

Minutes

DVD No. 334

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, October 20, 2014. Mayor Peggy Dunn presided.

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

Councilmembers Absent: None

Staff Present:	Scott Lambers, City Administrator	Richard Coleman, Comm. Dev. Director
	Mark Klein, Planning Official	Karl Weinfurter, IS Systems Specialist II
	Nic Sanders, Human Resources Dir.	Patty Bennett, City Attorney
	Dawn Long, Finance Director	Chief John Meier, Police Dept.
	Chief Dave Williams, Fire Dept.	Joe Johnson, Public Works Director
	Chris Claxton, Parks & Rec. Director	Brian Anderson, Parks Superintendent
	Deb Harper, City Clerk	Cindy Jacobus, Assistant City Clerk

Others Present: None

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Councilmember Filla stated she wished to add a referral to the Public Works Committee under Agenda Item 11. Councilmember's Report.

A motion to approve the agenda as amended was made by Councilmember Rasmussen; seconded by Councilmember Rawlings. The motion was approved with a unanimous vote of 7-0.

3. OATH OF OFFICE ADMINISTERED TO CHUCK SIPPLE, AS WARD THREE COUNCILMEMBER TO FILL COUNCILMEMBER ROBINETT'S UNEXPIRED TERM UNTIL APRIL 2016.

Councilmember Sipple introduced his wife, Kay, and stated he was proud to join the City Council. He gave a brief personal and professional background. He has been a member of the Leawood Citizen Committee on Budget and Finance and the Leawood Golf Committee.

4. ROLL CALL OF NEW COUNCIL

5. 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.**

Mr. Brian Collins, 8916 Ensley Lane, Leawood, Kansas, spoke about the discussion of Little Free Libraries in the Governing Body Work Session conducted just prior to this meeting. He feels the Little Free Libraries should be expressly permitted and subject to no regulation except they should not be allowed in the right-of-way. He stated they are works of art, their purpose is to distribute books and there are 18,000 Little Free Libraries in the world. He pointed out there has been no discussion to the constitutional right to freedom of speech in regard to Little Free Libraries.

6. PROCLAMATIONS - None

7. PRESENTATIONS/RECOGNITIONS - None

8. SPECIAL BUSINESS

- A. **Ordinance No. 2693**, amending Ordinance No. 2672, extending the Temporary Moratorium through November 3, 2014, on the enforcement of the Leawood Development Ordinance pertaining to containers designed to hold books or other media to be shared by members of the community [Little Free Libraries]

Mr. Lambers suggested an extension date of May 4, 2015, to allow time to produce a narrowly-focused proposal for non-controversial approval of containers to hold books.

A motion to pass Ordinance No. 2693 to extend the Temporary Moratorium through May 4, 2015 was made by Councilmember Filla; seconded by Councilmember Rezac. The motion was approved with a unanimous roll call vote of 8-0.

- B. **Resolution No. 4330**, approving and authorizing the Mayor to execute a Third Amendment to that certain Development Agreement dated October 17, 2005, between the City and Park Place Investors, LLC, and Park Place Village L.L.C. [Project # 83196]

Ms. Bennett stated Agenda Items 8.B. through 8.D. address what City Council approved in regard to the parking garage next to AMC, with the cost of the garage being considered a reimbursable in the Transportation Development District [TDD] and the Transient Guest Tax documents.

A motion to approve Resolution No. 4330 was made by Councilmember Rasmussen; seconded by Councilmember Rawlings. The motion was approved with a unanimous vote of 8-0.

- C. **Resolution No. 4331**, approving and authorizing the Mayor to execute a Second Amendment to that certain Development Agreement dated October 15, 2007, for Use of Transient Guest Tax for Construction of Hotel Garage Improvements in the Park Place Development between the City and Park Place Investors, LLC and Park Place Village L.L.C. [Project # 83196]

Councilmember Azeltine asked for an estimate for how long it would take to pay off. Mr. Lambers replied that between the Transient Guest Tax and the TDD Tax, it should take no more than one year.

A motion to approve Resolution No. 4331 was made by Councilmember Rasmussen; seconded by Councilmember Rawlings. The motion was approved with a unanimous vote of 8-0.

- D. **Resolution No. 4332**, accepting a Second Amended and Restated Petition to Amend and Reaffirm a Transportation Development District [TDD] for the Park Place Development located at the southeast corner of Town Center Drive and Nall Avenue, in Leawood, Kansas pursuant to the provisions of K.S.A. § 12-17,140 et seq. and the City's Home Rule Authority to Determine its Local Affairs and Government as Authorized by Article 12, Section 5 of the Kansas Constitution; Calling and providing for the Giving of Notice of a Public Hearing on the Advisability of Amending a Transportation Development District in the City of Leawood, Kansas, and Financing Certain Transportation Project Improvements Therein [Project # 83196]

A motion to approve Resolution No. 4332 was made by Councilmember Filla; seconded by Councilmember Rasmussen. The motion was approved with a unanimous vote of 8-0.

- E. **Resolution No. 4333**, accepting a First Amended and Restated Petition for Creation of a Transportation Development District [TDD] for the Park Place Development Located at the Southeast Corner of Town Center Drive and Nall Avenue, in Leawood, Kansas pursuant to the provisions of K.S.A. 12-17,140 et seq. calling and providing for the giving of notice of a public hearing on the advisability of Amending a Transportation Development District in the City of Leawood, Kansas [Project # 83196]

A motion to approve Resolution No. 4333 was made by Councilmember Rezac; seconded by Councilmember Rasmussen. The motion was approved with a unanimous vote of 8-0.

9. 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. 2014-38 and 2014-39
- B. Accept minutes of October 6, 2014 Governing Body meeting
- C. Accept minutes of October 6, 2014 Governing Body Work Session
- D. Accept minutes of the June 11, 2014 Public Works Committee meeting
- E. Accept minutes of the September 9, 2014 Parks and Recreation Advisory Board meeting
- F. Accept minutes of the September 11, 2014 Sustainability Advisory Board meeting

- G. Approve Mayoral Appointment of Councilmember Chuck Sipple to Stormwater Management Committee; Budget & Finance Committee; and Gezer Sister City Committee [Co-chair]
- H. Approve Mayoral Appointment of Councilmember Jim Rawlings as Chair of Stormwater Management Committee
- I. Approve purchase in the amount of \$19,505.00 from Digital Ally for the purchase of eleven [11] body cameras for the Police Department
- J. **Resolution No. 4334**, approving and authorizing the Mayor to execute 2015 Employee Benefit Plan documents
- K. **Resolution No. 4335**, designating holidays for the year 2015
- L. Approve Massage Therapy License for Sante Massage, located at 4431 W. 119th Street, in accordance with Code § 5-510
- M. Approve 13th and Final Pay Request in the amount of \$5,495.00 to Mega Industries, pertaining to the Tomahawk Trail Improvement Project, on 119th Street at Tomahawk Park to 123rd Street & Mission Road [Project # 71018]
- N. **Resolution No. 4336**, approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$206,560.00, between the City and Sosaya & Sons Construction, Inc., for the 2014 Residential Street Reconstruction Program-Street Lights Project [Project # 80214]
- O. **Resolution No. 4337**, approving and authorizing the Mayor to execute an Inter-local Street Construction Agreement between the City of Leawood and the City of Prairie Village, pertaining to the Somerset Drive Improvement Project between Belinder and State Line Road [Project # 72036]
- P. **Resolution No. 4338**, approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$19,123.76, between the City and Mann Fence Company for the installation of chain link fence at Public Works Facility, 14304 Overbrook Road [Phase II] [Project # 74050]
- Q. **Resolution No. 4339**, approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$35,233.76, between the City and American Sentry Security for the installation of an Entry Gate at Public Works Facility, 14304 Overbrook Road
- R. **Resolution No. 4340**, approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$26,312.00, between the City and Precision Concrete Cutting Midwest for a Sidewalk Trip & Fall Hazard Repair Project 2014
- S. **Resolution No. 4341**, accepting a Permanent Storm Sewer Easement from Flyer Properties LLC, for Lot 19 Glen Abbey, located at 5008 W. 141st Terrace
- T. **Resolution No. 4342**, accepting a Permanent Sidewalk Easement from Robert M. and Deborah L. Adams, for Lot 16, Block 4, in the Royse Subdivision, located at 2300 W. 126th Street
- U. **Resolution No. 4343**, accepting a Permanent Storm Sewer Easement, Permanent Utility Easement, and Temporary Construction Easement from Amir A. Minoofar and Paul Jacobson, for property located at 14204 Mission Road, pertaining to the 143rd Street Improvement Project, Nall to Windsor [Project 80162]
- V. **Resolution No. 4344**, accepting a Deed of Dedication from Amir A. Minoofar and Paul Jacobson, for property located at 14204 Mission Road, pertaining to the 143rd Street Improvement Project, Nall to Windsor, in accordance with the GASB-34 Guidelines of Reporting Inventory of Assets [Project # 80162]

- W. Fire Department Monthly Report
- X. Police Department Monthly Report
- Y. Municipal Court Monthly Report

Councilmember Rasmussen requested Consent Agenda Item No. 9.J. be pulled.

Councilmembers Azeltine and Osman requested Consent Agenda Item No. 9.I. be pulled.

Councilmember Filla requested Consent Agenda Item No. 9.A. and also Item No. 9.J. be pulled.

A motion to approve the remaining items on the Consent Agenda was made by Councilmember Rasmussen; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.

- A. Accept Appropriation Ordinance Nos. 2014-38 and 2014-39

Councilmember Filla noticed that several employees were reimbursed for “Fitness Your Way” expenses and expressed pleasure on the number participating in the program. Mr. Sanders commented the plan is to enhance the program and increase the number of participants next year.

A motion to approve Item No. 9.A. was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.

- I. Approve purchase in the amount of \$19,505.00 from Digital Ally for the purchase of eleven [11] body cameras for the Police Department

Councilmember Azeltine expressed his support and asked how many additional cameras would need to be purchased in 2015 and the cost. Chief Meier replied to provide cameras for every uniformed officer, 43 would be needed at a cost of approximately \$60,000 to \$70,000. Each camera with peripherals is approximately \$1,600.

Councilmember Azeltine asked Mr. Lambers if this could be added to the current fiscal year with a budget amendment. Mr. Lambers replied the current budget amount is enough to equip officers of one shift; cameras would be shared. Chief Meier stated camera batteries need to be charged at the end of a shift and the officer needs to review the footage in order to determine what footage will be archived. Councilmember Osman questioned what price can be placed on liability and also if all cameras needed could be placed in this fiscal budget.

Chief Meier stated the 11 cameras would be assigned to patrol officers first, then to Drug Abuse Resistance Education [D.A.R.E.], Student Resource Officers [S.R.O.] and Bike patrol officers. He stated the court system has not addressed the use of cameras in regard to privacy. He was comfortable with 11 cameras at this time and indicated the City needs to develop a policy. Mayor Dunn inquired and Chief Meier confirmed the City currently utilizes audio recording, though quality can be dependent on many factors.

Mayor Dunn complimented Chief Meier and Mr. Lambers for their work on this important issue.

A motion to approve Item No. 9.I. was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

J. **Resolution No. 4334**, approving and authorizing the Mayor to execute 2015 Employee Benefit Plan documents

Councilmember Rasmussen asked what the increase of 3% over budget equated to in dollars. Mr. Sanders replied the range is \$2,259,074.78 to a worst case scenario of \$2,694,246.00. Councilmember Rasmussen pointed out that contrary to press coverage about health care costs not increasing they are, in fact, increasing.

Councilmember Filla asked if the cost of health and vision insurance increased, and about the increase over the past 10 years. Mr. Sanders replied current healthcare had a 20% increase, which was reduced to 16.63% through the assistance of the broker. Over the last 5 years, increase ranged from 0% to 10%. Other municipalities are coming in at 30% after implementing the Affordable Care Act [ACA]. Two consumer-driven high deductible plans were added to the healthcare package and would be evaluated in 2015.

Councilmember Filla stated she had read the ACA had more insurance companies coming into the pool and some states were seeing only single-digit increases. Mr. Sanders replied some states are seeing single-digit increases because of ACA, but the City plan rates are based on expenses reflective of use and not of pooled expenses. He stated that a \$20 co-pay plan is still offered, but such a plan is rare, and employees selecting this plan would pay a higher rate.

Mr. Sanders confirmed with Councilmember Azeltine the last time the plans were bid was in 2013.

Mr. Dave Johnson, CBIZ Insurance Services, Inc., 11440 Tomahawk Creek Parkway, Leawood, Kansas, spoke about the difficulty of commenting about the market as a whole, as data from the ACA plans in Kansas was not yet available and the future of ACA plans is uncertain.

A motion to approve Resolution No. 4334 was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

10. MAYOR'S REPORT

- A. Councilmembers Filla and Rawlings joined me at the City of Leawood Employee United Way Campaign Kick-Off organized by Human Resources Director Nic Sanders. We had tremendous participation by our staff and enjoyed a great breakfast prepared by our Leawood Lions.
- B. Participated in the Leawood Chamber of Commerce ribbon-cutting at Pickleman's Gourmet Café in Park Place. I was joined by Councilmember Rawlings and Park Place Developers Jeff Alpert and Melanie Mann. The space has beautiful new décor with excellent cuisine which we sampled. We wish them much success.
- C. Councilmember Rawlings stood in for me at the Town Village Leawood rebranding celebration. This independent living community is now known as Brookdale Leawood.

- D. City Administrator Scott Lambers and I joined Leawood Police Chief John Meier and members of his leadership for the Metropolitan Organization to Counter Sexual Assault [MOCSA] Johnson County Fall Forum. The keynote address was given by Dr. Alan Heisterkamp regarding how we can all play a role in preventing sexual violence through bystander intervention.
- E. Councilmember Rasmussen joined me and other members of the I-Lan Sister City Committee at the Taipei Economic and Cultural Office [TECO] Celebration of their 103rd National Day. TECO Director General Jack Yang and his wife Rita were the hosts. There were numerous presentations including Leawood's proclamation recognizing the 26th anniversary of our sister-city relationship with I-Lan, Taiwan.
- F. Attended the Kansas City Regional Transit Alliance [KCRTA] Annual Meeting with keynote provided by Dr. Jarrett Walker. Focus was next steps in putting together a borderless transit network in the Kansas City region.
- G. Congratulations to Leawood Police Chief John Meier who was selected as the 2014 recipient of the Clarence M. Kelley Award at the annual Kansas City Crime Commission Luncheon. This award is given each year to one law enforcement administrator in the Kansas City area. City Administrator Scott Lambers and City Councilmembers were present to surprise Chief Meier when the award was announced.
- H. Pleased to share a great Kansas City Star article on Leawood's Keep Going Green Sustainability Program. This article featured comments by Councilmember and Leawood Sustainability Advisory Board Chair Debra Filla, and also Councilmember and Leawood Sustainability Advisory Board Co-Chair Julie Cain.
- I. Pleased to share a great 913 Local Kansas City Star article and editorial endorsement of the 1/8th cent sales tax renewal to be before Leawood voters on Tuesday, November 4th. This tax was initially approved in 1999, and was renewed in 2004 and 2009. It has provided \$5 Million to the mill and overlay program, as well as \$5 Million to storm water projects. It is hoped the renewal will once again pass with great ease.
- J. Reminder that the Leawood Stage Company presents "A Little Night Music" inside the Lodge at Ironwoods Park, 147th and Mission. This musical celebration of love is set in 1900 Sweden. Performances are scheduled for Friday, October 24th at 8:00 P.M.; Saturday, October 25th at 7:00 P.M.; and Sunday, October 26th at 2:00 P.M.

11. COUNCILMEMBERS' REPORT

Councilmember Filla made a referral to the Public Works Committee for the December 3rd meeting to review communications regarding major projects such as street construction in the northeast corner of 83rd and Lee, including Ensley, Belinder, Meadow and 85th Terrace.

Councilmember Rezac asked if the communications would be reviewed for that particular project or such projects, moving forward. Councilmember Filla clarified the referral would be for such projects, moving forward.

Councilmember Azeltine asked Mr. Johnson if a similar referral was made to review the communication process for the specific street construction mentioned by Councilmember Filla. Mr. Johnson replied that he would have to review, as he remembered discussing notifications for projects that were not as large.

Councilmember Filla pointed out that sidewalks can take up to one and one-half years to work through issues, so sidewalks should be included in the communication process as well.

A motion to approve the referral to Public Works Committee to review the communications process to citizens affected by future major and long-term project and sidewalk improvements was made by Councilmember Filla; seconded by Councilmember Rezac. The motion was approved with a unanimous vote of 8-0.

12. STAFF REPORT

Chris Claxton, P&R Director

Report regarding Leawood Foundation's Annual Appeal Letter

Ms. Claxton stated the Leawood Foundation was preparing its Annual Appeal Letter in support of three priority projects for Parks & Recreation activities and facilities. One project is the inclusive playground at City Park. Currently, City playgrounds are accessible, but not inclusive for all. The other two projects are for the dog park and for signage at Gezer Park and I-Lan Park, but the amount of those two projects is much smaller than the amount for the inclusive playground.

A motion to approve the recommendation was made by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 8-0.

Mayor Dunn requested and Ms. Claxton agreed to communicate the approval to Ms. Alice Hawk, Leawood Foundation Chair.

COMMITTEE RECOMMENDATIONS

13. PUBLIC WORKS COMMITTEE

[from the October 1, 2014 Public Works Committee meeting]

Review of Street Fees

Committee recommendation: Developer would be assessed the Street Fee when undeveloped land that is adjacent to an unimproved thoroughfare. Developer would not be assessed the Street Fee for any undeveloped land adjacent to an improved thoroughfare, [where the road has already been improved upon].

Staff Comment: The implementation of the Public Works Committee recommendation would continue to result in an unfair financial situation by having some developments pay a fee for the street's construction and others not pay at all. It is the City Administrator's recommendation that developments that occur prior to the development of the street pay the Impact Fee and those developments subsequent to the street improvement pay the linear foot cost of the actual construction.

Mr. Lambers reiterated his comment and stated that he viewed as no different from an Impact Fee or a Benefit District; the developer benefitting should pay along with everyone else, regardless of the timing of the development. He stated the trigger for the discussion is a development that had an improved street and the developer was not being charged.

Councilmember Rezac stated the Public Works Committee had been asked to clarify fee language. The initial intent of the fee was to improve the streets. She stated that Public Works had not been charging the fee where development abuts an improved thoroughfare, and the Public Works Committee did not wish to change this precedent for the three remaining Leawood sites where this might apply. Although the committee had discussed potential liability of historic and future fee charges, they did not take a stance on the fairness of the fee.

Mayor Dunn inquired which three sites would be affected by this decision. Mr. Johnson stated the largest area would be the 135th Street Corridor, 151st Street and 143rd Street. Councilmember Rezac confirmed to Mayor Dunn that the Committee's decision was unanimous and that the minutes from the meeting were being drafted.

Mayor Dunn inquired if utilities were being buried on 135th. Mr. Johnson stated the fee in question is to pay for half the cost of a thoroughfare and is not related to the burial of power lines. Mayor Dunn stated she thought developers paid for that and for an additional lane on 135th Street and, therefore, questioned why it was considered one of the three potential impacted sites. Mr. Johnson agreed with Mayor Dunn's assessment.

Councilmember Azeltine stated that staff asked for clarification and that an approval would clarify the current practice, which had been occurring for 16 years. Mr. Johnson affirmed the approval would be a clarification.

Mr. Johnson stated for 16 years, the fee had been applied for developments along an unimproved thoroughfare, with funds deposited into a specific account. However, once street improvement projects were complete and then bonded, there was no fund to hold the payment. He continued by stating the referral to the Public Works Committee was to evaluate fee language and if the fee should be applied to any developments along arterial streets, whether improved or unimproved. Their recommendation was to continue with the past practice.

Mayor Dunn asked how other cities handle similar situations. Mr. Johnson replied other cities have changed from cost per linear foot to an excise fee charged on a square-foot basis.

Councilmember Azeltine asked about the typical dollar amount raised by the fees. Mr. Johnson replied the fee is \$311 per linear foot on abutting frontage, which is half the cost of building a collector street. The fee is paid as part of the platting requirement and the money is used to offset the City's cost when bonding the project. Mr. Johnson stated the current interpretation is to only charge to platted developments next to an unimproved thoroughfare. Park Place did not pay this street fee, but still was required to do lane improvements based on traffic studies. Had the fee been imposed, the developer would have also paid the abutting frontage fee for part of the cost of widening Nall Avenue based on their development.

Councilmember Rezac commented the main issue is one of fairness as stated by Mr. Lambers. Early developers paid the fee because roads had not been improved. Once a road is improved, developers that plat land adjacent to those thoroughfares should pay the fee that developed the roads.

Mr. Lambers expressed his belief that the policy is backwards, because a development going into a substandard city street should not have to pay the fee. If the fee is assessed, all should pay a fair share.

Councilmember Azeltine asked where the money would go if developers of land adjacent to an approved thoroughfare were to pay the fee. Mr. Lambers replied it would be deposited in a general fund if the City had issued a bond. Councilmember Azeltine requested confirmation this process would not be “double-dipping” and Mr. Lambers confirmed it would not, because once paid it would not matter if the land is re-platted.

Councilmember Filla stated her understanding of the two options and agreed with Mr. Lambers that everyone should pay a fair share. Based on her statement, Mayor Dunn confirmed Councilmember Filla would vote against the proposed recommendation.

Councilmember Osman stated he was not comfortable voting on the issue without the ability to review the minutes from the Public Works Committee meeting. In addition, he expressed desire to receive information on how other cities handle, the particular issues at hand and anticipated issues for upcoming projects.

Mayor Dunn asked if the case could be continued until the minutes of the Public Works Committee meeting could be reviewed and if postponing the vote would be an issue. Mr. Lambers stated a proposed development on 143rd Street is in the planning process and would not be assessed a Street Fee under the current policy, which refers to unimproved streets and not improved streets. He suggested adding discussion of this fee at the Council Work Session on November 3rd.

Mr. Johnson commented the largest area of unplatted property is along 135th Street and the amount of platting changes the value of the land. Ms. Bennett stated the Impact Fee will be charged along the 135th Street Corridor because it pays for improvements that were done in the past. Councilmember Cain added that new developments are also charged the Art Impact Fee and the Parks Impact Fee.

Mr. Johnson stated this fee is separate from the Impact Fee, which is always charged. The Impact Fee will allow for street widening and was adopted because if a development was beyond the infrastructure and there was a need for the street to be widened, it would be required of the developer to make the improvement. If the street was adequate, the developer could pay the Street Fee, which would be held in escrow until the time the City deemed public improvements were necessary.

Councilmember Cain stated the Street Fee should be collected and the burden should not have fallen solely on the first to develop land.

Councilmember Rasmussen questioned the number of three potential future sites and if the owner of the farm on Mission Road had paid for street improvements. Mr. Johnson said the owner had not because the property is not platted. Councilmember Rasmussen stated others along Mission Road had paid and it is discriminatory and unfair that if a developer waits long enough, the developer can avoid the fee.

A motion to discuss Item No. 13 at the November 3, 2014 Governing Body Work Session was made by Councilmember Rezac; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 7-0 [Councilmember Azeltine not present in Chambers].

14. PLANNING COMMISSION

[From the July 22, 2014 Planning Commission meeting]

- A. Ordinance approving a Special Use Permit for Town Center Plaza – Macy’s – Sprint Antennae and Associated Equipment, located east of Nall Avenue and north of W. 119th Street (PC 98-14) **[Roll Call Vote]** -Continued from the September 2, 2014 and October 6, 2014 Governing Body meetings – CONTINUED TO THE NOVEMBER 3, 2014 GOVERNING BODY MEETING

[From the September 23, 2014 Planning Commission meeting]

- B. **Resolution No. 4345**, approving a Revised Final Plan for Camelot Court, located north of W. 119th Street and east of Roe Avenue (PC Case 134-14)

Mr. Henry Klover, Klover Architects, 10955 Lowell, Overland Park, Kansas, asked for approval of a Revised Final Plan for Camelot Court. He presented a site map and reviewed changes since Revised Final Plan approval on March 17th, which included additional tenant doors, stairwell modification for a grease trap, enlarged trash enclosure, raised awning tower, and revisions to sidewalks, landscaping and lighting [now all LED].

Mayor Dunn asked if the area between Buildings H and J would be a small storefront. Mr. Klover replied the space is still 25-foot wide, but has a limited frontage because of a sprinkler line on the corner. No tenant is currently identified for this space.

Councilmember Filla asked if the addition of Buildings R and S affected the Community Improvement District [CID] cost. Mr. Klover said it would not. Mayor Dunn stated that Valley View Bank, Amoco Waterway and McDonald’s were excluded from the CID.

Councilmember Rasmussen stated in the September 23, 2014 Planning Commission minutes, Planning Commissioner Strauss questioned the pedestrian access to Camelot Court and wanted to better understand the elements of the Camelot Court plan that fulfill goals of the Bicycle/Pedestrian Plan adopted by Leawood. Commissioner Strauss then asked if staff had looked at the Revised Final Plan to ensure it conforms to the suggestions in the Bicycle/Pedestrian Plan. Mr. Klein stated that staff had focused on changes to the building elevations and landscaping, and evaluated incorporation of bicycle racks.

Councilmember Rasmussen stated a Final Plan change should be evaluated against new city ordinances, such as the Bicycle/Pedestrian Plan recently adopted. Mr. Coleman stated the Bicycle/Pedestrian Plan was not adopted, only accepted, by the City Council at the time. Staff did review connections to the southeast corner. Waterway was not part of the CID plan and the steepness of the site at that corner does not lend itself to a bicycle/pedestrian path. Staff required the development to connect interior sidewalks to exterior sidewalks on all frontages, and that had been done.

Mayor Dunn recalled a great deal of prior discussion about pedestrian access and stated many such features were incorporated in the current plan. Mr. Coleman affirmed and added staff also required the addition of bicycle parking.

Councilmember Rasmussen asked Mr. Coleman if staff could address in terms of procedure, if the City Council approves an ordinance revision in the middle of a plan approval process, if an applicant is required to conform to the revised ordinance. Mr. Coleman responded yes.

Councilmember Cain agreed with the need to address the goals of the Bicycle/Pedestrian Plan. She remembered prior discussion about pedestrian access in which the City Council disapproved the use of a raised walkway near Hen House, thereby eliminating carts on curbs.

Councilmember Cain asked about the small storefront replacing the drive-thru; if it was indeed an actual storefront and if CVS is leaving or if its drive-thru was just removed from the plan. Mr. Klover replied the small storefront space has a maintenance shop in the back, so the tenant would not use the entire depth. He stated that CVS was staying, but their lease had not yet been negotiated and that he was uncertain if CVS would be remodeling.

Mayor Dunn asked about the drive-thru being moved to a future phase, as the project was not presented as a phased project. Mr. Klover stated the project was not phased, all plans had been submitted except for Hen House, sidewalk permits had been requested and timeline was still 1.5 years starting in March 2015. Mr. Coleman stated permits were being reviewed.

Mayor Dunn asked if the sidewalk running from the western side perpendicular to the front of Hen House was a raised sidewalk. Mr. Klover stated there is a raised sidewalk in front of Building J, in front of the main entrance and in front of the lower sidewalk coming in from Roe.

Mayor Dunn asked about a sidewalk on the south that is not raised. Mr. Klover stated that sidewalk goes to the building and is raised at pedestrian level at the drive lane. Cars go up to pedestrian level and then go over it when they enter from Roe. A pedestrian walk on the south side of the main drive goes from Roe to the building; it is a tabletop. Mr. Klover stated the drive lane and the walkway in front of the grocery store will be raised. Cars come up to pedestrian level in front of the entrance to Building J, in front of Hen House and at the bottom sidewalk at the base of Hen House. The decision to remove the walkway in the middle of the parking lot was due to the number of required parking spaces.

Mayor Dunn asked about a sidewalk in the parking lot. Mr. Klover stated there is one, as well as an additional one that goes across the face of McDonald's.

Councilmember Rasmussen asked about storm drainage and if the ongoing problem in front of the grocery store was solved. Mr. Brian Forquer, Civil Engineer, Lutjen, 1301 Burlington, North Kansas City, stated the slope will be reviewed in order to address flooding.

Councilmember Rezac asked why construction start had been pushed back to March. Mr. Klover replied that the goal was to work on the parking lot, but permit approvals are pending. The partial permit to allow sidewalk work in front of Building L is also pending and asphalt plants close in three weeks. Therefore, construction will begin in spring. Mr. Coleman stated the applicant changed previous plans which impacted permitting and that all permits are issued individually vs. for the entire center.

Mr. Klover pointed out that the items in for submittal had not changed. He added that Buildings M and L were submitted together, as were Buildings H and J, and then Buildings A and C. The sidewalks were part of the August submittal.

Councilmember Filla asked Mr. Lambers to address the permit delay situation. Mr. Lambers stated that according to his staff, small changes were made to the plan which hampered permit approval. He continued by stating Mr. Klover was correct in that what had been submitted was the plan, but between the initial plan and this plan there had been some changes.

Councilmember Sipple asked if a pedestrian or bicyclist could get from the southeast corner of the shopping center near the Waterway, the middle of the shopping center east of McDonald's, up by Valley View Bank or all the way down on the side near Joe's Barbecue to the drugstore or the grocery store without having to fight traffic. Mr. Klover stated Waterway was not part of the project and that just past it is an access point, as well as an access point by Longhorn. There is a sidewalk from McDonald's to the corner of the building and also an access at Corner Bakery. There are steps and sidewalks between Buildings L and M, primarily because of the steep grade change. Access points were added where grade would allow.

Councilmember Sipple asked if pedestrians walking through the parking lot have right-of-way with appropriate stop signs for vehicles. Mr. Klover stated the plan is being reviewed by Public Works and that Hen House requires stop signs at the large raised crossing in front of their store.

Councilmember Cain asked when the interior renovation of the Hen House will begin. Mr. Klover replied Hen House had stated they intend to submit plans in December and hope to start in February 2015. Tenants are being moved to allow Hen House to expand.

A motion to approve Resolution No. 4345 was made by Councilmember Rasmussen; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 8-0.

C. **Resolution No. 4346**, approving the Planning Commission's recommendation to adopt Self-Propelled Leawood, a Pedestrian and Bicycle Master Plan (PC Case 119-14)

Mr. Anderson recognized members of the Bicycle Friendly Committee, Chair Ms. Alicia Jennings and also Mr. Bill Day, and Mr. Martin Shukert from RDG Planning and Design. He spoke briefly about Self-Propelled Leawood, including a Planning Commission recommendation that a member of the Bicycle-Friendly Committee attend street development hearings regarding budget and to review incorporation of concepts from the Self-Propelled Leawood plan.

Mr. Shukert spoke briefly and expressed his pleasure on working on the project and with staff for over one year. He stated the plan sets the City on a productive path in terms of regional trails, side paths and an interesting street system pulled together in a way that is truly multi-modal.

Mayor Dunn expressed gratitude for everyone's hard work and recognized Ms. Jennings, who is also a member of Leawood's Sustainability Advisory Board. Councilmember Filla noted the practicality and breadth of the plan and stated that Page 144 requires update in regard to sidewalks. She added the plan contains walkability to schools and stated Leawood now has several schools utilizing the plan for no cost items such as safest routes and "walking school buses".

Councilmember Azeltine asked how the costs would be handled. Mr. Lambers replied the plan would be prioritized with Park & Recreation improvements in terms of funding. It would be part of the Council Goals and also Capital Improvement Plan [CIP].

Councilmember Cain expressed gratitude to Mr. Shukert for his thoroughness during the process, including riding his bike over 98% of Leawood streets.

A motion to approve Resolution No. 4346 was made by Councilmember Rasmussen; seconded by Councilmember Cain. The motion was approved with a unanimous roll call vote of 8-0.

D. **Ordinance No. 2694**, amending Article 9 of the Leawood Development Ordinance [LDO], entitled 'Definitions,' by amending § 16-9-90(a) and adding § 16-9-90(b), pertaining to Definitions of 'Distributed Antennae Systems or DAS' and 'Dock' (PC Case 143-14) [Roll Call Vote]

Mr. Coleman and Mr. Lambert offered thanks to Ms. Franki Parsons, former City Assistant Attorney, who worked on the amendment for nearly a year. Ms. Bennett stated Agenda Items 14.D., 14.E. and 16. are related, and that Agenda Items 14.D. and 14.E. are ordinances to allow size changes.

A motion to pass Ordinance No. 2694 was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion was approved with a unanimous roll call vote of 8-0.

E. **Ordinance No. 2695**, amending Section 16-4-12 of the Leawood Development Ordinance [LDO], Wireless Communication Towers and Antennae, pertaining to Distributed Antennae Systems. (PC Case 105-14) [Roll Call Vote]

Councilmember Rezac asked if the Special Use Permit would be needed if the cabinet case or if the size of the pole equipment was exceeded; Mr. Klein affirmed.

A motion to pass Ordinance No. 2695 was made by Councilmember Rasmussen; seconded by Councilmember Azeltine. The motion was approved with a unanimous roll call vote of 8-0.

15. **OLD BUSINESS** - None

16. **OTHER BUSINESS**

Resolution No. 4347, approving and authorizing the Mayor to execute a Master License Agreement for Attachments to City Facilities between the City of Leawood and Extenet Systems, Inc.

Ms. Bennett recognized Ms. Franki Parsons, former Assistant City Attorney, and Mr. Tim Asta of Extenet, for their work on the agreement. Mr. Lambers also recognized the outstanding work Ms. Parsons. Mayor Dunn offered sincere appreciation to Ms. Parsons and wished her well.

A motion to approve Resolution No. 4347 was made by Councilmember Rasmussen; seconded by Councilmember Rawlings. The motion was approved with a unanimous vote of 8-0.

17. NEW BUSINESS - None

ADJOURN

The meeting was adjourned at 9:40 P.M.

Deb Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk