

Regular Meeting

THE LEAWOOD CITY COUNCIL

June 17, 2013

Minutes

DVD No. 305

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 17, 2013. Mayor Peggy Dunn presided.

Councilmembers present: Jim Rawlings, Julie Cain, Gary Bussing, Debra Filla, Carrie Rezac, James Azeltine, Lou Rasmussen, and Andrew Osman

Councilmembers absent: None

Staff present: Scott Lambers, City Administrator
Chief Dave Williams, Fire Dept.
Chief John Meier, Police Dept.
Mark Andrasik, Info Systems Director
Jack Reece, Info Systems Specialist
Richard Coleman, Comm Dev. Director
Mark Klein, Planning Official

Patty Bennett, City Attorney
Joe Johnson, Public Works Director
Lovina Freeman, HR Director
Dawn Long, Finance Director
Deb Harper, City Clerk
Pam Gregory, Assistant City Clerk

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn noted the following modification to the agenda:

- Addition of Item No. 5 – Presentation/Recognition
- Addition of Item No. 6 – Special Business

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion carried following a unanimous vote of 8-0.

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.

4. PROCLAMATIONS - None

****5. PRESENTATIONS/RECOGNITIONS Recognition of Jeff Thomasson, for Service at Ironhorse Golf Course**

Parks and Recreation Director Chris Claxton recognized Troon Golf Managing Officer Jeff Thomasson and his team, for restoring Ironhorse Golf Course back to its potential. Ms. Claxton wished him luck in his future endeavors.

Dick Fuller, Chairman of the Ironhorse Advisory Board, stated Troon began working on the golf course during a difficult time with the economic downturn. Mr. Thomasson and his team have done an outstanding job in helping the course gain its credibility back as one of the number one golf courses in the metro area.

Mr. Thomasson thanked Mayor Dunn, the City Council, the Ironhorse Advisory Board, Ms. Claxton and City staff for all of their leadership. He felt Ironhorse has a very bright future with the help of its committed, exceptional staff.

Mayor Dunn expressed her appreciation to Mr. Thomasson for his excellent job in leadership and his tremendous work ethic.

****6. SPECIAL BUSINESS**

Resolution No. 4066 approving and authorizing the Mayor to execute a Purchase Agreement in the amount of \$160,000 between the City and Paley Studios, Ltd., for the purchase of 'Variance' Art Piece [Albert Paley, Artist] to be located at Site # 1 in the Sculpture Garden, just north of the south lake

Dr. Ann Kenney, Chair of the Art in Public Places Initiative [APPI], stated this art piece weighs 8,000-9,000 pounds. Its dimensions are 17' high x 12' wide x 3' deep and is made of stainless steel. This will be the centerpiece of the Tomahawk Creek Parkway Sculpture Garden. It is estimated to cost \$4,000-\$5,500 to transport to the City.

Councilmember Bussing stated this art piece will soon be displayed on Park Avenue in New York City as part of a large exhibit. He was delighted the City of Leawood would be able to display this and thought it would be a significant addition to their Sculpture Garden.

A motion to approve the resolution was made by Councilmember Cain; seconded by Councilmember Bussing. The motion carried following a unanimous vote of 8-0.

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. 2013-20, 2013-21, and 2013-22
- B. Accept minutes of the June 3, 2013 Governing Body meeting
- C. Accept minutes of the June 3, 2013 Governing Body Work Session
- D. Accept minutes of the May 20, 2013 Governing Body Work Session
- E. Accept minutes of the March 26, 2013 Leawood Arts Council meeting

- F. Accept minute of the April 23, 2013 Leawood Arts Council meeting
- G. Approve Change Order No. 9 in the amount of \$286,625.00, to Titan Built Construction, pertaining to the Leawood Justice Center Project to be located at Town Center Drive & Tomahawk Creek Parkway [Project # 76008]
- H. Approve payment in the amount of \$64,203.00, to Microsoft Corporation via Software House International, Inc., pertaining to the annual Microsoft license renewal
- I. **Resolution No. 4067** approving a Special Event at Park Place at 117th and Nall Avenue for a Street Fair to be conducted on Friday, July 27, 2013
- J. **Resolution No. 4068** approving and authorizing the Mayor to execute a Contractor Service Agreement between the City and Commenco in the amount of \$27,861.79, pertaining to the move of existing Dispatch Center to Leawood Justice Center [Project # 76029]
- K. **Resolution No. 4069** approving and authorizing the Mayor to execute a Contractor Service Agreement between the City and Pierson Wireless in the amount of \$49,201.50, pertaining to the amplification and distribution of police radio and cellular signals at the Leawood Justice Center [Project # 76029]
- L. **Resolution No. 4070** calling for a public hearing to be held on Monday, August 5, 2013 at 7:30 P.M., to consider the 2014 Fiscal Budget for the City of Leawood, Kansas
- M. **Resolution No. 4071** approving request for exemption from Conceal Carry law [House Bill 2052] pertaining to the carrying of weapons in municipal buildings
- N. **Resolution No. 4072** approving and authorizing to execute a Purchase and Installation Agreement in the amount of \$18,515, between the City and Play Power Little Tykes, pertaining to the Brook Beatty Park, located at 8646 Lee Boulevard [Project # 71015]
- O. **Resolution No. 4073** approving and authorizing the Mayor to execute an Inter-local Agreement between the City and the City of Overland Park, pertaining to public improvement to 135th Street east of Nall; 151st Street east of Nall; and Nall north and south of 151st Street to concrete pavement [Project Nos. 72057 & 72058]
- P. Fire Department Monthly Report
- Q. Police Department Monthly Report
- R. Municipal Court Monthly Report

Councilmember Rasmussen requested to pull Consent Agenda Item No. 7E and Councilmember Rezac pulled Item No. 7M for discussion.

A motion to approve the remaining Consent Agenda items was made by Councilmember Bussing; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 8-0.

7E. Accept minutes of the March 26, 2013 Leawood Arts Council meeting

Councilmember Rasmussen wanted to ensure the minutes recognize that the Arts Council is having the art piece known as “Koinonia” cleaned and repaired at the artist’s temporary location. A specific location for the art piece has not yet been determined.

Mary Tearney, Chair of the Leawood Arts Council, felt certain there would be a suitable location for ‘Koinonia’ inside the Justice Center. If no space is available inside, an installation location will be selected in the Sculpture Garden. Its permanent location will return before the Governing Body for approval.

A motion to accept Item No. 7E was made by Councilmember Filla; seconded by Councilmember Cain. The motion carried following a unanimous vote of 8-0.

7M. **Resolution No. 4071** approving request for exemption from Conceal Carry law [House Bill 2052] pertaining to the carrying of weapons in municipal buildings

City Attorney Patty Bennett confirmed for Councilmember Rezac that the legislation has taken jurisdiction over cities that would otherwise have their own “Home Rule Law.” This bill allows the City a 6-month exemption to be granted by the Attorney General. The 6-month exemption will allow the City to look into its options as it goes forward to determine whether they should seek a 4-year exemption allowed under the bill.

Mr. Lambers wanted the Council to be aware that entrances to City facilities will more than likely be required to have screening devices and security officers. Some entrances will be closed to the public. The Justice Center will have first priority for security. Screening will be provided for Municipal Court, along with police officers stationed while court is in session. The Court entrance will be closed when not in session, in which, an entrance will be opened into the Police Department. The City wants to ensure everyone’s safety and, by doing so, they need to have the mechanisms in place to ensure concealed weapons are not brought into its facilities. As they move forward, they can determine security measures for other facilities and whether they should seek the 4-year exemption.

A motion to approve Item No. 7M was made by Councilmember Rezac; seconded by Councilmember Bussing. The motion carried following a unanimous vote of 8-0.

8. MAYOR’S REPORT

A. Attended the Johnson & Wyandotte Counties Council of Mayors meeting hosted by Mission Mayor Laura McConwell. Guest speakers were Representatives Ron Ryckman and Tom Burroughs who provided a legislative session overview. They announced that 150 bills had been passed during the session. They felt that the 6.15% sales tax that was ultimately approved with no sunset was a compromise that was necessary to fill a budget gap created by reductions in income tax levels.

- B. Mayor Dunn, City Administrator Scott Lambers and Community Development Director Richard Coleman joined some Planning Commission members at the 17th Annual MARC Assembly and Leadership Awards presentations. The keynote speaker was Peter Block, whose work focuses on stewardship, empowerment, leadership and community.
- C. Attended the Greater Kansas City Chamber of Commerce Public Policy Up Close Speakers Series Breakfast with Governor Sam Brownback as the keynote presenter. This was sponsored by the Polsinelli Law Firm.
- D. The Leawood Chamber Annual Fundraiser - "A Taste of Leawood," is always a joint effort by the Chamber staff, board, and Leawood staff, and was even more challenging this past Saturday due to the storms that moved through late that afternoon causing all to be relocated from the City Hall Courtyard to the Oak Room downstairs. Councilmembers Debra Filla, Lou Rasmussen, Jim Rawlings and James Azeltine were in attendance with hundreds of others. Many thanks to Chamber President Kevin Jeffries and his staff. Public Works Director Joe Johnson was recruited by his wife, Beth Johnson, with the Leawood Chamber to put in particularly long hours on this event. Mayor Dunn thanked all who pulled off quite a feat to ensure a successful and fun evening for everyone in attendance.
- E. A selection team was put together to select a consultant for the 135th Street Corridor Project. At the request of Community Development Director Richard Coleman, Mayor Dunn proposed that this same team continue as the 135th Street Corridor Steering Committee, which consists of Councilmembers Carrie Rezac, James Azeltine, Planning Commissioner Len Williams, Community Development Director Richard Coleman, Public Works Director Joe Johnson, Parks Superintendent Brian Anderson, and the addition of Leawood Chamber of Commerce President Kevin Jeffries as the ex-officio non-voting member.

A motion to approve this selected 135th Street Corridor Steering Committee was made by Councilmember Rawlings; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 8-0.

- F. On behalf of the City of Leawood, Mayor Dunn offered sincere condolences to the family of Charles "Chuck" Sweeney, a Leawood resident who was involved in so many initiatives during his lifetime that they are way to numerous to mention. After the death of his beloved wife and daughter, he wanted to balance his life and found that balance in volunteer work. He received President Bush's volunteer and service award in 2004 for his civic participation and volunteer work in the community and the same award from President Obama in 2009. He was a very active member of the Leawood Rotary Club and a Paul Harris fellow and foundation director.

9. COUNCILMEMBERS' REPORT

- A. Councilmember Rawlings- Update on Justice Center Construction Project

The building is 74% complete. MC Realty Group is currently seeking requests for approval to relocate some departments to the new building. The primary power has been turned on.

The air conditioning system is being tested. New soil needs to be hauled in for asphalt paving. Furniture is scheduled for delivery in mid-July.

- B. Councilmember Rawlings- Recommendation to Stormwater Committee for consideration regarding flooding in the 12600 block of Wenonga and other addresses in the area

Mr. Johnson stated the rain event of May 31st produced rain intensities approaching a 100-year flood event. The rain produced excess run-off flooding several residential streets within the City with several feet of water and, in some cases, trapping motorists caught in the flood waters. There were several locations that the storm sewer system could not keep up with the flow. He suggested the following locations be referred to the Stormwater Committee for consideration and then return before the Governing Body with recommendations for improvements:

12615 Wenonga
12725 Wenonga
12732 Overbrook
12825 Sagamore
4301 126th Terrace to 12607 Delmar
3504 W. 129th Street

Most storm sewers are designed for 15-year flood events, including Leawood's storm sewer system. Very few cities design their systems for 100-year events due to the cost involved.

A motion to refer these locations, along with any other areas the Public Works Department would like to have reviewed to the Stormwater Committee was made by Councilmember Rawlings; seconded by Councilmember Rasmussen.

Mr. Johnson stated they would review all of the areas to see if they qualify for SMAC funding. He confirmed the curb vents were not the issue; the flooding was caused from overflowing pipes. This item will be discussed at the July 31, 2013, Stormwater Committee meeting. The dates for all of the City's committee meetings are posted on the calendar on the City's website.

The motion carried following a unanimous vote of 8-0.

10. STAFF REPORT - None

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[From the May 28, 2013 Planning Commission meeting]

- A. **Ordinance No. 2630** approving a Special Use Permit for wireless communication antennae and associated equipment for Sprint Wireless Antennae, located north of 135th Street and west of Briar. (PC Case 53-13) [Roll Call Vote]

Planning Official Mark Klein stated the applicant is seeking approval of a SUP for wireless communication antennae and associated equipment to replace an existing platform, antennae and associated equipment with the new slim mounted antennae for Sprint Wireless, located north of 135th Street and west of Briar. This application would limit the SUP to March 13, 2014. City staff has been working with Polsinelli Shughart regarding alternatives for other cell carriers. Planning Commission has recommended approval of this application, subject to the stipulations.

Mr. Coleman confirmed the tower owner has made some improvements by replacing some of the landscaping and repairing the doors.

A motion to pass the ordinance was made by Councilmember Azeltine; seconded by Councilmember Bussing. The motion carried following a unanimous vote of 8-0. Nay: None.

- B. **Resolution No. 4074** approving a Revised Final Plan for Christ Community Evangelical Free Church Expansion, located north of 143rd Street and west of Kenneth Road. (PC Case 57-13)

Richard Kniss, Gould Evans Associates, gave a presentation requesting approval of a Revised Final Plan to permit construction of a 10,790 square foot, two-story building addition and outdoor playground with an overall FAR of 0.14. Modifications include the use of clay masonry exterior instead of concrete. There will be more significant landscaping. Screening elements have been added to the parking on the far west side. The playground will have a 5-foot metal picket fence that will serve as a railing. A row of landscaping has been added to screen the neighbors to the west. The lower level of the building addition will be an office area. The upper area will be a worship and multi-purpose space. The buildings should blend together aesthetically. The retaining wall on the southwest corner is approximately 8 feet tall. Additional fencing will be placed perpendicular to the retaining wall to help as a barrier.

A motion to approve the resolution was made by Councilmember Cain; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 8-0.

- C. **Resolution No. 4075** approving a Final Plan and Final Plat for Tuscany Reserve Village 2nd Plat, located north of 137th Street and east of Pawnee Ln. (PC Case 62-13)

Brick Owens, NSPJ Architects, gave a presentation requesting approval of a Final Plan and Final Plat for the RP-2 portion of the Tuscany Reserve Village Development. The project will consist of nine detached single-family dwelling units. The architecture replicates Phase I of the Tuscany Reserve Villas, located to the east. Carriage lighting will be added in conjunction with the mail boxes. The approximate square footage of each unit is 3,600. They were in agreement with all of the Planning Commission Stipulations.

A motion to approve the resolution was made by Councilmember Cain; seconded by Councilmember Rezac. The motion carried following a unanimous vote of 8-0.

- D. **Resolution No. 4076** approving a Revised Final Plan for Milano (Formally Siena) Apartments, located south of 137th Street and east of Mission Road. (PC Case 45-13)

Curtis Holland, Esq., Polsinelli Shughart, gave a presentation requesting approval on behalf of Oddo Development, of a Revised Final Plan for the Milano Apartments. Some of the changes since the 2010 plan include the retaining walls, color scheme, and the stone to blend better with the architecture of the Tuscany Reserve Villas. The building layout has not changed from what was approved in 2010. The material used for the seating areas will be upgraded to flagstone. He referred to Planning Commission Stipulation No. 24 and stated the developer preferred to use a rough-faced, heavier and larger stone, in place of the 'Versa-Lok' tumbled stone for the retaining walls throughout the development. The tumbled stone is a lighter, smaller stone with more seams and joints and has a higher risk of failure.

Community Development Director Richard Coleman replied tumbled stone has been used successfully throughout the metro area. Failure could occur with any stone that is not properly installed. Staff preferred they install the tumbled stone in keeping with the rounded Tuscany look.

Rick Oddo, Oddo Development, stated the majority of the retaining walls will not be visible from the streets and range 3' – 12' foot tall. The proposed stone has a mixture of natural looking colors with a rough look. The walls will be stronger and heavier. Both types of stone are similar in price.

Planning Official Mark Klein confirmed the difference in stone was not discussed with the Planning Commission. City staff followed the recommendations from 2010. After speaking with the applicant they had concerns with staff's interpretation with this stipulation and wanted to discuss it this evening.

Councilmember Azeltine asked if the tumbled stone was a part of the litigation in 2010. Ms. Bennett replied this was not incorporated in the court settlement. The litigation was dismissed; there will be no legal ramifications.

Mr. Holland confirmed the applicant would be required to construct 137th Street from the east property line to Mission Road and ensure that ¼ of the signal cost is paid before they receive their Occupancy Permit. Mr. Oddo indicated they had already paid for the signal cost. Mr. Johnson confirmed that the abutting 5-foot sidewalk would be installed after the improvements to Mission Road. This cost is part of the street fee, which may have been paid when it was platted.

Councilmember Bussing felt if the proposed material meets the City's Codes and there is no public safety issue then they should default the aesthetics to the developer.

Mayor Dunn noted they would need to amend the language for this stipulation.

Mr. Holland requested clarification of the language in Stipulation No. 38 on whether the stone columns needed to be placed along the entire perimeter. The fencing was not an issue. They planned to place the columns on the corners of the property at approximately 150 feet apart along Mission Road and 137th Street, and requested they be added along the east side and include two along the south. If the columns are placed exactly 150 feet apart, they would not be located on the corners of the property. There will not be a column on the southeast corner due to the drainage detention area. This was all discussed at the Planning Commission meeting.

Mr. Klein stated this stipulation was added by the Mayor in 2010. The intent was to have the columns placed around the entire perimeter approximately 150 feet apart.

Mr. Holland stated there would be a berm with landscaping along the entire length of the east property line.

Mr. Oddo confirmed the townhomes and Clubhouse will have tile roofs and the apartments will have an asphalt shingle roof.

A motion to approve the resolution was made by Councilmember Bussing with the following modifications: Amend Stipulation No. 24 to approve the proposed rough-faced heavier stone; amend Stipulation No. 38 to place the stone columns along the east property lines; and to place two stone columns on the south side of the property as requested by the developer; seconded by Councilmember Cain.

Mayor Dunn noted this would be an override of the Planning Commission, which will require a super majority vote.

The motion carried following a unanimous vote of 8-0.

12. OLD BUSINESS

Reconsider acceptance of the Amphitheatre Master Plan Concept and authorization for private fund raising for the construction of the proposed Amphitheatre Plan [Phase I]

Councilmember Rezac felt by rescinding the Amphitheatre Master Plan Concept, it would be a good way to alleviate and clarify some of the confusion to the “acceptance” of the Master Plan. This has been perceived as an “approval,” which is not the case. After reviewing the history of the acceptance of the plan, there were two essential issues that were discussed; design and funding. From a design aspect, there were several comments made that the plan presented was more than several of the Councilmembers envisioned. From a funding aspect, there was a desire to allow funding for Phase I, which was improvements to the stage. This is what led to the acceptance. By rescinding this, they could include it in the Parks Master Plan to allow all parties to get involved to determine direction for the amphitheatre.

Councilmember Azeltine stated the idea to “accept” the plan rather than approve or deny it was his idea from having set on the County Parks Board. The reason they preferred it that way was to eliminate confusion with future Governing Body’s. An acceptance means the plan has been considered and is placed on hold with no action being taken.

He felt if they rescind the acceptance it was important to go further and either approve or deny it to avoid confusion in the future. He felt rescinding the acceptance would only accomplish calming some voices.

Ms. Bennett stated they would need to have a plan before them to be able to approve or deny it. Councilmember Rasmussen expressed concern as a taxpayer of spending more than \$100,000 on multiple plans and now considering rescinding it. He requested that staff provide a copy of the contract from the architect that shows the current scope of work.

Councilmember Filla felt rescinding this was appropriate so they could include it with the Parks Master Plan with the additional park land recently acquired.

Councilmember Cain was in favor of rescinding the plan and stated when they voted to approve funding for construction of Phase I; it was not to be construed as accepting the plan in its entirety and reiterated that she felt the Master Plan was too grand for that location.

Councilmember Azeltine argued that they could approve or deny this without a finished plan and urged the Council to vote for approval or denial. He stated he would abstain from voting if there is a motion to rescind the plan.

Kerry Phillips, 14616 Chadwick Street, stated the phasing is confusing and the plans are insufficient. She requested they rescind or deny all plans for the amphitheatre and start fresh.

Leann Wiggins, 14405 Windsor Street, requested they deny this plan and present it in the future as a complete plan with all phases so homeowners are assured the end project. On behalf of the Steeplechase HOA, she asked the City to consider an impact study before moving forward so homeowners are aware of the results. She felt using amplified sound and lighting after 6:00 P.M. was inappropriate of a venue located so close to their homes. Most of the homeowners do not have issues with the amphitheatre itself; however, are concerned with its scope.

Steve Ruyle, 14609 Falmouth Street, requested they deny this plan and thought moving forward with it could put the City at legal risk. He suggested they work with the neighborhood with any new plan going forward; however, he preferred they leave the park as is.

David Harwood, 14417 Norwood Street, stated their entire family is involved in the arts. One of the reasons they chose to move to Leawood was because of its commitment to the arts and chose their location because of its proximity to Ironwoods Park. He suggested they bring closure to this plan and create a new plan and timeframe to move forward so the community can enjoy the outdoor arts. He stated there are several residents in favor of having an amphitheatre that is appropriately scaled.

Chris White, 14613 Pawnee, concurred with Mr. Harwood in supporting the theatre; however, he enjoyed it more before all of this controversy began. He was in favor of rescinding the acceptance to discuss specific desires in conjunction with the Park Master Plan.

Councilmember Bussing was in favor of rescinding the plan. He felt it would allow them to do a needs assessment based upon the difference between 1998 and today and the additional parkland and several alternatives to consider. He was not opposed to the Stage Company and hoped this would provide an opportunity for them, City staff, and the neighbors to come together to determine the best way to move forward.

A motion to rescind the acceptance of the Amphitheatre Master Plan Concept and the authorization for private fundraising for construction of the proposed Amphitheatre Plan was made by Councilmember Filla; seconded by Councilmember Cain.

Mayor Dunn stated she has heard repeated appreciation from the residents to the Stage Company for all of their efforts regarding improvements. They try their best to back cars in to avoid headlights facing into homes and have made every attempt to leave the park in a timely fashion. The noise levels meet all of the City's Noise Ordinance requirements.

Councilmember Rezac stated any of her comments regarding rescinding the plan in no way indicate that she is opposed to maintaining or improving the community amphitheatre that is currently in place.

Councilmember Rasmussen concurred with Councilmember Azeltine to deny the plan rather than rescind it.

Councilmember Filla called for the question; seconded by Councilmember Rawlings. The call for question carried following a unanimous vote of 8-0.

The motion to rescind the acceptance of the Amphitheater Master Plan Concept and the authorization for private fundraising for construction of the proposed Amphitheatre Plan carried following a vote of 6-2. Nay: Councilmember Rasmussen. (Councilmember Azeltine abstained).

Discussion was held regarding whether to dissolve the Amphitheatre Steering Committee to start fresh if the amphitheatre moves forward in the future.

A motion to dissolve the Amphitheatre Steering Committee was made by Councilmember Rasmussen; seconded by Councilmember Filla.

Councilmembers Rezac and Cain felt the Steering Committee should remain because of their knowledge that could be used in conjunction with the Parks Master Plan.

Mary Tearney, Amphitheatre Steering Committee, felt it was up to the Governing Body to decide the purpose of the committee going forward.

Councilmember Rasmussen withdrew his motion to dissolve the Amphitheatre Steering Committee; Councilmember Filla withdrew her second.

13. OTHER BUSINESS – None

14. NEW BUSINESS

Councilmember Osman recommended the Corrugated Pipe Work Session scheduled on July 1, 2013, be rescheduled and that they use that work session date to reconsider the Hy-Vee CID at 123rd and State Line Road and make the applicant aware.

A motion to reschedule the Corrugated Pipe Work Session discussion on July 1, 2013, and replace that work session with a second Hy-Vee CID discussion was made by Councilmember Osman; seconded by Councilmember Bussing.

Councilmember Filla stated the applicant had requested funding for interior improvements. There was consensus that they would not use taxpayer monies to fund interior improvements.

Councilmember Osman stated they are facing a blighted area and he would not be fielding phone calls from residents based upon what they decide to do or not do and asked the Council to consider every avenue for this development. Councilmember Rezac felt the responsibility of the center lies within the developer.

Councilmember Bussing felt this property has its own unique aspects that do not render a traditional CID application. The work session would allow an opportunity to negotiate what is best for the City and Developer. They deserve every opportunity to state their case.

Mayor Dunn reminded the Council that they had asked them to return and confirmed there was consensus they would not fund any interior improvements. They had requested approximately \$3.5 Million for exterior improvements for Hy-Vee and \$500,000 for the remainder of the center. If they return for another work session, she proposed they include the entire center in the discussion of a CID.

The motion to reschedule the Corrugated Pipe Work Session discussion on July 1, 2013, and replace that work session with a second Hy-Vee CID discussion failed following a vote of 3-5. Yea: Councilmembers Osman, Bussing, and Cain. Nay: Councilmembers Rawlings, Rasmussen, Azeltine, Filla, and Rezac.

There being no further business, the meeting was adjourned at 10:45 P.M.

ADJOURN

Debra Harper, CMC, City Clerk

Pam Gregory, Assistant City Clerk