

Regular Meeting

THE LEAWOOD CITY COUNCIL

July 15, 2013

Minutes

DVD No. 306

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, July 15, 2013. Mayor Peggy Dunn presided.

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

Councilmembers absent: None

Staff present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
Chief Dave Williams, Fire Dept.	Joe Johnson, Public Works Director
Chief John Meier, Police Dept.	Lovina Freeman, HR Director
Mark Andrasik, Info Systems Director	Deb Harper, City Clerk
Richard Coleman, Comm. Dev. Director	Pam Gregory, Assistant City Clerk
Dawn Long, Finance Director	

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

A motion to approve the agenda was made by Councilmember Cain; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 7-0.

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.

Herb Hall, 4317 W. 110th Street, expressed concern of damages done to his yard that were caused by KCP&L on June 5th because of a power outage. The damage occurred with the use of a backhoe and downed power lines, which destroyed his yard, flowers, and vegetable garden. He expressed safety concerns of the downed power lines suggesting they should have placed barricades or fencing around them. He requested that the City either develop ordinances that would require utility companies to replace items damaged on private property and operate in a safe manor, or amend their franchise agreement to require the same.

4. PROCLAMATIONS - None

5. PRESENTATIONS/RECOGNITIONS

Resolution No. 4078 of Recognition to Councilmember Gary Bussing

Mayor Dunn recognized Councilmember Gary Bussing as being a member of the Leawood City Council since April, 1998, representing citizens in Ward Three. He resigned from the City Council on July 12, 2013, due to moving to Ward Four. Councilmember Bussing served as a member of the City's Budget and Finance Committee; the Leawood Arts Council; the Leawood Foundation Board of Directors; the Ad Hoc K-150 Corridor Review Committee; the Ironhorse Golf Course Advisory Board; the Historic Commission; the Public Building Commission; Vice-Chair of the Stormwater Management Committee; and Chairman of the Public Works Committee.

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

Mayor Dunn presented Councilmember Bussing with a plaque in recognition of his dedicated service to the community as a member of the Leawood City Council, 1998-2013. Mayor Dunn expressed her appreciation to Gary for his friendship and support, and for being an exemplary public servant, not only to Ward Three, but to the entire City of Leawood.

Councilmember Bussing thanked Mayor Dunn for being a consonant leader, a great visionary, a wonderful ambassador and for her outstanding leadership for the City of Leawood. Serving together over the years has been an honor and pleasure. He thanked the City's staff for being the most dedicated group of people he's had the privilege of working with. It's been a distinct pleasure in getting to know and work with all of them. The City is blessed to have this staff; they are consonant professionals that know how to execute a vision. He expressed appreciation to everyone for their patience and kindness to him over the years.

6. SPECIAL BUSINESS

- A. Public Hearing Park Place Development Improvement District Assessments [Project # 83196]

Seeing no one present to speak, a motion to close the Public Hearing was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion carried following a unanimous vote of 7-0.

- B. **Ordinance No. 2631** levying assessments on lots, pieces, and parcels of ground in the City of Leawood, Kansas, for the purpose of paying for 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 for establishment of an Improvement District, pursuant to K.S.A. § 12-6a01, et seq., and the City's Home Rule Authority of Article 12, Section 5 of the Kansas Constitution, located in Park Place Development [Project # 83196]

A motion to pass the ordinance was made by Councilmember Filla; seconded by Councilmember Rasmussen. The motion carried following a unanimous roll call vote of 7-0. Nay: None.

- C. Public Hearing One Nineteen Transportation Development District Assessments [Project # 80456]

Seeing no one present to speak, a motion to close the Public Hearing was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion carried following a unanimous vote of 7-0.

- D. **Ordinance No. 2632** levying assessments on lots, pieces, and parcels of ground in the City of Leawood, Kansas, for the purpose of construction of certain public and private road and parking lot related improvements and other such transportation related improvements, located within 119th Street Development District, within the City of Leawood, Kansas [One Nineteen Transportation Development District] [Project # 80456]

A motion to pass the ordinance was made by Councilmember Rezac; seconded by Councilmember Azeltine. The motion carried following a unanimous roll call vote of 7-0. Nay: None.

- E. **Resolution No. 4077** authorizing the sale by the City of Leawood, Kansas of General Obligation Temporary Notes of the City to provide funds to finance the costs of certain public improvements within said City; approving the form of Notice of Bond Sale and Preliminary Official Statement to be used in connection therewith; and authorizing and directing the City Finance Director to advertise such sale in the manner prescribed by law

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

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. 2013-23, 2013-24 and 2013-25
- B. Accept minutes of the June 17, 2013 Governing Body meeting
- C. Accept minutes of the June 24, 2013 Governing Body Budget & Finance Committee Work Session
- D. Accept minutes of the May 9, 2013 Sustainability Advisory Board meeting
- E. Accept minutes of the April 25, 2013 Leawood Foundation meeting
- F. Accept minutes of the May 14, 2013 Parks and Recreation Advisory Board
- G. Approve bid in the amount of \$6,360.00 from American Equipment, for 2013 Tower/Body Transfer [Public Works]

- H. Approve bid in the amount of \$19,417.00 from American Equipment, for Sign Truck Body [Public Works]
- I. Approve purchase in the amount of \$60,605.09 from RoadBuilders Machinery and Supply Co. Inc., for the purchase of [1] Finn 5 Series Towable Bark Blower [with trade-in of 2003 Finn Bark Blower]
- J. Approve purchase in the amount of \$22,360.80 from Van Wall Equipment for the purchase of [3] John Deere Gator TX Turf Units
- K. First and Final Pay Request in the amount of \$338,829.40 to Vance Brothers, Inc., pertaining to the 2013 Slurry Seal Project [Project # 70013]
- L. Approve First and Final Pay Request in the amount of \$26,378.00 to GBA Builders, LLC [George Butler Associates] for the Emergency Bridge Repair Project of Mission Road Bridge over Indian Creek [near Lee Boulevard]
- M. Approve Change Order No. 1 in the amount of \$1,000.00 to C.V. Anderson Commercial Services, pertaining to the painting and siding repairs to The Lodge, Nature Center and Maintenance Building located within Ironwoods Park, at 14701 Mission Road
- N. Approve Third and Final Pay Request in the amount of \$1,246.60 to C.V. Anderson Commercial Services, pertaining to the painting and siding repairs to The Lodge, Nature Center and Maintenance Building located within Ironwoods Park, at 14701 Mission Road
- O. **Resolution No. 4079** approving and authorizing the Mayor to execute a Service Agreement in the amount of \$38,363.00 between the City and All City Management Services [ACMS], to provide School Crossing Guard Services
- P. **Resolution No. 4080** approving and authorizing the Mayor to execute a Memorandum of Understanding between the City and the Board of County Commissioners of Johnson County [BOCC] to participate in the Countywide Mass Notification System
- Q. **Resolution No. 4081** approving and authorizing the Mayor to execute a Service Agreement in the amount of \$24,182.00 between the City and Professional Video Supply, pertaining to the installation of overhead speaker and paging system for the Leawood Justice Center Project to be located at Town Center Drive & Tomahawk Creek Parkway [Project # 76029]
- R. **Resolution No. 4082** approving and authorizing the Mayor to execute a Service Agreement in the amount of \$76,903.62 between the City and SKC, pertaining to the installation of an enterprise based [IP] video system for the Leawood Justice Center Project to be located at Town Center Drive & Tomahawk Creek Parkway [Project # 76029]
- S. **Resolution No. 4083** approving and authorizing the Mayor to execute a Construction Agreement between the City and Leath & Sons in the amount \$185,334.15, pertaining to the State Line Road Traffic Signal Improvement Project between 128th Street and 135th Street [Project # 72042]
- T. **Resolution No. 4084** approving and authorizing the Mayor to execute a Construction Agreement between the City and Freeman Construction, in the amount of \$ 2,122,908.39, pertaining to the 2013 Curb Program [Project # 80250]

- U. **Resolution No. 4085** approving and authorizing the Mayor to execute a First Amendment to that certain Professional Service Agreement dated December 19, 2011, in the amount of \$31,196.00, between the City and Black & McDonald pertaining to Street Light and Traffic Maintenance
- V. **Resolution No. 4086** approving and authorizing the Mayor to execute a Professional Engineering Service Agreement in the amount of \$28,000 between the City and Continental Consulting Engineers, Inc., pertaining to engineering and architectural services for the Ironwoods Park Rest Station [restrooms] located at 14701 Mission Road
- W. **Resolution No. 4087** approving and authorizing the Mayor to execute a Professional Engineering Service Agreement in the amount of \$40,000 between the City and Continental Consulting Engineers, Inc., pertaining to engineering services for the Ironhorse Golf Course Expansion Project [Project # 49132]
- X. **Resolution No. 4088** approving and authorizing the Mayor to execute an Easement Agreement between the City and The Wells Fund XI-XII-Reit Joint Venture, pertaining to the bicycle/pedestrian trail easement located at 2020 W. 89th Street
- Y. **Resolution No. 4089** accepting a Permanent Storm Sewer Easement from Jeffrey S. Myers Trust located approximately at 14601 Delmar, pertaining to the 2014 Stormwater Project [Project # 77009]
- Z. **Resolution No. 4090** accepting a Permanent Sidewalk Easement from Daniel L. Root, located approximately at College & Ash, pertaining to the College Boulevard Street Improvement Project [Project # 72044]
- AA. **Resolution No. 4091** approving and authorizing the Mayor to execute a First Amended Agreement to that certain Agreement dated January 22, 1996, by and between the City and area property owners regarding an illuminated sign located with the City's right-of-way adjacent to State Line Road and north of 103rd Terrace and State Line Road intersection
- BB. **Resolution No. 4092** approving a Final Sign Plan for 103rd Terrace and State Line Road Multi-tenant Monument Sign, located north of 103rd Terrace and west of State Line Road (PC Case 32-13) [*From the May 28, 2013 Planning Commission meeting*]
- CC. **Resolution No. 4093** accepting a Permanent Storm Sewer Easement, from BOKF N.A., for property located at 135th & Roe Avenue, Lot 1, The Villaggio at Leawood Subdivision, pertaining to the Villaggio Development Underground Basin
- DD. **Resolution No. 4094** approving a Final Plan for a Tenant Finish for Park Place – Space J-10 (Generic Storefront), located south of Town Center Drive and east of Nall Avenue (PC Case 68-13) [*From the June 25, 2013 Planning Commission meeting*]
- EE. **Resolution No. 4095** approving a Final Plan for a Tenant Finish for Park Place – Bella Bridesmaid (Retail: Wedding Apparel), located south of Town Center Drive and east of Nall Avenue (PC Case 69-13) [*From the June 25, 2013 Planning Commission meeting*]

- FF. **Resolution No. 4096** approving a Final Sign Plan for Camden Woods – Sign Criteria, located south of 143rd Street and west of Kenneth Road (PC Case 76-13) [*From the June 25, 2013 Planning Commission meeting*]
- GG. **Resolution No. 4097** approving a Revised Final Plan for Prairie Star Middle School Addition, located north of 143rd Street and east of Mission Road. (PC Case 65-13) [*from the June 25, 2013 Planning Commission meeting*]
- HH. Declaration of Surplus Property, 2003 Finn Bark Blower, last 4 VIN/S264
- II. Declaration of Surplus Property; Units 631, 9612, 505, 606, 613, 408, 413, 424, and 425
- JJ. Fire Department Monthly Report
- KK. Police Department Monthly Report
- LL. Municipal Court Monthly Report

Councilmember Osman requested to pull Item Nos. 7G and 7H; Councilmember Azeltine pulled Item No. 7O; and Councilmember Filla pulled Item Nos. 7F and 7GG for discussion.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Filla; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 7-0.

- 7F. Accept minutes of the May 14, 2013 Parks and Recreation Advisory Board

Councilmember Filla requested clarification of a ‘geocache’ that was requested by an individual in Brook Beatty Park. Parks and Recreation Director Chris Claxton explained that a geocache is typically hidden in a park or a place people like to gather and is similar to a scavenger hunt. A GPS system is used to locate it. City staff does not discourage this; however, they preferred to complete construction first.

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

- 7G. Approve bid in the amount of \$6,360.00 from American Equipment, for 2013 Tower/Body Transfer [Public Works]

Councilmember Osman asked why staff decided not to purchase the Dump Trailer. Mr. Johnson replied the bid did not meet the specifications. This bid is to transfer the platform lift from the current sign truck to a new truck. American Equipment Company did the original installation.

A motion to approve Item No. 7G was made by Councilmember Osman; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 7-0.

- 7H. Approve bid in the amount of \$19,417.00 from American Equipment, for Sign Truck Body [Public Works]

Councilmember Osman asked why there was a significant difference in the bids. Mr. Johnson confirmed staff had spoken with American Equipment Company to ensure nothing was overlooked in either of these bids.

A motion to approve Item No. 7H was made by Councilmember Osman; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 7-0.

- 7O. **Resolution No. 4079** approving and authorizing the Mayor to execute a Service Agreement in the amount of \$38,363.00 between the City and All City Management Services [ACMS], to provide School Crossing Guard Services

Councilmember Azeltine asked why this was placed up for bid since the City had used Securitas Security for the past seven years. Police Chief John Meier replied at the time the City hired Securitas Security, they were the only company in the area to provide this service. All City Management Services [ACMS] had expressed interest so it was placed out for bid. They were the low bid and met the qualifications. The City of Olathe currently uses ACMS and had recommended them.

A motion to approve Item No. 7O was made by Councilmember Azeltine; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 7-0.

- 7GG. **Resolution No. 4097** approving a Revised Final Plan for Prairie Star Middle School Addition, located north of 143rd Street and east of Mission Road. (PC Case 65-13) *[from the June 25, 2013 Planning Commission meeting]*

*Councilmember Filla suggested that City Staff ensure schools are aware that the City matches up to \$1,000 for rain barrels, rain gardens, etc.

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

***[Public Works Director Joe Johnson clarified after the meeting that the City of Leawood participates in the BMP Cost Share Reimbursement Program with the Johnson County Stormwater Management Program. The BMP Program is for property owners, residential or commercial, that want to improve water. The program will provide a 50% match on BMP's, up to \$1,000 for rain gardens or native planting bio-swales/stream buffers, and a 50% match on rain barrels, up to \$75 each. Limit two [2] rain barrels per application. The County has budgeted \$10,000 for 2013 for the City to use in reimbursing property owners in the purchase of a rain barrel that complies with the ordinance or installation of a BMP that is listed in the application that improves water quality. When developing a site, residential or commercial, (as what was approved in 7GG and as part of the plans), they are required to install BMP's; these BMP's would not be eligible for reimbursement under the program].**

8. MAYOR'S REPORT

Annual Report: American Revolution Tricentennial CD Fund

The City of Leawood was presented with a CD in the amount of \$1,000 on July 6, 1976, by Mayor William Eddy, which was intended to be reported upon annually. Last year, the CD earned \$46.42 in interest on the principal amount of \$8,447.32, which brings the current balance to \$8,493.74. It yields an interest rate of .45% and will mature on June 18, 2014.

- A. Had the pleasure of presenting to a group of young attorneys at the Shook Hardy and Bacon Leadership Lessons series at the invitation of Judge Jon Gray who spearheads the program.
- B. Visited a Shabbat, sponsored by The Temple, Congregation B'nai Jehudah, headed by Rabbi Arthur Nemitoff, that was held at Leawood's Gezer Park. This is the first of three of these services to be held in Gezer Park this summer. Attendance is generally 150 at the temple; however, there were 350 attendees at this first service in the park. The park looked beautiful for this very nice event.
- C. Eight individuals from Leawood's Sister City, Gezer Region of Israel, arrived and spent four days in meetings with the City of Leawood, Blue Valley School District, Jewish Federation, and Heart of American Council of Boy Scouts, regarding future student and scout exchange programs. Mayor Dunn thanked the City Council for participating and making them feel very welcome and expressed special appreciation to City Administrator Scott Lambers for organizing everything for their visit.
- D. Thanks to Finance Director Dawn Long, Budget Manager Kathy Byard, City Administrator Scott Lambers, all department heads, the City Council and the Budget and Finance Citizen Committee members for all of their hard work on the 2014 Budget.
- E. Attended the Troop 61 Boy Scout picnic, sponsored by Congregation Beth Shalom, held in Gezer Park for the 12 Israeli Scouts and their two leaders that were part of the scout exchange program. They were all impressed with America and the City of Leawood and the warm hospitality of the Heart of America Council host families.
- F. Many thanks to Parks and Recreation Director Chris Claxton for her efforts with the volunteer appreciation picnic held prior to the City of Leawood's July 4th festivities, and special thanks to Human Resources Director Lovina Freeman for working on the invitations. The July 4th celebration took hard work from the Parks and Recreation staff, along with the Police and Fire Department personnel. There was fabulous weather, fireworks, and tremendous crowds. Many thanks to all involved.
- G. The June, 2013, edition of the Leawood Lifestyle magazine featured a great display on Leawood's Parks and Recreation: "Fantastic at 40!" The article was authored by Leawood Foundation Board member Julie Bartels Smith.

- H. The following people are recommended by Parks Superintendent Brian Anderson to serve as additional members on the Bicycle and Pedestrian Steering Committee:

Tucker Trotter, President of Dimensional Innovations
Leonard Corsi, General Manager of Town Center Plaza
Dave Hill, Exec. Director of Facilities and Operations for BV School District
Jeff Williams, Co-Owner/Fit Technician Elite Cycling

A motion to approve the above recommended additional Bicycle and Pedestrian Steering Committee members was made by Councilmember Filla; seconded by Councilmember Cain. The motion carried following a unanimous vote of 7-0.

- I. The “Sound of Music” production began last week at the Ironwoods Park Amphitheatre. The show has been very well received with larger crowds than ever before.

9. COUNCILMEMBERS’ REPORT

- A. Councilmember Rawlings Update on Justice Center Construction Project

There have been a few weather delays to complete the curbs and asphalt for the parking lot; however, installation is expected to begin soon. They will not get a Certificate of Occupancy Permit until they are assured the items on the punchlist have been completed. Landscaping will begin in the fall. As of July 15th, the project is 79% complete.

- B. Councilmember Filla Recommendation for referral to Public Works Committee regarding monument signs

A motion to refer monument signs and line-of-sight issues to the Public Works Committee for review was made by Councilmember Filla; seconded by Councilmember Osman. The motion carried following a unanimous vote of 7-0.

10. STAFF REPORT - None

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[from the June 25, 2013 Planning Commission meeting

- A. **Ordinance No. 2633** amending Section 16-2-9.1, of the Leawood Development Ordinance [LDO], Performance Criteria: All Districts, pertaining to noise associated with generators for hospitals installed on or before January 1, 2003. (PC Case 27-13) [Roll Call Vote]

Mr. Coleman stated the amendment to the Leawood Development Ordinance [LDO] proposes to exempt hospital generators installed on or before January 1, 2003, from the maximum noise level of 60 decibels [dB], provided certain criteria is met. This discussion took place in a previous work session.

Councilmember Rawlings felt nothing had changed in the ordinance that addressed their concerns. Mr. Coleman replied staff has worked with Kansas City Orthopedic Institute [KCOI] regarding the landscaping issues, in which they are bringing the entire site up to date. They have applied for a Revised Final Development Plan for an enclosure of the generator and ground condensing unit, which is designed to lower the dB. This plan will be heard at the July 23rd Planning Commission meeting.

Alan Agron, 11105 Alhambra, representing The Woods HOA, stated the neighbors have been working KCOI for a long time to reconcile some issues. He asked how the manufacturer could certify that the enclosure would not exceed 70 dB if KCOI is allowed a variance level not to exceed 75 dB, and if so, how long that level would be allowed to continue.

Mr. Agron wanted assurance that 75 dB would not become the norm. Mr. Coleman replied the dB would be measured at the property line; if it is measured repeatedly at 75, it would be abated and a notice would be issued.

Greg Musil, Esq., Polsinelli Shughart, stated they have reached a binding agreement with The Woods and have negotiated the lighting, noise from the dumpsters, and the landscape plan. Manufacturers test their devices at 23 feet from the generator under standard weather conditions and certify them to that level. The ordinance states the dB cannot exceed 75 at 25 feet from the generator. They anticipate a dB range in the 60's. The variance was included to allow an occasionally reading above 70 dB.

Councilmember Rawlings suggested that the contractor test the dB level after installation and have City staff share those results.

A motion to pass the ordinance was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion carried following a roll call vote of 6-1. Nay: Councilmember Rasmussen. He felt due of the history of this project the noise level would not be maintained.

- B. **Resolution No. 4098** approving a Revised Final Plan for Town Center Plaza – Bristol Addition (Retail: Restaurant), located north of 119th Street and east of Nall Avenue (PC Case 47-13)

Kurt Thuenemann, Houlihans, requested approval of a Revised Final Plan for an addition on the north side of the restaurant for indoor storage of non-food related items. The addition will be approximately 250 square feet. The façade will match the existing brick.

Mayor Dunn expressed concern that the Planning Commission had approved the removal of Stipulation No. 11 in its entirety. Councilmember Rasmussen concurred and expressed concern that the Planning Commission also removed Stipulation No. 12 that requires the applicant to submit a revised overall landscape plan.

Mr. Thuenemann stated their cost would be \$2,000-\$3,000 to establish an overall landscape plan. When they previously came before the Council regarding the patio project, they had worked with City staff for months on approval. At that time, staff did not mention they wanted a full landscape plan of the entire site showing the pre-existing and new material. Only three shrubs will need to be moved 10 feet with this addition. This is the only area of landscaping that will be disturbed.

A motion to approve the resolution to include Stipulation No. 11 in its entirety was made by Councilmember Filla; seconded by Councilmember Rezac.

Mr. Coleman confirmed a letter signed and sealed by a Kansas registered landscape architect prior to occupancy that states all landscaping has been installed per the approved landscape plan is required in the LDO.

Councilmember Rasmussen suggested they override the Planning Commission's recommendation and reinstate Stipulation Nos. 11 and 12.

After further discussion, Councilmember Filla amended her motion to approve the resolution as recommended by the Planning Commission to remove Stipulation Nos. 11 and 12. The motion died for lack of a second.

Mr. Coleman stated their intent was to have one complete landscape plan on hand, versus multiple ones. Staff could allow the applicant additional time by extending this requirement prior to their Certificate of Occupancy.

A motion to approve the resolution and reinstate Stipulation Nos. 11 and 12 requiring a complete landscape plan prior to their Certificate of Occupancy was made by Councilmember Rasmussen; seconded by Councilmember Azeltine.

Mayor Dunn noted this will require a super majority vote to override the Planning Commission's recommendation.

The motion carried following a vote of 6-1. Nay: Councilmember Filla.

- C. **Resolution No. 4099** approving a Revised Final Plan for Town Center Plaza – Dick's Sporting Goods (Retail: Sporting Goods), located north of 119th Street and east of Nall Avenue (PC Case 73-13)

Jim Lazzari, FRCH Design, requested approval of a Revised Final Plan for a tenant finish to clad the wood elements on the building in green aluminum and to change the main entry doors on the east side of the building from swing doors to automatic sliding doors. They were in agreement with all stipulations.

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

12. OLD BUSINESS - None

13. OTHER BUSINESS - None

14. NEW BUSINESS - None

ADJOURN

There being no further business the meeting was adjourned at 9:00 P.M.

Debra Harper, CMC, City Clerk

Pam Gregory, Assistant City Clerk