she would like to see it carried over to the addition, as well.

Mr. Lambers stated in order for the expansion to go forward, the City would be dedicating some of its property in order for the addition to be on library property and to meet the minimum setback requirements. Mayor Dunn confirmed with Mr. Lambers this would be done in the spirit of cooperation and they would not be charged for this.

Councilmember Azeltine confirmed with Mr. Lambers that the City would not be using this land for anything.

The motion to remand Item No. 11B to the Planning Commission carried following a unanimous vote of 7-0. (Councilmember Gill absent).

- C. **Resolution No. 3061** approving a Revised Final Site Plan for One Nineteen - Building D, located at the southwest corner of 119th Street and Tomahawk Creek Parkway

Jose Rangel, RED Development, noted they were there with some modifications to Building D, also known as Dean & Deluca.

Chris Sogus, DLR Group, gave a presentation of the changes and noted the driving force behind the revisions was to better adapt to the corporate theme. The basic concept is a New York So Ho image. The overhead garage door concept was to allow an indoor/outdoor café; however the food codes were in conflict with this idea. They would no longer be proposed as operable garage doors and will be fully enclosed. They were proposing an upgrade of material to include large limestone panels as some of the key architectural features.

Steve Winslow, Ochsner Hare & Hare, noted the plan before Council was reminiscent to the one presented previously. He noted they had met the landscaping codes and screening requirements throughout the development. They have added additional shrubs along 119th Street and Tomahawk Creek Parkway for screening along the parking areas. The concrete will be gray with a swirl finish and all materials and finishes will resemble the One Nineteen Development. Bike racks have been added to the north side of the building. Mr. Winslow addressed two of the stipulations from the Planning Commission: Stipulation No. 22, requesting six additional ornamental trees along the north side of the building. Mark Klein, Planning Commission, had calculated the area just adjacent to the building and noted they were short six trees. The approved site development plan took into effect the entire 119th Street frontage. Mr. Winslow noted they would be supplying the City with a revised landscape plan to show the current configuration with the approved prior site development plan to verify the quantity of the trees. Stipulation No. 26, the outdoor eating area and shade trees to be added along the west side. Dean & Deluca had requested they keep some tables along the west frontage, and added street trees along the edge that will be tree gated and arrogated to survive.

Councilmember Rasmussen referred to the area on the northwest corner and asked where it was on the landscape plat and why they wanted to eliminate it. Mr. Rasmussen also questioned how they were going to place tables between the trees and the building and still have room.

Josh Hodap, Dean & Deluca, noted the area on the northwest corner wasn't platted for seating and was to be used as an entrance and exit area. There is 15' along the front windows and noted the trees would be the barrier between the tables and the walkway.

Councilmember Filla confirmed with Mr. Rangel that the windows along the patio were going to be permanently closed. Mr. Rangel noted there were conflicts with interior environmental issues, when it came to the windows opening. Mr. Hodap noted they wanted to be able to use the seating area full-time, year around.

Opening part of the windows would not allow them to control the temperature throughout the entire establishment. The tables on the patio would only be utilized a few days each month with nice weather.

Councilmember Cain asked if there was going to be parking directly in front of the entrance. Mr. Rangel noted the tables would be against the building with a buffer of trees. The pedestrian walkway is located between the parking and the trees.

Mayor Dunn asked how the outdoor seating compared to their current site at Town Center Plaza. Mr. Hodap stated presently, they could accommodate approximately 48 people outside and 45 inside. The new plan will accommodate 94 inside with 27 outside. The inside seating at the new location is equal to and greater than what they currently have.

Mayor Dunn asked how much outdoor seating was in the original approved plan. Mr. Hodap noted it was the same amount as what was presently enclosed. There wasn't any true outdoor seating; the entire patio area would have opened up. They were concerned with keeping the restaurant at a consistent temperature throughout.

Mayor Dunn asked if they were the first occupant requesting awnings in the One Nineteen Development. Mr. Rangel noted there were awnings located on building A, on the south side. The West Elm and Z Gallery both have a dark brown awning in the front.

Councilmember Azeltine referred to the roll-up doors and asked them to elaborate on what they meant by environmental concerns. Mr. Rangel noted the concept of the Dean & Deluca experience was to observe the cooking; however, in order to have an open outside area without a wall so people could experience this, the restaurant would be in conflict with health codes. The kitchen would be required to be enclosed.

Mr. Lambers stated when the store was originally proposed, the main entry was on the south side, and noted this was why the handicap spaces were located where they are currently. With what was being proposed customers would have to go through parking spaces to get to the front entrance. If they could switch the handicap parking to the north, it may provide a more inviting entry, since this parking area is frequently unoccupied. Mr. Rangel noted they have two entrances and the handicapped parking could be located at either entrance.

Councilmember Cain noted she would like to return to the larger patio idea to create more of a grand entrance statement. Mayor Dunn noted this would be a nice location, since it would allow visibility to 119th Street. Mr. Rangel noted they would consider this idea; however, would possibly lose a couple of parking stalls.

Councilmember Rasmussen made a motion to approve the resolution incorporating Councilmember Cain's suggestion that the applicant work with staff on enlarging the patio area at the northwest corner; seconded by Councilmember Filla. Mayor Dunn confirmed with Mr. Lambers that with the new stipulation and the re-numbering of all of the stipulations taken into account; this would require a super majority vote. The motion carried following a unanimous vote of 7-0. (Councilmember Gill absent.)

12. OLD BUSINESS - None

13. OTHER BUSINESS - None

14. NEW BUSINESS

- A. **Resolution No. 3062** amending and restating Resolution No. 2410, as heretofore amended, finding as to the advisability and authorizing the construction of improvements to Nall Avenue, 117th Street, Town Center Drive and Roe Avenue and construction of Storm Water Improvements within the City of Leawood, Kansas; and accepting a Second Amended Petition for establishment of an Improvement District pursuant to K.S.A. § 12-6a01 et seq. PARK PLACE DEVELOPMENT [CIP NO. 83196]

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion carried following a unanimous vote of 7-0. (Councilmember Gill absent).

- B. **Ordinance No. 2325** amending § 11-205 of the Code of the City of Leawood, 2000, entitled "Disturbing the Peace" and repealing existing section 11-205 and other sections in conflict herewith [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Filla.

Mayor Dunn noted appreciation to Major Troy Rettig for all of his work on this.

Mayor Dunn stated there had been some complaints from residents in Ward 2 from the construction. Major Rettig noted he did a comparison to other local cities and 9:00 P.M. was a common time to stop construction. Mayor Dunn confirmed with Major Rettig the start and stop times of construction would be from 7:00 A.M until 9:00 P.M. seven days a week. Major Rettig stated there were concerns at the Pinnacle Point Project, located at 114th and Tomahawk Creek regarding the construction times, and noted representatives from the construction company spoke with them regarding this so they wouldn't be in violation of the ordinance. Mr. Lambers noted the construction company would need 3-4 days to pour concrete on this project and he told them to let the residents know. This is a general ordinance to allow the police to enforce; if construction projects are next to residents, the City can restrict it further, if needed.

Councilmember Filla asked how this would apply to home construction projects. Mr. Lambers stated the construction should stop by 9:00 P.M.

The motion to pass the ordinance carried following a unanimous roll call vote of 7-0. Yea: Councilmembers Peppes, Rasmussen, Filla, Azeltine, Rawlings, Bussing, and Cain. Nay: None. (Councilmember Gill absent).

ADJOURN

With no other business, Mayor Dunn adjourned the meeting at 9:03 P.M.

Debra Harper, CMC, City Clerk

Pam Gregory
Recording Deputy City Clerk