AGENDA

(This agenda is subject to changes, additions or deletions at the discretion of the City Council)

Mayor Peggy Dunn

Councilmembers

Ward One
Debra Filla
Andrew Osman

Ward Two
Jim Rawlings
Mary Larson

Ward Three
Chuck Sipple
Lisa Harrison

Ward Four
Julie Cain
James Azeltine

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

3. CITY CLERK STATEMENT
   To reduce the likelihood of the spread of COVID-19 and to comply with social distancing recommendations, this meeting of the Leawood Governing Body is being conducted remotely using the Zoom media format and some of the members of the Governing Body are appearing remotely. The meeting is being livestreamed on [YouTube] and the public can access the livestream by going to www.leawood.org/.

   Public comments on non-agenda items will not be accepted during this meeting. Public comment on agenda items not requiring a public hearing may not be accepted. As always, public comment on any agenda item can be submitted in advance. Written public comments received at least 24 hours prior to the meeting have been distributed to members of the Governing Body prior to the meeting. Public comments should be directed to LeawoodPublicCommentGB@leawood.org.

4. PROCLAMATIONS

5. PRESENTATIONS/RECOGNITIONS

6. SPECIAL BUSINESS
   Resolution approving the 2021-2025 Capital Improvement Program [C.I.P.] for the City of Leawood (PC)
7. CONSENT AGENDA
Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted upon 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. 2020-25 and 2020-26
B. Accept minutes of the July 6, 2020 Governing Body meeting
C. Accept minutes of the June 8, 2020 Budget & Finance Committee Work Session
D. Approve Mayoral Appointment of the Historic Commission
E. Resolution approving and authorizing the Mayor to execute an agreement in the amount of $36,852.00 between the Board of County Commissioners of Johnson County and the Cities of Leawood and Prairie Village pertaining to the construction of storm sewer improvements [2020 Stormwater Improvements Project 80256] (PW)
F. Resolution approving and authorizing the Mayor to execute a Contract Change Order No. 1 in the amount of $38,520.00 between the City and Superior Bowen Asphalt d/b/a O’Donnell & Sons pertaining to work on the South Bike Loop and ADA upgrades to College Boulevard and Brookwood [Project 70027] (PW)
G. Resolution approving a Final Plan for the Leawood Mission Valley Monument Sign located south of 151st Street on Granada Road (PC Case # 47-20) (PC)
H. Approve an expenditure in the amount of $120,350.00 to Central Salt for the purchase of 2,500 tons of untreated winter rock salt (PW)
I. Declaration of Surplus Property: (1) 2009 Ford Escape for Purple Wave sale (PW)
J. Police Department Monthly Report
K. Fire Department Monthly Report
L. Municipal Court Monthly Report

8. MAYOR’S REPORT

9. COUNCILMEMBERS’ REPORT

10. CITY ADMINISTRATOR REPORT

11. STAFF REPORT

COMMITTEE RECOMMENDATIONS

12. PLANNING COMMISSION
[From the January 28, 2020 Planning Commission Meeting]
Ordinance approving Planning Commission’s recommendation of denial of request for Revised Preliminary Plan for a Mixed Use and Medium Density Residential Development, located south of 135th Street and west of Kenneth Road (PC Case 04-20) [ROLL CALL VOTE] [Continued from May 4, 2020, May 18, 2020, June 1, 2020, June 15, 2020 and July 6, 2020 Governing Body Meetings] (PC)
13. OLD BUSINESS
Ordinance amending Chapter 14, Article 5 of the Code of the City of Leawood, 2000, by adding a new Section 14-501a entitled “Towing of Vehicles from Private Property [non-city initiated]” and repealing other sections in conflict herewith [ROLL CALL VOTE] [Continued from March 2, 2020, March 16, 2020 and May 4, 2020 Governing Body Meetings]

14. OTHER BUSINESS

15. NEW BUSINESS
Ordinance establishing a Common Consumption Area and authorizing the possession and consumption of alcoholic liquor within its boundaries [Park Place CCA] [ROLL CALL VOTE]

A. ADJOURN

Mayor and City Council

Leawood operates under a Council/Mayor form of government, with a separately elected mayor and 8 council persons. Council members are elected on a non-partisan basis from 4 wards. The Council develops policies and provides direction for the professional city administration. Regular meetings of the Leawood City Council are held the first and third Mondays of each month. Copies of the agenda are available at the Office of the City Clerk on the Friday prior to the meeting.

**Number of Votes Required:**
- Non-zoning Ordinances: Majority of the members-elect of the City Council [5]
- Zoning Ordinances and other Planning Commission Recommendations:
  - Passage of Ordinances Subject to Protest Petition: ¾ majority of members of Governing Body [7]
  - Approving Planning Commission Recommendation: Majority of the members-elect of the City Council [5]
  - Remanding to Planning Commission: Majority of the members-elect of the City Council [5]
  - Approving, Overriding, Amending or Revising Recommendation after Remand: Majority of the members-elect of the City Council [5]
  - Overriding, Amending or Revising Recommendation: 2/3 majority of membership of Governing Body [6]
- Note: Mayor may cast deciding vote when vote is one less than required.

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<td>August 3, 2020</td>
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<td>Work Session-Review City Economic Policy</td>
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The next regular meeting of the Leawood Governing Body will be Monday, August 3, 2020
Memo

To: Mayor Peggy Dunn and Councilmembers

From: Scott Lambers, City Administrator
      Dawn Long, Finance Director

Date: July 20, 2020

Re: Approval of the 2021 –2025 C.I.P.

Attached is a resolution requesting approval of the 2021 – 2025 Capital Improvement Program (C.I.P.) at the July 20, 2020 City Council meeting. A public hearing was held at the June 1, 2020 meeting.

Please contact us should you have any questions.
RESOLUTION NO. __________

A RESOLUTION APPROVING THE 2021-2025 CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF LEAWOOD, KANSAS.

WHEREAS, the Governing Body of the City of Leawood held a public hearing to consider the 2021-2025 Capital Improvement Program ["CIP"] for the City of Leawood, Kansas;

WHEREAS, the Leawood Planning Commission considered the CIP at its June 23, 2020 meeting; and

WHEREAS, the Planning Commission determined that the improvements were in conformance with the Comprehensive Plan and recommended approval of the 2021-2025 CIP to the Governing Body for approval.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION ONE: The City of Leawood, Kansas, a municipal corporation, does hereby adopt the 2021-2025 Capital Improvement Program for the City of Leawood, Kansas, attached hereto and incorporated herein by reference.

SECTION TWO: This resolution shall become effective upon passage and publication by the Governing Body.

PASSED by the Governing Body this 20th day of July, 2020.

APPROVED by the Mayor this 20th day of July, 2020.

__________________________
Peggy J. Dunn, Mayor

[SEAL]

ATTEST:

__________________________
Kelly L. Varner, City Clerk

APPROVED AS TO FORM:

__________________________
Marcia L. Knight, Assistant City Attorney
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Grand Total All Checks: 288,162.89
Council Minutes
July 6, 2020

Regular Meeting
THE LEAWOOD CITY COUNCIL
July 6, 2020

Minutes

Councilmembers Present: Lisa Harrison, Julie Cain, Jim Rawlings, Chuck Sipple and Mary Larson.

Councilmember present via Zoom: Debra Filla, Andrew Osman, and James Azeltine.

Councilmembers Absent: None

Staff Present: Scott Lambers, City Administrator
Ross Kurz, Info. Services Director
Troy Rettig, Chief of Police
Jarrett Hawley, Deputy Fire Chief
Kelly Varner, City Clerk
Brian Anderson, Parks Superintendent

Patty Bennett, City Attorney
Nic Sanders, Human Resources Director
David Ley, Public Works Director
Mark Tepesch, Info. Services Specialist III
Stacie Stromberg, Assistant City Clerk
Kathy Byard, Senior Budget Manager

Staff Present via Zoom: Dawn Long, Finance Director; and Richard Coleman, Planning Director

Others Present via Zoom: David Arteberry, Stifel, Nicolaus & Co, Inc.; John Peterson, Polsinelli Law Firm; Rick Lashbrook, Lashbrook Companies.

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

The agenda was amended to modify the City Clerk Statement regarding public access inside City Hall.

A motion to approve the agenda as amended was made by Councilmember Cain, seconded by Councilmember Sipple. Motion was approved with a unanimous roll-call vote of 8-0.

3. CITY CLERK STATEMENT

The City Clerk read the Clerk Statement: To reduce the likelihood of the spread of COVID-19 and to comply with social distancing recommendations, this meeting of the Leawood Governing Body is being conducted remotely using the Zoom media format and some of the members of the Governing Body are appearing remotely. The meeting is being livestreamed on [YouTube] and the public can access the livestream by going to www.leawood.org/.

Public comments on non-agenda items will not be accepted during this meeting. Public comments on agenda items not requiring a public hearing may not be accepted. As always, public comment on any agenda item can be submitted in advance. Written public comments received at least 24 hours prior to the meeting have been distributed to members of the Governing Body prior to the meeting. Public comments should be directed to LeawoodPublicCommentGB@leawood.org.
4. PROCLAMATIONS

Mayor Dunn read the proclamation into record. Brian Anderson, Parks Superintendent, accepted the proclamation on behalf of the department. Mayor Dunn stated the parks are well used and much appreciated, and she thanked Mr. Anderson and staff for keeping the community beautiful.

5. PRESENTATIONS/RECOGNITIONS - None

6. SPECIAL BUSINESS

Resolution authorizing the offering for sale of General Obligation Refunding Bonds and General Obligation Temporary Notes of the City of Leawood, Kansas; approving the form of Notice of Sale and Preliminary Official Statement to be used in connection therewith; and authorizing the advertisement of such sale in the manner prescribed by law (F)

Dawn Long appeared via Zoom to be available for any questions by the Governing Body and to introduce David Arteberry. Mr. Arteberry addressed the Governing Body via Zoom. He stated the bond represents the City’s standard issuance of bonds and notes to fund projects currently in process, and also this year to refinance some outstanding bonds to accomplish some debt payment structuring for the City.

A motion to approve Item 6 was made by Councilmember Rawlings, seconded by Councilmember Cain. Motion was approved with a unanimous roll-call 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 upon 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. 2020-22, 2020-23 and 2020-24
B. Accept minutes of the June 15, 2020 Governing Body meeting
C. Accept minutes of the February 14, 2020 Sustainability Advisory Board
D. Approve renewal of Cereal Malt Beverage (CMB) License for Price Chopper, located at 13351 Mission Road (CC)
E. Approve renewal of Cereal Malt Beverage (CMB) License for RA Sushi, located at 11638 Ash Street (CC)
F. Resolution calling for a Public Hearing to be held on Monday, August 3, 2020, at 7:00 P.M., or as soon thereafter as may be heard, to consider the 2021 Fiscal Budget for the City of Leawood, Kansas (F)
G. Resolution approving and authorizing the Mayor to execute a Construction Agreement in the amount of $79,565.00 between the City and K & G Striping Inc. pertaining to the South Bike Loop Project [Project #71026] (PW)
H. Approve an expenditure in the amount of $60,218.76 to Sourcewell Cooperative Bids for the purchase of (2) sets of 4-Mobile Column Lifts (PW)
I. Declaration of Surplus Property: (8) Maintenance Lifts for trade in/or Purple Wave sale (PW)

A motion to approve the consent agenda was made by Councilmember Larson, seconded by Councilmember Harrison. Motion was approved with a unanimous roll-call vote of 8-0.

The next regular meeting of the Leawood Governing Body will be Monday, July 20, 2020
8. MAYOR’S REPORT
Annual Report: American Revolution Tricentennial CD Fund (F)

A. My sincere sympathies to Parks Superintendent, Brian Anderson, and his entire family on the recent passing of his father, Orlan Anderson. Mr. Anderson passed away on June 21st.

B. Located in the Council packets are a memo and letter, dated July 7, 1976, regarding the American Revolution Tricentennial Fund Certificate of Deposit. As requested by former Mayor William Eddy, a financial report is given at the first Council meeting in July. The current principal amount of the CD is $8,746.87 and will mature on June 25, 2021.

C. My appreciation to Police Chief Troy Rettig for his participation on June 25th on a panel for the Johnson County Law Enforcement Virtual Town Hall to discuss current policies. This event was sponsored by the Johnson County NAACP. Chief Rettig represented the City of Leawood well.

D. A gift of 500 surgical masks was hand delivered by Mei-li and Ken Yang from Principal Tseng of the Lan-Yang Girls’ Senior High School in I-Lan, Taiwan. Another 500 masks will be mailed soon. It is a thoughtful and generous gift honoring their sister-school relationship with Blue Valley North High School.

E. Congratulations to Leawood City Engineer Brian Scovill for his installation as the President of the Kansas Society of Professional Engineers starting July 1, 2020.

F. Congratulations to Leawood Chamber of Commerce President Kevin Jeffries on the birth of his first granddaughter, Keira Joann Jeffries, born on June 25th at 9:02 p.m.

9. COUNCILMEMBERS’ REPORT - None

10. CITY ADMINISTRATOR REPORT - None

11. STAFF REPORT
Director of Finance, Dawn Long

2020 Sales Tax Report

Staff member Kathy Byard addressed the Governing Body. She stated the report located in the meeting packets included a summary of the collection of monthly Sales and Use Taxes in comparison of 2019 to 2020 so far. The report shows the City Sales Tax figures in the first two months of the year was above the mark from the same time last year, but including March and April, the City is 15.8% lower than last year, as a whole.

Ms. Byard explained that the City Use Tax is 1.9% higher than the same time last year. She mentioned the April numbers appear lower in 2020, but noted that the City did not receive any sales tax payments from the County Treasurer for vehicles purchased within the month, because the Treasurer’s office was closed. Ms. Byard stated it should get caught up when their offices re-open.

Ms. Byard stated the combined Sales Tax and Use Tax was 11.8% lower now than this time last year. A summary of the categories in March and April 2020 are groceries, retail, utilities, restaurants/bars, and
entertainment/fitness. The City is approximately 8% lower across all categories at this time compared to last year. Ms. Byard stated the County Sales Tax shows a 3% decrease and a 12.8% increase in County Use Tax.

Mayor Dunn asked Ms. Byard since there is a 2-month lag if these figures are accurate for April. Ms. Byard stated they are and that the numbers for May will be available in July, she added.

Councilmember Sipple asked if the funds to the City come in one payment or two wire transfers. Ms. Byard stated the funds come in at one time, between the 22nd and 25th of the month, and with detail of the source. Councilmember Sipple also asked how other cities are faring. Ms. Byard stated she made reports available in the Councilmembers' mailboxes that show March data from surrounding cities and will do so again next month.

Scott Lambers stated he spoke with the City Manager of Overland Park, who said their city forecasted a 30% decrease but instead reported only a 25% decrease for the same time period as summarized by Ms. Byard.

Mayor Dunn stated stories in the Kansas City Star have forecasted large decreases and furloughs. She added it is encouraging to see the City’s Use Tax increasing.

Mayor Dunn thanked Ms. Byard for this reporting to the Governing Body.

**COMMITTEE RECOMMENDATIONS**

12. **PLANNING COMMISSION**

[From the January 28, 2020 Planning Commission Meeting]

Ordinance approving Planning Commission’s recommendation of denial of request for Revised Preliminary Plan for a Mixed Use and Medium Density Residential Development, located south of 135th Street and west of Kenneth Road (PC Case 04-20) [ROLL CALL VOTE] [Continued from May 4, 2020, May 18, 2020, June 1, 2020 and June 15, 2020 Governing Body Meetings] (PC)

City Administrator Scott Lambers addressed the Governing Body. Mr. Lambers stated this request has been continued in hopes that the applicant and the City could work out an agreement with certain financial issues regarding the project. Mr. Lambers stated that there was some progress. He agreed to recommend to the Governing Body that the City would finance the improvements to 137th St. and High Dr. with Special Benefit District financing, in which the applicant also agreed. This would allow the applicant to benefit from the low interest rate of the City’s general obligation rates. Mr. Lambers reminded the Governing Body that when the City finances a project, temporary notes are issued to start construction. Traditionally, when notes come due in the fall, the City issues new temporary notes to carry forward to the next April or May, although it can go on for another year. Mr. Lambers stated he agreed to have the City issue temporary notes one more year to defer the bonds being issued another year and the assessments occurring afterwards. There would be a 3-year time lapse in which the property owners have to pay, and he felt this would be a benefit to the developer. It would include 137th St., High Dr., and the de-acceleration/acceleration lane on 135th St.

Mr. Lambers stated he and the applicants were unable to come to an agreement regarding the power lines on 135th St. He stated he felt it was inequitable that the property owners on one side of 135th St. pay the
full cost, while property owners on the other side gain the benefit without any costs. Mr. Lambers explained that in their discussions, he hoped to develop a plat tax in which property owners on both sides of 135th St. pay a pro rata share that would equal a total of approximately $1.6 million. After some discussion the City’s attorney stated per City policy, the property owners on the project side of the street are under the obligation to bear the costs of burying the power lines.

Mr. Lambers stated the third lane on 135th St will be a benefit to the project. The applicant agreed to pay for half a traffic signal, but did not feel they should pay for the third lane. Both Mr. Lambers and the applicant agreed that the best way to handle the issue was not through planning stipulations, but with a development agreement so the traffic signal would be done at the time it is warranted and dependent on the development across the street from this project. Mr. Lambers suggested funds would be set up into an escrow account depending on the time frame of future development.

Mr. Lambers stated the applicant replied that he did not want to pay for the entirety of the underground power lines or the third lane, and instead wanted to make a cash payment in lieu of this. Mr. Lambers stated he would allow the applicant’s proposal to be presented to the Governing Body.

Councilmember Harrison asked if the turn lane would be built first. Mr. Lambers stated they are two different issues. The de-acceleration/acceleration lane would need to be built with the project, and the turn lane would be delayed until a traffic signal was necessary.

Councilmember Harrison asked about the location of the power lines needing to be buried. Mr. Lambers explained it runs the length of the property.

Councilmember Sipple asked if the power lines are currently overhead and on the south side of the street, and although it benefits both sides of the street, if the applicant is required to pay for the entire cost. Mr. Lambers confirmed that and stated according to KCP&L tariffs the applicant is also required to pay the entire amount upfront. Mr. Lambers suggested the City would pay to build the third lane and bury the power lines, then the cost of the improvements are fixed and the City would front the money through its debt service schedule. As the plats and development would come in, the City would be reimbursed. He stated the applicant was not agreeable to that recommendation.

Mayor Dunn asked if it would be an SBD (Special Benefit District) in which Mr. Lambers stated it would be an SBD on top of another SBD on High Dr. and 137th St. Mayor Dunn asked what the interest rate is on the temporary notes. Mr. Lambers it would be about .5%.

Councilmember Azeltine thanked Mr. Lambers for his work on the recommendation of an SBD and temporary notes, but wondered if a development agreement would include the details, or if it would be in a planning application. Mr. Lambers stated planning would outline the steps needed to take place, while the development agreement would provide the specifics with regards to the implementation. The Council would need to approve the final plan with a development agreement.

Councilmember Azeltine stated he would like to have a work session to discuss the City’s financing policies. He also stated this is the last of the developable land in Leawood and compared to what is happening in other parts of Johnson County, very little has happened in this area. He feels it may be because of the limitations of the City. Councilmember Azeltine stated a TIF (Tax Increment Financing) option is worth a discussion. Mayor Dunn stated the City has a TIF policy for blighted areas.

The next regular meeting of the Leawood Governing Body will be Monday, July 20, 2020
Councilmember Azeltine stated he believes it would benefit other councilmember to have a conversation in relationship to this project.

Councilmember Rawlings thanked Mr. Lambers for the efforts of working with the applicant thought the offer was a good compromise. Mr. Lambers stated the applicant gave it consideration, but expressed it was more of an assessment of a property tax making the project financially unattainable; in addition the project does not proposed much retail activity. Councilmember Rawlings asked the cost of the streets and Mr. Lambers stated it would be $700,000.

Councilmember Harrison asked when the City instituted the policy to bury power lines. Mr. Lambers stated it was in the 1990s with the development of Town Center Plaza. She stated this should not be a surprise to property owners that the cost would be their obligation, because it is not a new policy. Mr. Lambers stated the property owner is the same on both the north and south side of 135th Street, but it is the intention of the applicant to have the south side developer bear the brunt of the cost.

Councilmember Cain asked if the staff recommendation is to deny the application because the applicant and City did not come to an agreement with the power line and access road. Mr. Lambers stated the Council has already approved the preliminary plan that has the requirements for the improvements to be paid by the developer, but the developer wants to amend the preliminary plan and revise the finance obligation.

Councilmember Filla asked when the parking, potential retail and restaurant development would be built. Mr. Lambers stated the question would be best answered by the developer, Mr. Lashbrook. Councilmember Filla suggested that looking forward, greenspace in that project would be an amenity, especially if more and more people are working from home and could grow their own food and do less commuting to offices. She stated that urban farming versus office space would be a better amenity.

John Peterson addressed the Governing Body via Zoom. He gave a brief history of the application request with the Planning Commission and Governing Body. Early on, the applicant had an issue with expanding 135th St. to three lanes and burying power lines. The proposal was approved with those stipulations but these issues were always in place, Mr. Peterson said. He continued saying that the developer was always aware of the huge cost of these improvements and has not suddenly changed his mind on paying for them. They had agreed to the improvements tied to this project, but felt burying the power lines is for aesthetic reasons within the City of Leawood.

He stated he and the applicant have discussed financing options with the City regarding the project’s villas. They reviewed how much debt could make this project viable, and stated the $2.2 million stood in the way. He said the developer took a serious look at the project to find the value and finance options while still having a high quality product. Mr. Peterson stated the developer worked for months on various options.

Mr. Peterson stated the $7.5 million road cost is not viable for their mixed-use building, with approximately 60 townhomes and 81 villas. This amount does not include stormwater, sewers, grading, and buildings. Lowering real estate price is not realistic. Mr. Lambers suggested creating an SBD, but Mr. Peterson stated a SBD is just another way for a developer to borrow—it is not an incentive and the 141 villa owners cannot carry that amount of property taxes over 15 years. He stated a partial SBD for the roads is a good start.
Mr. Peterson continued that he thought Mr. Lambers’ suggestion of an excise tax was a viable one, yet the City Attorney stated in earlier discussions that it is not a legal option in the City. Mr. Peterson said they calculated, based on several variables and based on a development agreement, that they are willing to pay the City $700,000 at the time of permitting the first building. He stated they would continue to work with staff on a development agreement and modification of stipulations.

Mayor Dunn asked if the offer of $700,000 is one-third of the $2.1 million improvement costs, and if it is for the start of the mixed-use development. She also asked if the other two-thirds of the improvement costs would be paid along with the phasing. Mr. Peterson stated that amount was figured by using the formula of a proposed excise tax for the entire 50 acres. He stated the theory of the approach in the finance option is so one developer is not bearing the total cost for the good of the City and it avoids a heavily burdened tax assessment for future property owners.

Councilmember Harrison stated she had a meeting with Rick Lashbrook last fall to learn more about the cost of doing business and as a learning opportunity for her. She asked if the land north of 135th St. is significantly cheaper than land of the south side. Mr. Peterson stated generally no, but there are a few pieces of land along the corridor that are being foreclosed upon. Councilmember Harrison asked what the property tax benefit is to the City and if that money could be put toward adding turning lanes when traffic increases. Mr. Peterson answered it would be based on the City’s mill levy. She asked what the plan is if the commercial aspect does not develop. Mr. Peterson stated the villas and road system will be built first, so that will set the pace and future developers will be subject to the develop plan.

Mr. Lambers replied figuring a rough estimate on property tax revenue to the City based on 140 homes is take the average price of $500,000, divide that by 1,000, then multiply by 11.5% for state assessed valuation, then 20% of that is what the City receives. It equals approximately $2,000 a unit.

Mayor Dunn stated she believes this discussion needs to continue for various reasons.

Mr. Lambers stated the property owner on the north side of 135th is the same as the property owner on the south side and asked if he would agree to pay an excise tax. Mr. Peterson stated he does not know. Mr. Peterson stated it is unique in Johnson County that it is the developer’s responsibility to 100% build thoroughfares and bury power lines without true incentives, and he believes that is why there has been no development from State Line to Roe Ave on 135th St. He added that the property owner has owned the land for some time before the City’s policy was put in place.

Mr. Peterson stated they are respectively asking to be remanded to the Planning Commission at the end of July for a townhome concept, and in the meantime, will work with the City Attorney and Mr. Lambers to create a development agreement.

Mr. Lambers stated the time period may be optimistic and an INTERACT meeting is required. Mr. Peterson stated this would be a revised plan, not a rezoning. Mr. Lambers replied that the City does not want to hold up the project unnecessarily.

Mayor Dunn stated she is interested in other property owners sharing the cost of burying the power lines but sees a continuance is needed.
Mr. Lambers stated the developer had agreed to make the approximate $2 million improvements in the previous plan, but they want to contribute $700,000 and the remainder of the improvement costs come from somewhere else so it would be shared by all who benefit from the improvements.

Mr. Peterson added that the developer is also dedicating the right-of-way to the City as part of a development deal.

Councilmember Filla stated she is impressed on the creativity of the principle parties to solve the funding issues. She stated she supports continued efforts and the positivity in moving forward.

Councilmember Rawlings asked about the traffic study regarding the third lane and why it needs constructed at this time. Mr. Lambers stated the Planning Committee decided it would be the enforcement mechanism tied to development of a certain amount of traffic counts and the assessments. Mr. Lambers stated that Mr. Peterson said in earlier discussions that is untenable to have a long-term, outstanding obligation put on a developer. He made a suggestion that if the applicant is willing to agree to a voluntary excise tax for the undergrounding of the power lines it would distribute the cost to the property owner on both sides of 135th St.

Councilmember Azeltine stated the approach by the Governing Body over the past 20 years is not working. He stated because this project is undeveloped land without a current revenue stream that he recommends a work session to discuss financing options. He stated he fears there will be another economic cycle in which very little development takes place. He said he is interested in discussing TIF and excise taxes in a work session.

Councilmember Osman commented that he agrees with Councilmember Azeltine. He stated the Governing Body needs to work on studying the finance and incentive options.

Councilmember Larson stated she recommends a work session to discuss alternative modes of financing. She said she would like to find the best path to move forward.

Mayor Dunn stated Planning Commission items are not discussed at work sessions. Mr. Lambers replied in this case financing is intermeshed with this project and suggested it be continued for 2 weeks. Mayor Dunn stated she thought Mr. Lambers could bring a resolution to the Council at that time.

Mr. Lambers stated if there were to be any incentives to consider it would be the undergrounding of the power lines for the sake of economic development. He continued that he felt under the current policy it is inequitable, but there are no other options at this time.

Councilmember Rawlings asked what the balance in the Economic Development Fund is. Mr. Lambers stated it was approximately $2-3 million.

Mayor Dunn mentioned that Mr. Lambers' proposal would set a precedence in the City for development. Mr. Lambers stated the definition could be narrowed down.

Councilmember Rawlings stated he would be in favor of Mr. Lambers returning to the Council with a cost share proposal for the power lines.
Councilmember Azeltine stated this has been a major stumbling block for development along 135th St. in the past. He stated a work session to explore financing options for the whole corridor and learn more about TIFs, excise taxes, CIDs and others. Mayor Dunn mentioned if more than one work session is planned, it would delay the progress on the project.

Councilmember Osman asked where in the City are power lines located above ground in commercial areas. Mr. Lambers stated a map will be provided to him.

Councilmember Filla agreed with Councilmember Azeltine about a work session, but commented that no matter how to construct the IOU, the project cannot handle any more debt.

Mr. Lambers stated he could bring to the Council a fund balance, but there would need to be a discussion regarding the third lane and the details of a development agreement. He stated if the Council is interested in deferring the third lane to some extended period of time, he would discuss that with Mr. Peterson.

Mr. Peterson stated they have come too far and they are very willing to work with Mr. Lambers and staff on financing. He commented that they are not asking for an incentive but for a continuance.

Patty Bennett stated what she believes Mr. Peterson is suggesting is for the Council to move ahead on the financial issues, but the Planning Commission would still be involved in a townhome preliminary plan process.

Mr. Peterson stated an efficient way to move forward is to continue with the Council on the financing agreement, create a development agreement, and at the same time the applicant would go through the planning approval process for the townhomes, then come back to the Council with all plans at the same time.

Mayor Dunn expressed that Mr. Peterson and Mr. Lambers meet soon.

A motion to continue Item 12 to the July 20, 2020 Governing Body meeting was made by Councilmember Azeltine, seconded by Councilmember Larson. Motion was approved with a unanimous roll-call vote of 8-0.

Mr. Lambers recommended a Governing Body Work Session to be scheduled for the first meeting in August to review the City’s policies on incentives.

13. OLD BUSINESS – None

14. OTHER BUSINESS - None

15. NEW BUSINESS
   Schedule Governing Body meeting for July 20, 2020 at 7:00 p.m.

A motion to approve Item 15 was made by Councilmember Filla, seconded by Councilmember Cain. Motion was approved with a unanimous roll-call vote of 8-0.

Mayor Dunn introduced the addition of two new items to the agenda.
B. Schedule a Governing Body Work Session for August 3, 2020 at 6:00 p.m. to review the City of Leawood Economic Development policies.

A motion to approve Item 15B made by Councilmember Harrison, seconded by Councilmember Cain. Motion was approved with a unanimous roll-call vote of 8-0.

Councilmember Azeltine asked staff to be prepared to discuss incentive options that the City currently does not use, as well as those already in place.

C. Schedule the Governing Body meeting for August 3, 2020 at 7:30 p.m.

A motion to approve Item 15C made by Councilmember Cain, seconded by Councilmember Larson. Motion was approved with a unanimous roll-call vote of 8-0.

ADJOURN

Meeting was adjourned at 9:25 p.m.
Minutes

The Budget and Finance Committee of the City of Leawood, Kansas, met for a Special Call Meeting at City Hall, 4800 Town Center Drive, at 6:00 p.m., on Monday, June 8, 2020. Mayor Peggy Dunn presided.

Councilmembers Present: Debra Filla, Andrew Osman, Jim Rawlings, Mary Larson, Lisa Harrison, Chuck Sipple, James Azeltine, and Julie Cain.

Councilmembers Absent: None

Staff Present: Scott Lambers, City Administrator
Dawn Long, Finance Director
Troy Rettig, Chief of Police
Chris Claxton, Parks and Rec Director
David Ley, Public Works Director
Kelly Varner, City Clerk
Ashley Frankel, Accounting Manager

Patty Bennett, City Attorney
Ross Kurz, Info. Services Director
Colin Fitzgerald, Fire Chief
Nic Sanders, HR Director
Kathy Byard, Senior Budget Manager
Stacie Stromberg, Assistant City Clerk

Budget & Finance Committee Members Present: Anab Abdulahi
Linda Hanson
Jim Morris

Others Present: None

2020 ANNUAL BUDGET PRESENTATION

The meeting was called to order at 6:15 p.m.

Kelly Varner, City Clerk, read the City Clerk’s Statement into record: To reduce the likelihood of the spread of COVID-19 the meeting of the Leawood Budget and Finance Committee is being conducted remotely using the Zoom media format and some of the members of the Committee may appear remotely. Public comments will not be accepted during this meeting. City Hall is closed to public access during this meeting, however, the meeting will be livestreamed on YouTube and the public can access the livestream by going to www.leawood.org.

Welcome by the Mayor
Mayor Dunn called the meeting to order, thanked attendees and asked for introductions. She expressed appreciation to the staff for their social distancing efforts.
Scott Lambers stated due to COVID-19 he has never prepared a budget proposal with typical data in an atypical time. He stated he expects budget amendment proposals to the city council in order to reduce expenditures for the balance of 2020 and in 2021 once the City starts receiving financial data in August in regards to revenue.

The Mayor thanked Dawn Long and Kathy Byard for their work on the documents.

Dawn Long stated department heads did not meet as normal due to COVID-19. Except for personnel, departments were given the same budget as last year. Capital equipment expenditures were reviewed first and some will be postponed. In the past, the operating budget is normally 12-14% below budget at the end of the year. After a review of the debt, there will be one refund this year of $2.4 million in order to reduce debt payments over the next 10 years. Most of the budgeting adjustments are for this year. There are many variables affecting next year’s model and will be adjusted going forward.

Kathy Byard distributed replacement handouts due to minor typos. She handed out a summary of the sales tax dollars. Ms. Byard explained the categories of the 2020 sales and use tax estimates and their historic data since 2008.

**2021 Annual Budget – Budget Manager Kathy Byard**

**Sustaining Financial Stability**

- Reserves for all operating funds are budgeted at 55% of expenditures.
- Debt service levels remain at 35% above the expenditure level.
- The 2021 Budget does not include a mill levy increase. Mill levy will stay the same.
- Assessed Valuation growth of 4.67%. Includes delinquency factor of .5%.
- Sales tax growth of 1.5%.
- Continuation of the City’s AAA bond rating.

Other tax changes due to COVID-19:

- Sales tax growth and increased revenue for grocery stores - approximately 32% higher.
- Retail refunds paid in March
- Sales tax growth down 21.9% from March 2019 vs. March 2020 (only 2 weeks data).
- Restaurants, bars, retail, and entertainment sales tax decreased 50.7% vs. March 2019
- Construction, wholesale trade, computer retail lower
- City Use Tax, such as internet shopping, increased 4% compared to March 2019.

Councilmember Sipple made a recommendation that the Council receive a staff report at the first council meeting in July.

Jim Morris asked how the sales tax collection process works. Ms. Byard explained a business can chose to remit monthly or quarterly. Remittance goes directly to the Kansas Department of Revenue, the state then distributes it to a city, so there is at least a 2-month lag.

**Sustaining Service Levels**

- Maintain equitable and competitive employee compensation.
- Mandate and operating costs of capital are funded.
- Provide 1.7 commissioned officers per 1,000 citizens.
• Coverage of 650 residents per 1 firefighter.
• Maintain city streets at an average Pavement Condition Index [PCI] of 80.3.

Sustaining Efficient Delivery of Services
• Continuation of employee training and certifications and safe environment practices.
• Performance measures are linked to resources needed to meet expected performance levels.
• Improved productivity and service levels with technology, fiber and communications systems.

2020/2021 Budget Changes
• No Mill Levy increase is planned for 2021; remains at 24.548.
• Refund potential in 2021
• No issuance of General Obligation debt in 2020. City will issue General Obligation debt in 2021 of approximately $20.3 million. First payment due in 2022.
• A total of $2,515,000 in 2020 for park improvements to complete projects not completed last year and already started this year. In 2021, $600,000 will provide for improvements to be determined. In previous years, park improvements were funded with $600,000 in special alcohol receipts within the Special Parks/Rec fund and $400,000 from General Fund transfers to the Capital Improvements Fund. For 2021 and until 2025, only Special Parks/Rec fund revenue will be used for such improvements.
• The 2021 Budget includes a maximum of 3.9% merit increase for all employees. There are 262 full-time positions. Payment of all wages (FT, PT, CS, OT and other) will increase by 3.4% over the 2020 estimated budget wage base. The health insurance benefit grows by 11.4% from 2020, with the cost of health insurance growing by 10%; and all other benefits by 4.0%. There are no new full-time positions included in the financial planning model.
• Beginning in 2020 and continuing into 2021, capital equipment replacements for Police & Fire will be paid from the Public Safety Fund. The Police total is $214,500 in 2020 and $66,000 in 2021 with $280,000 providing for repairs to the Justice Center parking deck. The Fire total is $604,000 in 2020 and $252,000 in 2021. Vehicle replacements will still be expensed from the City Equipment Fund. It will be reduced over the next 3-4 years.
• The 2021 Budget anticipates $1,068,500 each in County sales tax from the 0.25% Public Safety II collection and the 0.25% Courthouse/Coroner Facility collection. Since the receipt of these collections began, they have been placed into the Public Safety Fund and/or the Economic Development Fund.

Councilmember Sipple questioned the sales tax collection for the Johnson County Courthouse. Ms. Byard stated the City receives .25% and the County distributes a pro rata share based on population.

Councilmember Azeltine asked about the merit increase. Ms. Byard explained the City does not use COLA (Cost of Living Adjustment) but is based on a performance evaluation process for each employee. Nic Sanders explained the budget allows for a 3.9% increase but not all employees may receive that amount.
Councilmember Azeltine inquired if it is possible to earmark funds that are already set aside for capital improvements within Police and Fire. Ms. Byard stated typically the City uses those funds for police and fire expenditures. Once the new fire station is built, the annual principal of the debt payment will be out of that fund.

Mr. Lambers explained the City of Leawood takes that money collected into the general fund and immediately transfers it into the Public Safety Fund.

- As a result of the COVID-19 pandemic, several changes have been made to the financial planning assumptions, revenue estimates and planned expenditures, primarily for the current 2020 year. There is still much unknown about this illness and the effects are continually changing. Staff will continue to analyze, review and change the revenue and expenditure assumptions, as needed.

Assessed Valuation Growth
Based on the appraiser’s information in March 2020, the 2021 Budget Assessed Valuation Growth is a 4.67% increase. It was originally projected for the 2020 Budget as 4.00% and the estimated growth at 5.83% increase. Updated data will be available June 15, 2020, and final numbers will be reported in October. In future budgets, the City will try to stay at 3.00% or below.

Property Tax Collection Rate
Leawood has never had many delinquencies. The 2021 Budget was lowered slightly to 99.0%.

Gasoline Tax Revenue
The projections came late to the City but show a reduction due to the COVID-19 pandemic: fewer cars on the road, citizens working from home, and lower gasoline prices at the pump.

Councilmember Sipple asked if the projection was based on the number of gas stations in the City or the number of vehicles. Ms. Byard stated it is based on the amount of gasoline tax paid at the pump and it is set by the State. There is a pro rata formula in which funds are dispersed by the State and County.

Alcohol Tax Revenue
Restaurants and bars are still closed, so there is a reduction for the 2021 Budget. The revenue received is divided by 1/3 and is distributed equally among the Special Alcohol Tax Fund, Special Parks & Recreation Fund, and General Operations Fund.

Councilmember Lisa Harrison asked if the tax collected is strictly drinks served in establishments. Ms. Byard stated that is correct and that the sales tax is collected at retail liquor stores.

Transient Guest Tax Revenue
A reduction of revenue was estimated for the 2021 Budget based on data from last quarter.

All Other Revenue
Occupational Licenses, Liquor Licenses, and Parks and Recreation User Fees collections were dropped for the remainder of 2020. The Golf User Fee is also included. They will return to normal in 2021.
Interest Income is lower based on a lower rate earnings.

Fines and forfeitures, based on what was collected in 2019, were also reduced for the 2021 Budget.

The total of the General Fund change related to COVID-19 is approximately $2.2 million.

Councilmember Julie Cain asked if the City does not plan to increase the Mill Levy and has no reductions in FTEs or furloughs. Ms. Byard stated that is correct - the Mill Levy increase has been removed in the financial planning model.

Mr. Lambers explained the Mill Levy increase was driven by capital. After the budget review certain projects will be delayed. The situation is similar to the recession of 2008.

Councilmember Azeltine asked about the fines and forfeitures data and if the amounts are too high. Mr. Lambers stated this figure has been reduced every year, most likely because traffic does not generate revenue due to safer driving.

Councilmember Sipple stated he feels the figures are too optimistic. Mr. Lambers reminded the Board that these numbers and trends will be assessed again, but the estimates are for the 2021 budget and will expect some rebounds after the remainder of 2020.

Ms. Byard explained the summary of the 2020/2021 Budget changes for projects planned will be delayed by at least 2 years. The bonding of general operations debt will be delayed until next year. COVID-19 expenses, such as hand sanitizer, wipes, etc. are included in the summary, not going toward any particular department.

Mayor Dunn recommended that staff pay close attention to their budgets for COVID-19 related-expenses.

Councilmember Filla asked about capital replacement for vehicles. Ms. Byard said purchases for this expense are always reviewed accordingly.

Councilmember Larson asked about the 2021 residential streets. Ms. Byard stated the funds are for major street reconstruction. Mayor Dunn stated she understood the City is moving forward with mill and overlay projects.

David Ley stated that mill and overlay projects were approved prior to COVID-19. Councilmember Harrison asked if those reconstruction projects are funded by special assessments. Mr. Lambers stated mill and overlays last for a short duration, so a total street reconstruction allows the City to bond the project.

Councilmember Harrison asked about the items on the summary listed as “Overhead Lines” and “Bury Overhead Lines”. Ms. Byard stated they are both meant as buried lines. The arterial street repairs are being delayed, which affects burying the lines.

Jim Morris asked if the state of affairs were to become worse, will the City reduce the budget or dip into reserves. Ms. Byard replied it could be a combination of both or one or the other. Mr. Morris
stated he thought the 2021 budget data seemed optimistic. Mayor Dunn stated the City has a very diversified tax base, as opposed to other Johnson County cities who rely heavily on sales tax.

Linda Hanson asked why the City was discouraged from refunding this year. Dawn Long responded, after reviewing a possible restructure of all the debt, the City plans to do a small refund of $2.4 million. Under advice, Ms. Long said in an environment like this, it would be a huge red flag to Moody’s on the City’s bond rating. Mayor Dunn and Ms. Long stated doing an advance refund would change a bond to taxable.

**2021 Budgeted Revenue**
Total All Funds: $63.1 million – Sales & Use Tax is 30%; Property Taxes is 41%; all Other is 29%.

**Revenues by Source**
There is an increase of 3.1% over the estimated 2020 Budget compared to the 2021 Budget.

**Revenue Increase (Decrease)**
As mentioned earlier, Ms. Byard stated the main areas expecting increases include: charges for service and licenses & permits with the expectation that revenue will recover from the COVID-19 reductions in 2020; property tax revenue as assessed valuation is projected to increase by 4.67%; and other revenue areas such as interest income and sales tax revenue. Decreases include: special assessment revenue as no new special assessment debt has been assumed for several years; grants due to less county SMAC funded projects and shared costs from other jurisdictions for the Arterial Street Program; and fines/forfeitures in 2020 and 2021 due to lower actual collections in prior years.

**2019 Mill Levy Comparisons**
The City of Leawood is the third lowest among surrounding Johnson County cities.

**Assessed Valuation and Mill Levy**
A Governing Body or voter-approved mill levy increase has not occurred in Leawood since 2003. The 3-year average growth is 5.3%; 5-year average growth is 5.0%; and the 10-year average growth is 4.1%.

**Average Appraised Value**
The average appraised value of a home in Leawood is $585,574. It is an increase from 2019 of $557,328.

**Where Your Property Tax Dollars Go**
The average Leawood resident living in the Blue Valley School District pays $51 out of $100 in property tax payments to the USD #229. The City receives $19 of every $100. Slightly less is paid by residents living in the Shawnee Mission School District. The highest percentage of a paid tax dollar goes to schools.

**Average Residential Property Tax/Monthly Property Tax**
The average Leawood resident located in the Blue Valley School District pays approximately $1,653 per year, in property taxes to the City. Using the average appraised value of a house, the City will receive $1,653 in ad valorem tax revenue in 2021.
Councilmember Azeltine recommended that the median amounts, as well as the averages, to be included in the budget packet for next year.

**Budgeted Expenditures/Expenditures by Department**
Comparison of expenditures by department is based on the original budget, as some cities do not have 2020 information available. All of Leawood’s expenditures were close to the average by department. It was noted that Olathe manages their own utilities such as water, sewer and trash.

**Expenditures Increase/Decrease; Expenditures by Department**
The largest decrease is in Parks and Recreation due to the completion of some planned park improvements, the reduction of park improvements from $1 million to $600,000/year, and the full payment of the 2000 bonded park improvements.

**Budgeted Expenditures/Expenditures by Category**
Listed by departments, the largest expenditure is 45% in 2020 and 49% in 2021 for personnel.

Councilmember Sipple stated it appears the expenditure budget is high verses the revenue. Ms. Byard explained it appears higher because the City budgets a 15% reserve, allowed by the State. Since 2000, the City’s revenues have exceeded the projection every year by 4.2%. Expenditures have been lower on the projections by 13.3%. Mayor Dunn commented that, historically, the City has been very conservative.

Comparison of expenditures with Overland Park, Shawnee, Lenexa and Olathe in the categories of Personnel, Contractual Services, Commodities, Capital and Debt Service are based the 2020 original budget data. Leawood’s values are on track with calculated averages.

**2021 Personnel**
- There are 262 full-time employees and 295.01 FTEs
- In the 2020 estimated budget, three casual/seasonal positions were added, including a 0.23 FTE intern position to Planning and two 0.25 FTEs to the Cultural Arts & Theatre programs in Parks/Recreation. A 0.31 FTE casual/seasonal position within the Parks/Rec Sports program was eliminated.
- Also in the 2020 estimated budget, the part-time/on-call firefighters, 0.69 FTE positions, were eliminated and a full-time firefighter position was added.
- No future new positions are currently forecasted. The one new position planned for every other year in the financial planning model has been removed.

**2021 PAYG Capital Budget**
The 2021 Pay-As-You-Go [PAYG] Budget is presented by all funds, by department, by category and funding source. Specific PAYG projects were discussed in the recent Capital Improvement Program Governing Body Work Session. Funding sources for PAYG projects are the General Fund, Grants, Gasoline Tax, Sales Tax, Alcohol Tax, and All Other.

Councilmember Cain asked about the capital expense type under the Public Art 2020 estimate and 2021 Budget. Ms. Byard replied it is due to the projects that are planned and being started and completed in 2020.
Reserves – Debt Service Fund
The City’s forecasting policy is to keep 35% reserve in the Debt Service Fund. The amount of debt reserve has always greatly exceeded policy. Any overage above 35% is forced into the General Fund.

2021 Budget Calendar
- June 15, 2020: County Clerk releases valuation information used in the levy limit calculation.
- July 1, 2020: Deadline to notify the County Clerk if an election is desired.
- August 3, 2020: Public hearing on the 2021 Budget; and 2021 Budget approval.
- August 25, 2020: Deadline to file the 2021 Budget with the County Clerk, if no election is needed.
- September 20, 2020: Date of Mail Ballot Election, if an election is needed.
- October 1, 2020: 2021 Budget due to County Clerk, if an election is needed.

Councilmember Rawlings asked about amendments to the budget after August 25th. Ms. Byard confirmed that once the budget is published in the Legal Record for public notice we can still collect more revenue than projected, but that the City cannot spend more without an amendment to the State of Kansas.

Councilmember Osman inquired if the Budget Committee could be given an amortization schedule of each series of the bonds. Ms. Byard said she will provide that.

Councilmember Filla asked about the funds Johnson County received directly from the Federal Government and when it will be dispersed.

Mr. Lambers explained the County did receive money for COVID-19. The County is arguing that the cities of Johnson County need to complete applications requesting funds. The State told the County that cities do not need to do applications, but also the County is not under any obligation to share it. Mr. Lambers stated that whether the County decides to keep the money, the City of Leawood is still in good shape and can weather the storm.

Councilmember Filla asked Mr. Lambers about the next wave of unemployment. Mr. Lambers said he believes the states and counties are hurting because of the costs of rising health care and how they have decided to make expenditures adjustments. Labor is usually the biggest part of a budget, followed by capital projects, which in turn can hurt a recovery effort.

Mayor Dunn clarified the money Mr. Lambers is referring to is going to cities. The billion dollars Councilmember Sipple referred to would be going to businesses, etc.

Mayor Dunn thanked Ms. Byard for her presentation.

General Operations and Administration Departments – Finance Director Dawn Long

Ms. Long began her presentation by stating departments were not given any latitude to increase their budgets.
2021 Budgeted Expenditures
General Operations is 8% and Administration is 10% of the total 2021 budgeted expenditures.

General Operations
Operations is 88% of the General Operations by fund and Citywide Grants/Services is 13% of General Operations by Function.

Administration
Programs within the Administration Department are City Administration, Finance, Information Services, Human Resources, Legal Services, Court, and Community Development. The largest function, 77% of the Administration Department, is Personnel. The total of all funds is $6.7 million. Mayor Dunn acknowledged her appreciation to all the Department heads and their attendance at this meeting. Ms. Long stated within the Administration Department there are 43.41 full time positions.

Program Accomplishments
Highlights of accomplishments include:

- GFOA CAFR Award – 2018; GFOA Budget Achievement Award – 2020.
- Implementation of GASB84 (Fiduciary activities) and GASB88 (Debt disclosures).
- Continuation and implementation of several employee wellness programs including the Garmin challenge; on-site Weight Watchers; and virtual reality demos for employee emotional health & well-being.
- City-wide mental health/suicide prevention and Stop the Bleed/Active Shooter training.
- Implementation of Fortinet IOC, web and mail firewall, JAMF mobile device management software; and the replacement of Cisco network infrastructure.
- Legal support to update Massage Therapy regulations; and ordinance updates adopting new building codes.
- Continuation of efforts in Court to streamline the court session process.
- Update of 2019 Comprehensive Plan; adoption of 2018 ICC and 2018 IEC.

Council Priorities
- 17.2% ratio of administrative employees to direct service employees (overhead).
- AAA bond rating and GFOA awards.
- $2.5 million total revenue from administration programs.
- 100% of inspections performed on time.
- Approximately 13,700 neighborhood and code inspections per year.

Ms. Long stated all priorities are ranked green for continued positive movement. Councilmember Harrison asked Ms. Long to clarify the code inspections figure. Ms. Long stated the number is for all the inspections done through Neighborhood Services and the Codes Department and not through the Action Center.

Ratio of Administrative Employees to Direct Service Employees
Over the last 10 years, the ratio of administrative employees to direct service employees at its highest was 18.5% and currently it is 17.3%. The City has maintained its same quality of service consistently.
Ratio of Administrative Employees to Direct Service Employees – Comparison to Other Cities
It was noted that some cities do not include Community Development positions in their Administration for the ratio of administrative employees to direct service employees.

Administration Departments by Program, All Funds
Decreases were seen in Information Services and Municipal Court with a slight increase in other Departments for an overall increase of $89,400 or 1% change.

Administration Departments by Function, All Funds
Changes from the 2020 estimate to the 2021 Budget include Personnel, 4% increase; Operating, 3% increase; and Capital, 43% decrease.

Administration Departments by Function, Change from 2020 Estimated ($89,400)
An increase in Personnel is due to planned wage and benefit changes. A decrease in Capital is due to the planned completion of the final phase of the fiber connectivity project in 2020 and less capital replacements.

Councilmember Sipple asked about the change in Municipal Court. Patty Bennett explained their department is purchasing replacement fingerprint scanner software. The staff is scanning much more than they used to in the past.

Police Department – Chief Troy Rettig
2021 Budgeted Expenditures
Police is 17% of the 2021 Budget. There are 84.23 positions; 46 of those positions are patrol and traffic.

Program Accomplishments
- Hired a total of 11 new employees during 2019; Police Training officers worked over 680 shifts training new recruits.
- Received the Safest City in Kansas recognition from Background Checks.org and Alarms.org. Also named the safest city by the National Council for Home Safety.
- Transitioned to having the City’s alarm program managed by CryWolf.
- Transitioned to a new records management system, NICHE.
- Received the AAA Platinum Traffic Safety Award for the 6th year.
- Collected over 600 lbs. of unwanted pharmaceuticals through DEA takeback.
- Realized a 25% decrease in reported burglaries; a 46% decrease in auto burglaries; and a 22% increase in DUI arrests.
- Installed 3 stationary license plate reader cameras.
- Implemented the ETAC (Coplink) data collection programs (CLEAR, Accurint, Vigilant.)
- Detectives cleared 100% of robberies; and 75% of aggravated assault and battery cases.
- Detectives participated in 2 metro squads, ending in arrests in Belton and NKC; and participated in 3 Johnson County involved shooting cases.
- The department re-started the Community Fishing Derby; attended by 70+ children and their families.
• Assisted with Prairie Star Middle School’s “Seatbelts are for Everyone” SAFE campaign.
• Hosted a high school intern - part of the SMSG’s Blue Eagle program.
• Continued the “Coffee with a Cop” community interaction events.
• Animal Control officers were involved in a successful multi-jurisdictional effort to contain a loose dog from Egypt with potential rabies.
• Animal Control offices participated with the Kansas State Animal Response Team with the flood emergency in Elwood, KS.

Chief Rettig pointed out there is a high number of new hires due to a large number of retirements. The department could use more recruits but the retirements are not happening as often at the same time. The crime rate remains remarkably low for a city this size. The license plate readers will be added throughout the city. The fishing derby is on hold for now.

Councilmember Harrison asked if many people with warrants or stolen cars are being caught due to the license plate readers. Chief Rettig confirmed yes, but it is not a revenue generator.

**Council Priority**

- 3:48 minute average response times for emergency calls.
- Crime rate – 27.0 (per 1,000 residents).
- 78% of survey respondents feel safe in their neighborhood.
- 9,906 traffic citations issued.
- 84% of survey respondents rating dispatch services good or better.
- 225 active cases cleared.
- 80% of respondents satisfied with police service.
- 71% of DARE [Drug Abuse Resistance Education] funded by the Alcohol Tax.
- 1,777 children benefited from the DARE program; 326 children completed the program in 2019.
- Total department overtime usage is 9% of salaries.
- 11,348 case management entries processed.
- 1,162 Animal Control calls.

Chief Rettig cautioned the numbers reported in the citizen surveys in that not many people participate in it, although it is open to the public. Councilmember Azeltine stated he saw many positive comments for the Leawood Police on the City’s website.

Chief Rettig stated that traffic citations are down, due to better driving and less traffic with people working from home during COVID-19 shut downs.

Councilmember Cain commended Chief Rettig on his responses to the public regarding the environment of today, and of all the positive work and information coming from the department and City, in general.

Councilmember Harrison asked about the overtime usage. Chief Rettig stated it is a very consistent number. Officers and staff have the ability to use comp time and more often use their overtime as time off, rather than pay.
Councilmember Larson stated she would love to see the Police Department expand more on social media. Mayor Dunn explained more dialog needs to continue on that subject with the City’s Attorney in using those means of communication.

Councilmember Filla asked about the tactical equipment as compared to other cities. Chief Rettig stated the City of Leawood does not have a SWAT or tactical team or such equipment.

Mr. Morris asked if the City’s police officers wear body cameras and what was the cost. Chief Rettig responded the officers do wear cameras and that a body camera is approximately $600-$800 each. Mr. Morris asked about the storage of the camera files, of which Chief Rettig stated our Information Technology Department stores the files in-house at a great savings to the City.

Councilmember Osman asked about possible funding to help officers in cases of large events/crowds or civil unrest in the City of Leawood or surrounding cities. Chief Rettig stated in his experience there is no other region in the country whose law enforcement works as closely together as the Kansas City Metro Area. He stated if the City of Leawood presented a bill to a neighboring city for services, it would damage good will. Chief Rettig stated there are incident procedures in place.

Councilmember Osman asked what budgetary plan is in place if COVID-19 hits the department with illness to its officers. Chief Rettig stated cooperative agreements with other cities to assist and fill in as needed was discussed this spring but the budgetary aspect would need to be discussed per incident. Councilmember Cain asked if Leawood Police were already assisting other cities. Chief Rettig said not at this time.

Councilmember Cain asked about the Ring Doorbell initiative, in which Chief Rettig apologized that it was missed in the budget report.

**Average Response Time Comparison – Emergency Calls**
Chief Rettig stated there was a change this year in reporting emergency response times. In the comparison data other cities started their response time from when a phone call is received until the officer arrives. Leawood was reporting their start time from when the officer was dispatched.

**Police**
Patrol & Traffic employs the greatest number of people in the department and accounts for the largest portion of departmental expenditures. Expenditures are highly-driven by personnel costs [82%].

**Police Department by Program/Police Department by Function – All Funds**
There was a decrease in Administration [-5%] due to capital changes, and no new vehicles to be purchased.

Councilmember Harrison asked if the DARE officer did any contact virtually with the schools. Chief Rettig stated the officer went back on patrol and awaits for communication from the schools on plans for the fall.

**Police Department by Function**
There is a large decrease in the capital.
Councilmember Sipple asked if there are plans to have Bicycle Officers return to the trails. Chief Rettig stated when scheduling allows, they are currently on the trails, but the department is not fully staffed as of yet.

Mayor Dunn thanked Chief Rettig for his leadership.

Fire Department – Chief Colin Fitzgerald
2021 Budgeted Expenditures
The Fire Department comprises 14% of the 2021 Budget.

Fire
The department has a budget of $9.0 million and 54.80 positions, covering Administration, Operations and Prevention & Investigation.

Program Accomplishments
- Completed the annual reporting requirement to the Commission on Fire Accreditation International.
- Maintained ISO Class 1 rating from the Insurance Services Office.
- Conducted live burn training at the Southern Platte Fire Protection district training center.
- Hosted the 9th annual international French intern from the University of Bordeaux.
- Participated in the annual HOA Sustainability Summit.
- A total of 380 students received CPR or CPR/AED/First Aid training.
- Certified department technicians installed 112 child/infant car seats.
- Upgraded all City facilities to new ZOLL AEDs including 2 new locations.
- Upgraded the storm warning siren at 3800 College Blvd.
- Continued coordination of City projects for FEMA reimbursement from 2017 floods.
- Citywide participation in Johnson County “Games of Drone” full-scale exercise.
- Hosted 1st LFD Family Night to help first responder family members.
- Updated 5-year LFD Strategic Plan for 2019-2024 with public and private input.
- Tested/certified fire hose, ladders and equipment to industry standards.
- Designed and ordered the replacement apparatus for Station #3’s Quint 33.
- Conducted 259 public events (tours, visits, education, block parties, etc.)
- Performed 1,123 building inspections and completed 56 residential smoke alarm assists.
- Reviewed 163 construction plans and issued 13 special permits.

Chief Fitzgerald stated they are disappointed that an international intern will not be able to come for a 10th year due to COVID-19. Some of the department’s accomplishments Chief Fitzgerald highlighted were updated AEDs in City facilities; the department’s first LFD Family Night set up to help first responders and their families with guest speaker Jenny Prohaska; and updates to their 5-yr. Strategic Plan.

Council Priority
- Each firefighter protects an average of 647 residents.
- Realized a turnout time on all calls [90th%] of 1:11 minutes.
- First unit on scene travel time [90th%] of 5:48 minutes.
- Effective response force time [90th%] of 11:06 minutes.
- 100% of the City sirens tests are in working condition.
- The 2021 budget expenditure per citizen for Fire/EMS protection is $234.
- An average of 27 hours of training per firefighter, per month, occurred in 2019.
- 3% overtime as a percent of regular salaries.

Chief Fitzgerald stated the turnout time went down and scene travel time and effective response times went up slightly. He stated this can be due to construction on Mission Rd. but the area with highest call volume also has the highest travel time, which can cause a disproportionate effort to the overall data.

Councilmember Sipple asked to define effective response force time. Chief Fitzgerald explained it is when there are enough units on scene, and although it can vary depending on the emergency, it is measured by a complex matrix.

Training hours continued as usual but tracking has been better. The overtime percentage improved due to being fully staffed and taking advantage of on-the-job training.

Councilmember Cain asked about firefighters wearing masks and if that should be a requirement in public as a courtesy. Chief Fitzgerald stated it is not a policy but all firefighters are asked to use social distancing and were provided disposable masks. Masks and/or gloves and safety equipment are mandatory in certain situations. Mayor Dunn stated encouraging face masks in public would be better than requiring them.

**Travel Time [90th%], 1st Unit on Scene – Emergency Incidents**
The average travel time was 5:31 minutes. Work on Mission Road impacted response times for Fire Station No. 2. Travel time is also impacted by time of day and traffic and can fluctuate from year to year.

**Average Travel Time Comparison**
The comparisons are between Leawood, Lenexa, Olathe, Overland Park and Shawnee. Leawood’s average travel time is on par with surrounding cities. Mayor Dunn stated she admired Leawood’s response times.

**Fire Department Funds, by Program**
The largest program within the Fire Department is Personnel at 83%, followed by Operations at 81%, and Capital at 2%.

**Fire Department by Function**
Change from the 2020 estimate to the 2021 Budget of 6% included a decrease in Prevention due to a one-time purchase last year. Operations and Administration went up slightly due to being fully staffed and new garage doors.

Councilmember Rawlings asked about calls to 9-1-1. Chief Fitzgerald stated those calls fall to the Police Department because they are the answering point for the City. If the call needs to go to Fire, the County will dispatch it accordingly.

Mayor Dunn thanked Chief Fitzgerald for an outstanding job.
Public Works Department – Director David Ley
2021 Budgeted Expenditures
Public Works comprises 35% of the 2021 Budget.

Public Works
The department consists of 49.71 positions, with 4 open positions seeking to fill.

Program Accomplishments
Highlights of accomplishments include:

- Hosted 6 PW Committee and 6 Stormwater Management Committee meetings.
- Provided oversight of 81 contracts and processed 573 right-of-way permits.
- Coordination of the City’s surplus vehicles/equipment.
- Continued coordination with Fire Department to manage the 2017 flood.
- Produced over 40 news releases and construction updates for social media postings and road construction updates.
- Performed over 3,500 hours completing milling repairs; close to 1,000 hours filling potholes; and 782 hours filling curbs and cracks.
- Asphalt overlay on 133rd Street trail, between Roe Ave. and Canterbury Rd.
- Replacement of 2,100 linear feet of curbing and 216 linear feet of sidewalk.
- Mill/Overlay of approximately 12 miles of residential streets.
- Widened Lee Blvd. for bike lanes, resurfaced the roadway, and updated several roadside safety elements including drainage system, guardrails, streetlights and signage.
- Reconstruction of over 7,000 feet or residential neighborhood roadways.
- Completed over 4,000 vehicles and equipment repair work orders.
- Several city building improvements: FS #3 Admin overhead insulation, new flooring in Justice Center report writing area, install badge readers in FS #2 and #3, install 9 AED cabinets, and LED lighting at Lodge.
- Completed CMP replacement Phase 1 program and Patrician Woods SMAC project.
- Replace culvert crossing at Tomahawk Creek Park Entrance, south of 119th.
- Replaced 135 traditional streetlight fixtures with LED lighting.
- Replaced curbs, ADA ramps, and sidewalks along Mission Rd – 92nd to Cure of Ars.
- Utility undergrounding: (Mission, 92-Cure), Mission (119-127), 143rd (Windsor-Overbook).
- Replaced over 400 storm lids, televised over 22,000 feet of storm sewer, performed 1,056 inspections, and over 1,100 utility locates.

Mr. David Ley reported the right-of-way (ROW) permits will drop significantly this year from last year. The department completed about 10% of total mileage of residential streets with a 1” mill & overlay and expect every 10-12 years to mill/overlay every street. Mr. Ley stated they have some issues with it cracking more than a 2” overlay, but it is still a much better process than the slurry.

Mission Rd. at 119th to 127th Street will be open later this week to 2-way traffic, so it is not listed on the program accomplishments. Completions were: 2019 metal pipe replacement project, streetlight fixture replacement, and utility underground projects.
Councilmember Sipple asked why so many storm lids were replaced. Mr. Ley stated the new City logo and “Do Not Throw Trash. Storm Sewer Drains to Streams” added to the lids were the reason for the replacements. The old lids were sold through Purple Wave Auction for some money back.

**Council Priority**
- $8,400 annual maintenance expenditures per mile.
- 6.0 average annual street sweepings per street.
- Potholes repaired on average within one day of request.
- 452 lane miles rated at an average of 80.3 PCI [Pavement Condition Index].
- 98.0% street light outages with 48-hour response.
- Zero illicit discharges.
- Average age of vehicles is 5.2 years.
- $4,339 maintenance expense, per vehicle.
- Responded to 625 requests for service, per Facility Worker.
- 63% of eligible Public Works employees maintain professional certifications.
- $0.38 utility cost per square foot of buildings.

Mr. Ley stated the annual maintenance expenditures per mile increased due to some projects getting delayed from one year to the next, and mentioned it should be reviewed as a 3-year average. The maintenance expense per vehicle includes fuel, which he stated should be deducted from the report. The service request per facility worker changed from last year due to reporting software updates.

**Overall Pavement Condition Index**
The index decreased slightly.

Councilmember Azeltine asked if the delays the City is planning will cause an effect on the PCI Index, in which Mr. Ley stated it will be temporary. Councilmember Azeltine asked if the pavement project is bonded. Mr. Lambers responded it is bonded and the reason for the delay is due to the streets already being in good shape. The PCI average is still high above the standard. Mr. Ley stated the inspection of the roadway by computer modeling was going to be done in 2021, but the cost is approximately $50,000. The decision was made to do the measuring project in 2023 because the 1” mill-overlay is still new, and they would prefer a few more years to show an accurate measurement.

**Public Works Department Total All Funds, By Program, By Function**
Of the $23.3 million Public Works budget, 20% goes towards street maintenance and 55% goes towards street rehabilitation, a total of 75%. Capital accounts for 36% of the department’s budget by function.

**Public Works Department by Program, All Funds**
Street Improvements increased by 20% due to the construction on Kenneth and Mission Roads. There was a decrease in facilities maintenance due to a boiler replacement at City Hall and the completion of the Public Works building 2-bay addition. Stormwater decreased due to project completion at Patrician Woods.

Councilmember Cain asked about the change in stormwater funds for 2021 and the street projects the City is postponing. Mr. Ley explained it is due to a project’s length of time and easement rights, which can sometimes take 3-5 years to complete. Mayor Dunn mentioned Leawood South will be
postponed. Mr. Ley stated that will be a bonded project with the metal pipe replacement project and is delayed for about 1.5 years.

Linda Hanson asked how a project is chosen to be postponed, specifically Mission Rd. at 135th to 143rd Street. Mr. Ley stated they review traffic counts, but they are currently under design for that project for 2022.

Councilmember Sipple asked if there is any incentive to rent large equipment. Mr. Ley stated they did comparisons of street sweepers – cost and maintenance, but there was no cost benefit over a 5-year period. There is approximately a 6-yr replacement cycle.

Mayor Dunn stated she receives lots of compliments about the Public Works Department, and thanked Mr. Ley for his leadership.

**Parks, Recreation & Cultural Arts Department – Director Chris Claxton**

**2021 Budgeted Expenditures**

Department budget comprises 16% of the 2021 Budget, which is fairly consistent from last year.

**Parks and Recreation**

The Parks, Recreation & Cultural Arts budget is $10.2 million and there are 62.87 positions. Internship positions in sports and programming were underutilized, so with a heavy load for the Cultural Arts Department, they decided to move the positions there. It was also a small savings on the FTE.

Mayor Dunn asked if these are part-time permanent positions or assistants. Ms. Claxton stated they are seasonal student interns.

Councilmember Sipple asked about the annual sponsorship from Commerce Bank. Ms. Claxton stated the bank usually gives the City a donation of $1,000 and normally it is used for the lighting of City Hall. Mayor Dunn thanked Ms. Claxton for cultivating a relationship with Commerce Bank’s leadership group.

**Program Accomplishments**

Highlights of accomplishments include the following:

- Completed verbal agreement with Leawood Foundation for funding new restroom at the North Lake.
- Coordinated a revised strategy with Troon Golf to improve the inventory process for the Golf Shop.
- Secured an annual sponsorship with Commerce Bank.
- Worked with Leawood Arts Council to secure At on Load piece, “Skywriting”.
- Swim/Dive team participation increased 6% and 5-visit pool punch card sales increased 25% over last year.
- Leawood hosted the Johnson County Swim & Dive League Dive championships.
- Modified the hiring age of lifeguards from 16 to 15 years old.
- Ironwoods Lodge revenue increased 6%; Nature Center by 45% over last year.
- Hosted the Girls Scout Twilight camp for 3rd year and American Heritage Girls summer camps.
• Challenge Course hosted close to 1,000 participants in 2019.
• Over 3,400 children participants in Soccer league; 200+ in First Tee Golf program; and 450 in T-ball/Coach Pitch Baseball league.
• Tennis courts were resurfaced and 8 pickle ball courts were marked.
• Added a reindeer to the Breakfast with Santa event and participation increased 10%.
• Increased the fireworks budget to $30,000 for the July 4th celebration.
• Hosted 120 dads/daughters at the Daddy-Daughter Date Night.
• Received the Tree City USA award for the 24th year and the Tree City USA Growth award.
• Added a new pump station to Gezer Park irrigation system to improve efficiency and added playground fall protection surface improvements.
• Oversight of the planning and design of the new Park Maintenance Facility.
• Increased acreage in the City’s park system with donated greenspace from Village of Leawood development.
• Started a bush honeysuckle removal program to improve native forested areas.
• Moved lake water management to in-house to improve the fishery.
• Ironhorse Golf realized a cost recovery of 86% for 2019; 5% higher than budget; and realized total gross revenue of $1.85 million.
• Overall assessment of the Golf facility remained 2 points ahead of Troon benchmark.
• Triple Crown passes reached capacity for the first time since the course opened.
• Vista154 hosted over 5,200 guests across nearly 50 events for the year.
• Group golf rounds reached 4,125 in 2019; up 25% total group spending up by 21.5%.

Council Priority
• 18.4 acres per each Park Maintenance employee
• 7 days between park mowings
• 98% customer satisfaction rating – Classes
• 98% customer satisfaction rate – Aquatic Center
• 95% program attendance rate – Sports
• 98% customer satisfaction rating – Golf Course
• 70% of classes offered meet minimum participation requirements
• 19% - 85% Facility utilization in 2019
• 47% Golf Course utilization ratio in 2019
• Sports cost recovery, operating costs 2019 Actual 89% (2018=101%)
• Aquatic Center cost recovery, operating costs 2019 Actual 78% (2018=85%)
• Programming cost recovery, operating costs 2019 Actual 65% (2018=67%)
• Golf cost recovery, operating costs 2019 Actual 82% (2018=88%)
• Combined cost recovery for all 88%

Ms. Claxton warned that sometimes the numbers can be skewed on the facility usage data because it is meant to cover every opportunity of every hour of every day.

Cost Recovery, Fee-Based Programs
Ms. Claxton mentioned in terms of the combined cost recovery, the national average is approximately 69%, unless it is an agency like Johnson County who is completely enterprise funded. She stated she feels the City can always do better, but is very happy with the current cost recovery.
Ms. Claxton stated according to the data on the pricing policy that was presented to the Governing Body several years ago, it shows a hierarchy of how the department pricing is figured. When reviewing the cost recovery, it is up approximately 16.5% in 2018 and 2019, yet the total amount has remained consistent on the averages throughout the years. Ms. Claxton stated there are always fluctuations with different programs, some needing subsidies and others not. Ms. Claxton mentioned if anyone on the Budget and Finance Committee wished to review the pricing policy, she will make it available to them.

**Parks, Recreation and Cultural Arts Department All Funds, By Program, By Function**
Personnel is the department's greatest cost, as in other departments. The total, all funds, is $10.2 million. The department name was changed to Parks, Recreation and Cultural Arts Department to identify agencies with the arts programs under their purview. Overall, due to paying off bonds and some of the projects that were mentioned earlier by Ms. Byard, the budget is down approximately 18% across all funds.

Councilmember Osman asked where the City stands on the number of events for Vista 154. Ms. Claxton stated she will have that information re-evaluated. Councilmember Osman asked if kitchen equipment has been finished or if it is slated for next year. Ms. Claxton explained there has been an architect on site to view the space. Councilmember Osman referenced Sykes/Lady Overland Park Golf Course as a comparison event facility and asked how to get more community to come to Vista 154. Ms. Claxton stated Sykes/Lady was built at a cost of approximately $6.3 million as a full-service restaurant with a culinary team and chef. She stated that even if the kitchen at Vista 154 is expanded, it would not be able to provide the same type of service as the facility in Overland Park. Ms. Claxton stated they have received a lot of good feedback but they can do better. Mayor Dunn asked if there has been any feedback from caterers on equipment. Ms. Claxton said the issue is needing more prep space.

Councilmember Larson commented that Ironhorse's new general manager seems to have momentum and doing a good job in communication with the advisory board.

Jim Morris commented that the decision of opening the pool for children and families of Leawood was a good decision. Mayor Dunn stated it took a lot of work and planning by Ms. Claxton to make it happen.

Mr. Morris asked to help define the data regarding the 2020 estimated revenue per golf round. Ms. Claxton stated part of the reason is due to being shut down for 2.5 months due to COVID-19. Mr. Morris asked if the revenue is only greens fees or included food, beverage, etc. Ms. Claxton replied it is for everything. He also asked why the capital expenditures increased in the 2021 Budget, to which Ms. Claxton replied it was due to the cost of repairing the parking lot.

Ms. Hanson asked if the Challenge Course at Ironwoods Park can be modified without a fence since she does not see anyone using it. Ms. Claxton stated it is used quite a bit for corporate businesses, but everything there requires supervision by staff. She did add that it is not open for those sessions due to COVID-19 and having so many touch points. Mayor Dunn stated the City's insurance company requires a fence around the course.

Mayor Dunn mentioned the photos in the presentation binder came from Parks, Recreation and Cultural Arts staff, and thanked her and her staff for all their hard work.
Several Councilmembers asked about the pool and when it will open. Ms. Claxton replied the pool opened today and the sessions are starting to fill up. She mentioned having sent an email to the Governing Body with a link to share with their constituents on how to sign up, but some Councilmembers stated they did not receive it. She stated she will check on why they did not receive the information. Mayor Dunn mentioned The Shawnee Mission Post has done several articles on the pool opening. She is working on a data report through the rest of the summer. Ms. Claxton stated the busiest day, so far, is scheduled for Saturday, June 20th.

Committee/Other Discussion
Mayor Dunn stated she appreciated all the discussion and questions throughout the night.

Councilmember Osman stated that even though the Information Technology Department does not present to the Board, he feels it is an area that is woefully under budgeted. He stated in light of the recent pandemic, more people are working remotely and the City’s website needs to be updated in order for residents to file permits, pay with credit cards, have licenses process online. He also stated he spoke to Ms. Claxton about an app for pool reservations. Councilmember Osman would like to fund some of the costs to move some services online to save time and money.

Mayor Dunn stated it would be good for a 2021 goal.

Councilmember Harrison stated she would like the Zoom capability to continue.

Dawn Long responded to Councilmember Osman stating Richard Coleman and Ross Kurz had been reviewing software providers prior to COVID-19 for the Planning Department for the purpose of permitting and licensing. The City would be moving from an in-house server to a Cloud-based system, but it is a 2021 goal.

Councilmember Osman asked about the City’s computer systems when staff needs to work from home. He asked if the monitors are big enough to view blueprints. Ross Kurz stated his department looked into that issue and purchased large, 32” monitors. He stated as far as Zoom goes, he does not see it going away and the City has its upgraded systems inside City Hall to accommodate for its continued use.

Mayor Dunn thanked Ross for helping some staff members to be able to work from home.

Mayor Dunn thanked the Budget and Finance Committee members for another year of service, especially the citizen volunteers. She thanked Scott Lambers and all the Department heads for their presentations and attendance. She stated the budget meeting scheduled for tomorrow night was not needed.

There being no further business, the Work Session was adjourned at 9:38 p.m.

Kelly L. Varner, City Clerk

Stacie Stromberg, Assistant City Clerk

20
DATE: July 20, 2020

TO: City Council Members

FROM: Mayor Peggy Dunn

RE.: Historic Commission Appointment

I propose for your approval the following individual to serve a three year term until March 2023 on the Leawood Historic Commission:

Rick Hadel
11005 Catalina Street
Leawood, KS 66211

Please see attached bio. As always, please phone me in advance of the meeting with any questions, etc.

Thank you very much.
Via email Transmission:
Honorable Mayor Peggy Dunn
Distinguished Leawood City Council
Members of the Leawood Historic Commission
PeggyD@Leawood.org

Re: Consideration to serve on the Leawood Historic Commission

Mayor Dunn, City Council Members, and Historic Commission Members:

Thank you for your consideration of me as new Member of the Leawood Historic Commission. I tend to dislike formal curricula vitae or résumé since I think these documents can come off sounding too self-important, and I believe meaningful volunteer work is mostly about serving others quietly and humbly. So I have opted to provide the following limited relevant information and experience and emphasis I would hope to bring to the Leawood Historic Commission as a Member.

I am basically a lifelong Kansas native who grew up in Leawood, Kansas. I remain a Leawood resident today. And I have essentially lived most of my childhood and adult life as a Leawood resident. I was educated locally at Cure of Ars, Marsha Bagby, Meadowbrook Junior High, Shawnee Mission East High School, JCCC, UMKC and finally attended law school on the east coast on scholarship at the NYU School of Law. I lived and worked in Manhattan, New York City and Washington, D.C., in the late 1980’s and early 1990’s. Having secured my law degree and a healthy dose of large city and international experiences, I returned to Kansas to open my own law practice and firm, Hadel & Associates, Attorneys-at-Law, which was located on the Country Club Plaza from approximately 1994 to 2014. I remain a grateful practicing lawyer today managing my cherry-picked clients and cases. I feel extraordinarily blessed to assist my many clients, large and small, noteworthy and not, who have needed legal help over the course of nearly 30 years of my experience.

I am a Summa Cum Laude History Major by education who appreciates the lessons learned from prior experience. I love the city of Leawood. When it came time to settle down and raise our family, I chose Leawood as our home and for our children for the same reasons that I was blessed to experience myself growing up in this wonderful city. I recognize that the mission statement of the Historic Commission is to record, preserve, and protect the history of our community. I believe my lifelong love of this town combined with my natural disposition towards all thing history serves this mission.

I am very familiar with the many changes and growth that has taken place within our fair city over the decades. I would hope to bring my energy and efforts to capturing the past and sharing with the future – all the while preserving the best of our city and its’ heritage. Leawood is a success
story that continues to be written. I would like to help preserve the record of this success so that we can shepherd the future, and expand our mission if and when the time and opportunity arises.

I currently serve in a leadership capacity for other charitable organizations including specifically as a Board Member of Blessings Abound, helping it continue its incredible success story of funding and enabling meet the needs of multiple charitable endeavors throughout the metro. I also serve in my church, the United Methodist Church of the Resurrection in Leawood as the current Lay Leader of Christmas in October for our five-campus efforts and contribution to this great cause helping the poor and marginalized, veterans, and low-income individuals throughout the metro. I have worked as a volunteer and leader on numerous causes and events over the years. I have also previously participated as a missionary in Irian Jaya, Indonesia during a gap in my law school education working with a multi-denomination group and sponsored by a Church in Oakland, California. I have also served in many other capacities as leader and/or volunteer working for causes throughout the metro.

I am grateful to have met and know Alice Hawk and her wonderful spouse, Mel, and learn of their commitment to this worthy cause. I am encouraged by the commitment of so many dedicated people who have devoted their time and collective energies to mind the mission.

I believe serving is noble experience. I appreciate your consideration of me for this Member position. Thank you for your time and consideration.

Prayerfully and sincerely,

Rick Hadel
Staff Review
Fact Sheet

SUBJECT: APPROVE RESOLUTION AND AGREEMENT WITH JOHNSON COUNTY FOR CONSTRUCTION OF STORM SEWER LINE IMPROVEMENTS AS PART OF THE DYKES BRANCH PUMP STATION FORCE MAIN REPLACEMENT
July 20, 2020

DISCUSSION
Attached is an agreement between Johnson County, Prairie Village and Leawood for replacement of metal storm sewer pipes under Mission Road from 85th St to 92nd Street.

Johnson County Wastewater is replacing the force main along this section of Mission Road beginning in 2020 through 2021. The project includes removal and replacement of the east curb line, ½ the northbound outside travel lane, mill and overlay of the northbound lanes and installation of the force main. Staff worked with JCW and their engineers to include relocating the curb along this section of Mission Road to match the curb improvements the City completed along Mission Road south of 92nd Street. This new curb alignment will allow for 2 ½ feet of additional green space between the curb and sidewalk. Leawood will bid a sidewalk and street light improvement plan on Mission between 85th St and 92nd St in 2021.

Staff worked with JCW to include removing the metal storm sewer pipe under Mission Road and replacing it with Reinforced Concrete Pipe. This agreement is for the reimbursement of that work to Johnson County by Leawood and PV.

It is the recommendation of the Public Works Department that the City Council approves this agreement with the Board of County Commissioners and authorizes the Mayor to execute.

David Ley, P.E.
Director of Public Works

COUNCIL ACTION TO BE TAKEN
Approve Agreement

STAFF RECOMMENDATION
☑ For
☐ Against
☐ No position

COMMITTEE RECOMMENDATION
☐ For
☐ Against
☐ No position ☑ No Assignment

POLICY OR PROGRAM CHANGE
☑ No
☐ Yes

OPERATIONAL IMPACT
N/A

COSTS
$36,852.00

FUNDING SOURCE
Project 80256
CMP Replacement Program
RESOLUTION NO.

RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT IN THE AMOUNT OF $36,852.00 BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF JOHNSON COUNTY AND THE CITIES OF LEAWOOD AND PRAIRIE VILLAGE PERTAINING TO THE CONSTRUCTION OF STORM SEWER LINE IMPROVEMENTS [PROJECT # 80256]

WHEREAS, the Board of County Commissioners of Johnson County and the cities of Leawood and Prairie Village desire to make certain storm sewer line improvements; and

WHEREAS, the Board of County Commissioners of Johnson County and the cities of Leawood and Prairie Village are authorized to enter into the Agreement,

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION ONE: That the Governing Body hereby authorizes the Mayor to execute the Agreement between the Board of County Commissioners of Johnson County and the cities of Leawood and Prairie Village in the amount of $36,852.00, attached hereto as Exhibit “A,” and incorporated herein by reference as if fully set out.

SECTION TWO: This resolution shall become effective upon passage.

PASSED by the Governing Body this 20th day of July, 2020.

APPROVED by the Mayor this 20th day of July, 2020.

[SEAL]

Peggy J. Dunn, Mayor

ATTEST:

Kelly Varner, City Clerk

APPROVED AS TO FORM:

Patricia A. Bennett, City Attorney
AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF
JOHNSON COUNTY, KANSAS, AND THE CITIES OF PRAIRIE VILLAGE AND
LEAWOOD, KANSAS FOR THE CONSTRUCTION OF STORM SEWER LINE
IMPROVEMENTS

THIS AGREEMENT, made and entered into this _____ day of ______________, 2020, by and
between the Board of County Commissioners of Johnson County, Kansas, as the governing body of the
Consolidated Main Sewer District of Johnson County, Kansas, and Johnson County Wastewater (the
"County"), the City of Prairie Village, Kansas ("Prairie Village"), and the City of Leawood, Kansas
("Leawood") for the purpose of construction of storm sewer line improvements (the "Storm Sewer
Improvements") as part of the reconstruction and improvements Dyke's Branch Pump Station Contract
7 - Force Main Replacement, Prairie Village and Leawood, Kansas, pursuant to K.S.A. 12-2908, and
amendments thereto.

WHEREAS, the project will relocate or remove and replace the existing dry weather sanitary
sewer force main from the Dyke's Branch Pump Station (3537 Somerset Drive) to the vicinity of 93rd
Street along Mission Road, the project also provides for upgrades and improvements of two storm sewer
lines crossing Mission Road and one storm box connector parallel to Mission Road all nearing the end of
their useful life that would otherwise require replacement and given the project can replace the storm
sewer lines while performing other work with minimal additional impact to the public as part of a project
within the County (the "County Project"); and

WHEREAS, the Cities operate and maintain storm sewer lines within the County Project area; and

WHEREAS, the Cities’ two storm sewer lines noted above will be replaced as part of the County
Project; and

WHEREAS, the County hired the design team of HDR Engineering, Inc., (the "County Engineer")
to design the County Project; and

WHEREAS, the Cities requested the County Engineer to design the Storm Sewer Improvements
as a part of the County Project as detailed in Exhibit A attached hereto and incorporated by reference; and

WHEREAS, the parties have by their governing bodies determined it was in the public interest to
consolidate the projects into one bid set awarded and managed by the County; and

WHEREAS, the governing body of the City of Prairie Village did approve and authorize its mayor
to execute this Agreement by official vote of the City Council on _____ day of ________________,
2020; and

WHEREAS, the governing body of the City of Leawood did approve and authorize its mayor to
execute this Agreement by official vote of the City Council on _____ day of ________________,

-1-
2020; and

WHEREAS, the governing body of the County did approve and authorize its board chairman to execute this Agreement by official vote of the Board of County Commissioners on ___ day of ______________, 2020; and

NOW THEREFORE, in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Cities and County agree as follows:

1. The County shall award the County Project to the winning contractor in accordance with County contracting requirements. Construction of the Storm Sewer Improvements shall be completed in accordance with the plans prepared by County Engineer and approved by the Cities. The County Engineer shall inspect the Storm Sewer Improvements and enforce both the Prairie Village and Leawood sewer standards and specifications contained in the County Project Technical Specifications, during the construction phase of the County Project.

2. The parties acknowledge that the County will incur certain construction costs as part of the County Project, including the Storm Sewer Improvement construction costs. The Cities agree to reimburse the County for the actual cost of construction of the Storm Sewer Improvements within the County Project area, which will include the following costs:

   A. Labor and material used in constructing the Storm Sewer Improvements; and

   B. Such other expenses which are necessary in constructing the Storm Sewer Improvements. These costs include but are not limited to design engineering, project administration, construction inspection, material testing, utility relocations, as-built drawings, traffic control and other items incidental to constructing the Storm Sewer Improvements.

3. After completion of the Project, the County will certify to the Cities that the County has accepted the same, as constructed. Within thirty (30) days from certification of final completion and acceptance of the County Project, the County shall submit to the Cities a final accounting of all Storm Sewer Improvement construction costs. The Cities agree to reimburse the County no later than sixty (60) days following receipt of the final accounting and invoice for the actual cost of construction of the Storm Sewer Improvements. The cost of construction of the Storm Sewer Improvements within the County Project Area to be reimbursed by Prairie Village is not to exceed $30,372.00 and Leawood is not to exceed $36,852.00 as detailed in Exhibit A and B attached hereto and incorporated herein by reference.
4. The County agrees to act as the Administrator of the consolidated Project to be built in accordance with the proposed plans. As Administrator for the County Project, the County agrees to assume and perform the following duties:

A. Obtain costs for and enter into a contract for completion of the County Project in the manner required by law and require the contractor to comply with all applicable laws and regulations governing public contracts, including all non-discrimination laws and regulations.

B. Require indemnity covenants and evidence of insurance from contractors for loss or damage to life or property arising out of the contractors' intentional or negligent acts or omissions in an amount not less than $2,000,000.00 for any contractor.

C. Require a two-year maintenance bond from the contractor payable to each City in the amount of 100 percent (100%) of the total construction cost of the Storm Sewer Improvement, in that City effective from the date of acceptance of such facilities by that City.

D. Include in contracts for construction a requirement that the contractor defend, indemnify and save Cities and County harmless from and against all liability for damages, costs, and expenses arising out of any claim, suit or action for injuries or damages sustained to persons or property by reason of the act or omissions of the contractor and the performance of his or her contract. As Administrator, County is required to ensure that all insurance certificates provided by the contractor pursuant to the contract documents name the Cities and County as additional insureds.

E. The County is required to acquire any and all necessary easements for the County Project but is not responsible for acquiring any additional easements or other interests in land necessary solely for the construction of the Storm Sewer Improvements which remained the responsibility of the Cities.

F. The County contractor is required to coordinate utility relocations for the County Project.

G. Subject to the obligations of the County under the Fairness in Public Construction Contract Act, KSA 16-1901 et seq, the County shall not make final payment to the contractor until such time as the Cities have accepted the Storm Sewer Improvements as complying with the contract specifications. In the event a City fails to grant acceptance and final payment is not made by the County on that basis, the City only to the extent
allowed by law shall indemnify and hold the County harmless for any loss or claim made against the County, including the defense thereof, arising from or related to the failure of the City to grant acceptance.

5. The Cities have approved plans for the construction of the Storm Sewer Improvements. Additionally, the Cities have provided the following:

A. The Cities have approved plans and specifications for the Storm Sewer Improvements to the County in the manner set forth earlier in this Agreement.
B. The Cities have provided a maintenance bond form to the County for the County to provide to the contractor to meet the requirement set forth in Paragraph 4 of this Agreement.
C. The Cities shall provide written certification that the Storm Sewer Improvements complied with the contract specifications to the County within ten (10) business days of final inspection and approval of the Storm Sewer Improvements.
D. The Cities and County agree to work together to resolve any conflicts related to the construction of the Project.

6. For purposes of this Agreement, any required notices are deemed sufficiently given on the third business day following deposit in the U.S. mail, certified, return receipt requested, postage prepaid, and addressed as follows:

If to City of Prairie Village:
City of Prairie Village
Keith Bredehoeft
Public Works Director
3535 Somerset Drive
Prairie Village, Kansas 66208

If to City of Leawood:
City of Leawood
David Ley
Public Works Director
4800 Town Center Dr
Leawood, Kansas 66211

If to County:
Johnson County Wastewater
Aaron A. Witt, P.E.
Chief Engineer
11811 S Sunset Dr., Suite 2500
Olathe, Kansas 66061-7061

Notice shall also be deemed sufficiently given upon actual delivery by reliable courier service or other method.

7. This Agreement cannot be modified or changed by any verbal statement, promise or agreement, and no modification, change nor amendment binding on the parties unless it shall have been agreed to in writing and signed by both parties.

8. This Agreement shall be construed according to the laws of the State of Kansas and may be enforced in any court of competent jurisdiction.

9. The attorneys for the parties shall cause sufficient copies of this Agreement to be executed so as to provide each party with duly executed copies and any copy duly executed by both parties
shall be deemed an original for all purposes.

10. This Agreement may be terminated only by mutual consent of the parties. This Agreement shall continue until the construction as described herein is complete and until such time as all financial obligations of the parties have been met.

IN WITNESS WHEREOF, the above and foregoing Agreement has been executed by the parties hereto and made effective as of the date and year first above written.

BOARD OF COUNTY COMMISSIONERS
OF JOHNSON COUNTY, KANSAS

By: ____________________________
Ed Eilert, Chairman

ATTESTED BY:

Lynda Sader, Deputy County Clerk

APPROVED AS TO FORM:

By: ____________________________
Ryan P. Haga, Assistant County Counselor

CITY OF PRAIRIE VILLAGE, KANSAS

By: ____________________________
Eric Mikkelsen, Mayor

ATTESTED BY:

Adam Geffert, City Clerk

APPROVED AS TO FORM:

By: ____________________________
David E. Waters, City Attorney

CITY OF LEAWOOD, KANSAS

By: ____________________________
Peggy Dunn, Mayor

ATTESTED BY:

Kelly Varner, City Clerk

APPROVED AS TO FORM:

By: ____________________________
Patty A. Bennett, City Attorney
## Exhibit B - Dyke's Branch Pump Station Contract 7 - Force Main Replacement
### Storm Sewer Improvements

<table>
<thead>
<tr>
<th>Responsibility</th>
<th>Unit</th>
<th>Quantity</th>
<th>Unit Cost</th>
<th>Total Cost</th>
</tr>
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<td></td>
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<td></td>
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<td>28</td>
<td>$474.00</td>
<td>$13,272.00</td>
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<td><strong>Prairie Village Responsibility</strong></td>
<td></td>
<td></td>
<td></td>
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<td>24 IN RCP Storm Sewer Replacement</td>
<td>LF</td>
<td>47.5</td>
<td>$360.00</td>
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<td>18 IN RCP Storm Sewer Replacement</td>
<td>LF</td>
<td>28</td>
<td>$474.00</td>
<td>$13,272.00</td>
</tr>
</tbody>
</table>

**Storm Sewer Total** $67,224.00

| **Leawood Total** | $36,852.00 |
| **Prairie Village Total** | $30,372.00 |
Staff Review
Fact Sheet

SUBJECT: RESOLUTION APPROVING AND AUTHORIZING CHANGE ORDER 1 WITH SUPERIOR BOWEN ASPHALT dba O’DONNELL & SONS FOR THE SOUTH BIKE LOOP ADA UPGRADES AT COLLEGE & BROOKWOOD
July 20, 2020

DISCUSSION
Attached, is a resolution to approve and authorize a Change Order in the amount of $38,520.00 to the contract between the City and Superior Bowen for ADA improvements at the intersection of College Boulevard and Brookwood. Funding for these improvements is coming from the 2020 Trail Repairs Budget.

As part of the South Bike Loop installation cyclists will cross College Boulevard at Brookwood on the west side of the intersection. There are currently two pedestrian crossings on College Boulevard at Brookwood. This project will remove the pedestrian crossing on the east side of the intersection and direct pedestrians/cyclists to the west side of the intersection to utilize the Rectangular Rapid Flashing Beacons which will be installed with the South Bike Loop signs.

It is the recommendation of the Public Works Department that the City Council approves the Change Order No. 1 for $38,520.00 with Superior Bowen and authorizes the Mayor to sign.

David Ley, P.E.
Director of Public Works

COUNCIL ACTION TO BE TAKEN
Approve Resolution for Change Order

STAFF RECOMMENDATION
☑ For
☐ Against
☐ No position

COMMITTEE RECOMMENDATION
☐ For
☐ Against
☐ No position ☑ No Assignment

POLICY OR PROGRAM CHANGE
☑ No
☐ Yes

OPERATIONAL IMPACT

COSTS
$38,520.00

FUND SOURCES
Leawood Project No. 70027
RESOLUTION NO.

RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE CONTRACT CHANGE ORDER NO. 1 IN THE AMOUNT OF $38,520.00 BETWEEN THE CITY AND SUPERIOR BOWEN ASPHALT D/B/A/ O’DONNELL & SONS PERTAINING TO WORK ON THE SOUTH BIKE LOOP AND ADA UPGRADES TO COLLEGE BOULEVARD AND BROOKWOOD [PROJECT # 72027]

WHEREAS, Superior Bowen Asphalt d/b/a O’Donnell & Sons Construction was selected by the City for services; and

WHEREAS, the parties desire to execute Change Order No. 1 to the agreement.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION ONE: That the Governing Body hereby authorizes the Mayor to execute Change Order No. 1 between the City Superior Bowen Asphalt d/b/a O’Donnell & Sons Construction, in the amount of $38,520.00, attached hereto as Exhibit "A," and incorporated herein by reference as if fully set forth herein.

PASSED by the Governing Body this 20th day of July, 2020.

APPROVED by the Mayor this 20th day of July, 2020.

[SEAL]

Peggy J. Dunn, Mayor

ATTEST:

Kelly L. Varner, City Clerk

APPROVED AS TO FORM:

Patricia A. Bennett, City Attorney
CITY OF LEAWOOD

CONTRACT CHANGE ORDER

Project Name: 2020 Residential Mill & Overlay
Contractor: Superior Bowen dba O'Donnell & Sons Construction
City Project No.: #70027 South Bike Loop (ADA Upgrades at College Blvd and Brookwood)
Contract # 20.006
Change Order No.: 1

The following changes are hereby authorized in the subject agreement dated:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description of Changes, Additions or Deletions</th>
<th>Units</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Total Price</th>
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Change Order 1: $38,520.00

Page 1 of 2
CITY OF LEAWOOD

CONTRACT CHANGE ORDER

Summary of Change in Contract Price due to this Change Order:

Contract price before this change order: $1,704,209.25
Total Increase/Decrease of this change order: $38,520.00
Contract price after this change order: $1,742,729.25

Summary of Change in Contract Time due to this Change Order:

Contract time before this change order: NA calendar/working days
Total increase/decrease in time for this change order: NA calendar/working days
Contract time after this change order: NA calendar/working days

This document shall become an amendment to the Agreement and all provisions of the Agreement and Contract Documents shall apply hereto. It is the Contractor’s responsibility to notify its surety of this change order but its failure to do so will not relieve the surety of its obligations to the City of Leawood.

Indicate below the attached items, which are to be made a part of this Change Order.

This Contract Change Order is effective after sufficient originals are signed by the Contractor, reviewed by the Project Manager (if applicable), accepted by the City Engineer, and approved by the City of Leawood Governing Body. Deliver one copy to the City Engineer, Contractor, and Project Manager, if applicable.

Submitted by the Contractor:

By: __________________________________________

Date: _________________________________________

Reviewed by the Project Manager:

By: __________________________________________

Date: _________________________________________

Accepted by the City of Leawood:

__________________________
City Engineer

Date: 7/10/2020

Approved by the City of Leawood:

__________________________
Mayor Peggy J Dunn

Date: ________________________
City of Leawood Governing Body Staff Report

MEETING DATE: July 20, 2020
REPORT WRITTEN: July 10, 2020

Leawood Mission Valley – REQUEST FOR APPROVAL OF A FINAL PLAN FOR A MONUMENT SIGN - Located south of 151st Street on Granada Road - Case 47-20 **CONSENT AGENDA**

PLANNING COMMISSION RECOMMENDATION:
Planning Commission recommends approval of Case 47-20, Leawood Mission Valley – request for approval of a Final Plan for a Monument Sign, with the following stipulations outlined in the staff report.

1. The project is limited to the replacement of one monument sign.
2. The applicant shall provide a right of way (ROW) maintenance agreement with the Public Works Department prior to sign permitting.
3. The applicant shall obtain a sign permit from the Community Development Department prior to installation of the sign.
4. Development rights under this approval shall vest in accordance with K.S.A. 12-764.
5. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all ordinances of the City of Leawood including the Leawood Development Ordinance, unless a deviation has been granted, and to execute a statement acknowledging in writing that they agree to stipulations one through five.

APPLICANT:
- The applicant is Brian Glynn, P.E. with Leawood Mission Valley HOA.
- The property is maintained by Leawood Mission Valley HOA.

REQUEST:
- The applicant is requesting approval of a Final Plan for a monument sign to replace an existing sign at the northern entrance of the subdivision, accessed from 151st Street.

ZONING:
- The property is currently zoned R-1 (Planned Single Family Low-Density Residential).

COMPREHENSIVE PLAN:
- The Comprehensive Plan designates this area as Low Density Residential
LOCATION:

SURROUNDING ZONING:
- North: To the north is 151st Street and the subdivision Pavilions of Leawood, zoned RP-1 (Planned Single Family Residential District).
- South: To the south are the residential subdivisions of Guildford Downs and Leawood Mission Valley zoned R-1 (Planned Single Family Low Density Residential District).
- East: To the east of the property is the subdivision Mission Reserve, zoned RP-2 (Medium Density Residential).
- West: To the west is the subdivision Village at Ironhorse, zoned RP-4 (Planned Cluster Residential District).

SITE PLAN:
- The monument sign is proposed to be placed on the island just south of 151st Street on Granada Road.
- The proposed monument sign will be replacing the existing sign, keeping the existing base structure.
- The proposed monument will not be placed within any sight triangles.

ELEVATIONS:
- The monument sign (including sign and backing) is proposed to be 3.75' in height, 9' in length for a total of 33.75 sq. ft., with a total width/thickness of 10"
- The existing monument base is constructed out of natural stone.
- The monument sign is to be double sided.
- The sign will be type stainless steel mounted on a wooden backing, which will be stained brown and coated with exterior urethane sealant.
- The text consists of two lines. The top line reads “LEAWOOD MISSION”. The bottom line reads “VALLEY”.
- The top line of letters will be laser cut into the stainless steel and measure approximately 90” wide by 10” high.
- The bottom line of letter will be laser cut into the stainless steel and measure approximately 36" wide by 10" high.
- There is a laser cut straight line centered horizontally separating the top and bottom lines of text.
- The stainless steel sign is to be mounted to the wooden backing with four type 304 stainless steel bolts at each corner of the sign.
- The stainless steel sign and wooden backing are to be mounted to 6" by 6", 7' total height cedar posts to be installed in pockets of existing masonry structure.
- Cedar posts are to be coated with exterior urethane sealant and then set in concrete or mortar.
- The proposed lettering mounted for the monument sign is in compliance with the Leawood Development Ordinance.
- A sign permit from the Planning Department shall be obtained prior to erection of any signs.

**LIGHTING:**
- No exterior lighting is proposed with this application.

**LANDSCAPING:**
- No additional landscaping is proposed with this application.
Revised, Superseded, and Void Calculations Must Be Clearly Identified, Initialed, and Dated by the Responsible Individual.

P-GN-172C  Effective 01/JUN/12
EXISTING SIGN ELEVATION VIEW (LOOKING EAST)
NOT TO SCALE

NOTES:
1. LENGTH OF EXISTING MASONRY STRUCTURE IS APPROXIMATELY 16'-6".
2. WIDTH OF EXISTING MASONRY STRUCTURE IS APPROXIMATELY 2'-6".
3. EXISTING WOODEN SIGN IS APPROXIMATELY 9'-0" WIDE BY 5'-2" TALL AT ITS TALLEST POINT.
4. DIMENSIONS OF EXISTING WOODEN SIGN POSTS ARE 6" BY 6".
5. DIMENSIONS SHOWN ARE FROM THE TOP OF THE GROUND SURFACE AND ARE APPROXIMATE.
PROPOSED REPLACEMENT SIGN ELEVATION VIEW (LOOKING EAST)
NOT TO SCALE

NOTES:
1. TYPE 304 STAINLESS STEEL (SS) SIGN MOUNTED ON COMPOSITE WOOD BACKING (BROWN COLOR).
2. STAINLESS STEEL SIGN MEASURES 108" WIDE BY 37" HIGH, THEREBY CREATING 4" BORDER OF WOOD BACKING ON EDGES.
3. TOP LINE OF LETTERING IS TO BE LASER CUT AND MEASURES APPROXIMATELY 90" WIDE BY 10" HIGH.
4. BOTTOM LINE OF LETTERING IS TO BE LASER CUT AND MEASURES APPROXIMATELY 36" WIDE BY 10" HIGH.
5. SIGN TO BE MOUNTED TO BACKING WITH TYPE 304 SS BOLTS AT EACH CORNER OF SIGN.
6. SIGN AND BACKING TO BE MOUNTED TO 6" BY 6" CEDAR POSTS TO BE INSTALLED IN POCKETS OF EXISTING MASONRY STRUCTURE.
7. CEDAR POSTS TO BE COATED WITH EXTERIOR URETHANE SEALANT AND THEN SET IN CONCRETE OR MORTAR.
8. SIGN IS TO BE DOUBLE SIDED.
9. EXISTING MASONRY STRUCTURE TO REMAIN UNCHANGED.
LEAWOOD MISSION VALLEY
HOMES ASSOCIATION DECLARATION

THIS DECLARATION, made on this 5th day of December, 1989, by the property owners in the Leawood Mission Valley Homes Association (hereinafter referred to as "Owners"),

WITNESSETH:

WHEREAS, Owners listed below are two-thirds (2/3) or more of the owners of the lots located on the property described in Exhibit "A" attached hereto, more commonly known as the Guildford Downs Subdivision and the Leawood Mission Valley Subdivision; and

WHEREAS, Owners have developed, or are now developing, said subdivision for quality residential purposes, and it is Owners' desires to continue the development of the subdivision and to create and maintain a residential neighborhood possessing features of more than ordinary value to a residential community.

NOW, THEREFORE, in order to assist Owners and Owners' grantees in providing the means necessary to bring this about, Owners do now and hereby subject the property described in Exhibit "A" to the covenants, charges and assessments set forth and contained in this Declaration, subject, however, to the limitations herein specified.

DEFINITION OF TERMS USED

The term "district" as used in this Declaration shall mean, unless and until extended, as hereinafter provided, all of the lots located on the property described in Exhibit "A". If other land shall be added to that above described, in the manner
CONSENT TO AMEND AND MODIFY THE LEAWOOD
MISSION VALLEY HOMES ASSOCIATION DECLARATION

THIS CONSENT TO AMEND DECLARATION, made on this 16th day of November, 2005, by the property owners in the Leawood Mission Valley Homes Association (hereinafter referred to as "owners"),

WITNESSETH:

WHEREAS, Owners listed below are a majority or more of the owners of the lots located on the property described by "legal definition" in Exhibit "A" attached hereto, more commonly known as the Guildford Downs Subdivision, Leawood Mission Valley Subdivision and the Mission Reserve Annex Subdivision; and

Memo

To: Mayor Peggy Dunn & Leawood City Council
From: Mark A. Klein, Planning Official
cc: Scott Lambers, City Administrator
   Richard Coleman, Director of Community Development

Date: July 20, 2020
PC Date: June 23, 2020
Re: Planning Commission Minutes

Due to this item being on the Planning Commission Consent Agenda, there is no Planning Commission minutes available for this case.
RESOLUTION NO. __________

RESOLUTION APPROVING A FINAL PLAN FOR THE LEAWOOD MISSION VALLEY MONUMENT SIGN LOCATED SOUTH OF 151ST STREET ON GRANADA ROAD (PC CASE 47-20)

WHEREAS, the applicant submitted a request for approval of a Final Plan for the Leawood Mission Valley Monument Sign;

WHEREAS, such request for approval was presented to the Planning Commission on June 23, 2020; and

WHEREAS, the Planning Commission reviewed the application and recommended approval with certain stipulations.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION ONE: That the Governing Body approves the Final Plan for Leawood Mission Valley Monument Sign, subject to the following stipulations and conditions:

1. The project is limited to the replacement of one monument sign.
2. The applicant shall provide a right of way (ROW) maintenance agreement with the Public Works Department prior to sign permitting.
3. The applicant shall obtain a sign permit from the Community Development Department prior to installation of the sign.
4. Development rights under this approval shall vest in accordance with K.S.A. 12-764.
5. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all ordinances of the City of Leawood including the Leawood Development Ordinance, unless a deviation has been granted, and to execute a statement acknowledging in writing that they agree to stipulations one through five.

SECTION TWO: This resolution shall become effective upon its passage.

PASSED by the Governing Body this 20th day of July, 2020.

APPROVED by the Mayor this 20th day of July, 2020.

[SEAL]

Peggy J. Dunn, Mayor

ATTEST:

Kelly L. Varner, City Clerk
SUBJECT: REQUEST TO APPROVE EXPENDITURE FOR PURCHASE OF WINTER ROCK SALT
July 20, 2020

DISCUSSION
The Public Works Department is requesting to approve an expenditure in the amount of $120,350.00 to Central Salt for the purchase of 2,500 tons of untreated winter rock salt. The salt will be used for the 2020-2021 winter season.

The City of Overland Park, Kansas entered into an Agreement with Central Salt to provide winter rock salt to Overland Park along with several participating Agencies. Leawood was named in the Agreement as one of the participating agencies and able to purchase from the winning contract award.

The low bid was from Central Salt Co. out of Lyons, Kansas; whom we have purchased from in the past. Leawood's request is to order 2,500 tons of uncoated dry rock salt, at a price of $48.14 (Material and Delivery cost per ton) for a total of $120,350.00.

The Public Works Department requests the Governing Body approve the expenditure of 2,500 tons of rock salt from Central Salt Company for $120,350.00.

David Ley, P.E.
Director of Public Works
Public Works Department

COUNCIL ACTION TO BE TAKEN
Approve purchase of salt.

STAFF RECOMMENDATION
☐ For
☐ Against
☐ No position

COMMITTEE RECOMMENDATION
☐ For
☐ Against
☐ No position
☐ No Assignment

POLICY OR PROGRAM CHANGE
☐ No
☐ Yes

OPERATIONAL IMPACT

COSTS
$120,350.00

FUND SOURCES
Public Works General Operating Budget
Street Maintenance Division-winter salt supplies
11110.33200.713500
CITY OF OVERLAND PARK, KANSAS
PUBLIC WORKS DEPARTMENT

SPECIFICATIONS
FOR
ROCK SALT

SECTION 1: INSTRUCTIONS TO BIDDERS

1.01 GENERAL: This bid package covers the supply and delivery of rock salt which will be used for snow and ice control on roads and bridges. The successful bidder to whom the bid is awarded (hereinafter “Vendor”) shall be required to supply rock salt materials to the City of Overland Park (hereinafter “City”), and at their respective option, the participating agencies of: Blue Valley School District, Johnson County, Leawood, Lenexa, Mission, Olathe, Roeland Park, and Shawnee, (hereinafter “Participating Entities”). This is a public agency bid which will require a formal agreement to be entered into between the Vendor and the City.

Vendor agrees to provide rock salt to any one or all of the Participating Entities at the prices set forth in its bid. Sales will be made in accordance with the prices, terms, and conditions of these bidding documents and any subsequent agreement.

It is understood that the City and the Participating Entities pay no Federal or State taxes and the bid price for material includes all material and handling charges and the net price for material and delivery includes all material, transportation and handling charges.

1.02 AGREEMENT: The Vendor shall enter into a formal agreement with the City, (hereinafter “Agreement”). The bidding documents herein, the Vendor’s submitted bid and any attachments to those documents shall be considered inclusive to the Agreement. A form agreement entitled “Agreement for Rock Salt” (hereinafter “Form Agreement”) is provided with these bidding specifications. The successful Vendor will be required to enter into an agreement with the City containing the terms and conditions of the Form Agreement.

The Agreement term shall be for a period of one (1) year from the date of signing and shall be renewable annually at the sole option of the City for up to two (2) additional one (1) year periods.

Vendor understands and agrees that the material price will remain firm for the renewal periods, however Vendor may request an adjustment to the original bid price for delivered rock salt in recognition of possible escalations in diesel fuel costs beyond that which could have been anticipated at the time of bid. Such requests may be made subsequent to the regional bulk per gallon price of diesel fuel increasing by more than 30% between the time of bid and the any subsequent agreement renewal date. Any price increase during a renewal period shall be at the sole option of the City.

Should the City fail to budget, appropriate or otherwise make available funds for payments due under this Agreement in any budget year, this Agreement shall be deemed terminated on the last day of the then current budget year for which appropriations were received without penalty or expense to the City of any kind whatsoever, except as to the portions of the recurring charges herein agreed upon for which funds have appropriated and budgeted or are otherwise made available.

1.03 DISCREPANCIES AND INQUIRIES: Before submitting its bid, the Bidder shall carefully examine the entire contents of the bidding documents so as to be thoroughly familiar with all the requirements. Bidders are instructed to acquaint themselves with all the conditions affecting the bid and the provision of associated materials and or work contemplated hereunder.
IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date and year first above written.

CITY OF OVERLAND PARK, KANSAS

[Signature]
Carl Gerlach
Mayor

ATTEST:
[Signature]
Elizabeth Kelley
City Clerk

APPROVED AS TO FORM:
[Signature]
Trevor L. Stiles
Sr. Assistant City Attorney

CENTRAL SALT LLC

[Signature]
Stephanie Murphy, Business Manager

Printed Name and Title
remaining provisions of this Agreement shall be unaffected thereby and shall continue to be valid and enforceable.

SECTION XVII - APPLICABLE LAW

This Agreement is entered into, under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Kansas.

SECTION XVIII - NOTICE TO PARTIES

All notices and demands of any kind which either party may serve upon the other party under this Agreement shall be served by personal service, or by leaving the notice or demand at the address set forth below, or by forwarding a copy thereof by first class mail, postage prepaid, or by telecopier, addressed as follows:

To City: City of Overland Park, Kansas
         Department of Public Works
         11300 West 91st Street
         Overland Park, Kansas 66214
         ATTN: Rich Profaizer

To Vendor: Central Salt LLC
           1420 State Hwy 14
           Lyons, KS 67554

or to such other address as may be specified from time to time by the relevant party. Service shall be deemed complete when the notice or demand is received by the party to whom it is addressed.

The remainder of this page has intentionally been left blank.
performance of work under the present contract because of race, religion, color, sex, disability, national origin, ancestry or age;

2. In all solicitations or advertisements for employees, the Vendor shall include the phrase, "equal opportunity employer," or a similar phrase to be approved by the commission;

3. If the Vendor fails to comply with the manner in which the Vendor reports to the commission in accordance with the provisions of K.S.A. 44-1031 and amendments thereto, the Vendor shall be deemed to have breached the present Agreement and it may be canceled, terminated or suspended, in whole or in part, by the contracting agency;

4. If the Vendor is found guilty of a violation of the Kansas Act Against Discrimination under a decision or order of the commission which has become final, the Vendor shall be deemed to have breached the present Agreement and it may be canceled, terminated or suspended, in whole or in part, by the contracting agency; and

5. The Vendor shall include the provisions of subsections (1.) through (4.) in every subcontract or purchase order so that such provisions will be binding upon such subcontractor or vendor.

The provisions of this Section shall not apply to an Agreement entered into by a Vendor:

1. Who employs fewer than four employees during the term of such contract; or
2. Whose contracts with the City cumulatively total $5,000 or less during the fiscal year of the City.

b. The Vendor further agrees that the Vendor shall abide by the Kansas Age Discrimination In Employment Act (K.S.A. 44-1111 et seq.) and the applicable provision of the Americans With Disabilities Act (42 U.S.C. 12101 et seq.) as well as all other federal, state and local laws, ordinances and regulations applicable to this project and to furnish any certification required by any federal, state or local governmental agency in connection therewith.

c. Vendor shall observe the provisions of Chapter 8 of the Overland Park Municipal Code, and shall not discriminate against any person in the performance of work under the present Agreement because of race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, genetic information, marital status, familial status, or military status.

SECTION XV - CONTRACT DOCUMENTS COMPLIMENTARY

The bidding documents, bid, and Agreement are complementary, and what is called for by any one shall be as binding as if called for by all. The intention of the bidding documents, bid, and Agreement is to include all labor, materials, tools, equipment, and transportation necessary for the workmanlike delivery of the rock salt in accordance with the bidding documents, bid, and Agreement. This Agreement supersedes all previous agreements and understandings between the parties, which previous agreements and understandings are of no further force and effect. This Agreement may not be amended or modified except by written agreement of both parties.

SECTION XVI – SEVERABILITY

The parties agree that should any provision of this Agreement be determined to be void, invalid, unenforceable or illegal for whatever reason such provision(s) shall be null and void but that the
amounts required herein. Vendor shall promptly reinstate the original limits of liability required hereunder and shall furnish evidence thereof to City.

a. Commercial General Liability:
   Limits -
   General Aggregate: $1,000,000
   Products / Completed Operations: $1,000,000
   Personal & Advertising Injury: $500,000
   Each Occurrence: $500,000

Policy MUST include the following conditions:
Name City of Overland Park as “Additional Insured”

b. Automobile Liability: Policy shall protect the Vendor against claims for bodily injury and/or property damage arising from the ownership or use of any owned, hired and/or non-owned vehicle and must include protection for either Any Auto or All Owned Autos, Hired Autos, and Non-owned Autos.

Limits –
Combined Single Limits, Bodily Injury and Property Damage – $1,000,000 Each Accident

Policy MUST include the following condition:
Name City of Overland Park as "Additional Insured."

Note: Vendor expressly agrees to only utilize vehicles properly insured under the requirements of this Agreement while performing the services set forth herein, and to ensure that its subcontractors comply with the same.

c. Workers’ Compensation: This insurance shall protect the Vendor against all claims under applicable state workers’ compensation laws. The Vendor shall also be protected against claims for injury, disease or death of employees which, for any reason, may not fall within the provisions of workers’ compensation law. The policy limits shall not be less than the following:

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<td>$500,000 policy limit</td>
</tr>
<tr>
<td>Bodily Injury by Disease</td>
<td>$100,000 each employee</td>
</tr>
</tbody>
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SECTION XIII - DISPUTE RESOLUTION

City and Vendor agree that disputes relative to this Agreement shall first be addressed by negotiations between the parties. If direct negotiations fail to resolve the dispute, the party initiating the claim that is the basis for the dispute shall be free to take such steps as it deems necessary to protect its interests; provided, however, that notwithstanding any such dispute Vendor shall proceed with the delivery of the rock salt as per this Agreement as if no dispute existed; and provided further that no dispute will be submitted to arbitration without the City’s express written consent.

SECTION XIV - AFFIRMATIVE ACTION/OTHER LAWS

a. The Vendor agrees that:

1. The Vendor shall observe the provisions of the Kansas Act Against Discrimination (K.S.A. 44-1001 et seq.) and shall not discriminate against any person in the
SECTION XI - INDEMNITY

a. Definitions - For purposes of indemnification, the following terms shall have the meanings set forth below:

1. "The Vendor" means and includes Vendor, all of its affiliates and subsidiaries, its subcontractors and material, men and their respective servants, agents and employees; and

2. "Loss" means any and all Loss, damage, liability or expense, of any nature whatsoever, whether incurred as a judgment, settlement, penalty, fine or otherwise (including attorney's fees and the cost of defense), in connection with any action, proceeding, demand or claim, whether real or spurious, for injury, including death, to any person or persons or damages to or Loss of, or Loss of the use of, property of any person, firm or corporation, including the parties hereto, which arise out of or are connected with, or are claimed to arise out of or be connected with, the performance of this Agreement, whether arising before or after the completion of the performance required hereunder.

b. The Indemnity: For purposes of this Agreement, and without in any way limiting indemnification obligations that may be set forth elsewhere in this Agreement, Vendor hereby agrees to indemnify, defend and hold harmless the City from any and all Loss where Loss is caused or incurred or alleged to be caused or incurred in whole or in part as a result of the negligence or other actionable fault of the Vendor, its employees, agents, subcontractors and suppliers.

It is agreed as a specific element of consideration of this Agreement that this indemnity shall apply notwithstanding the joint, concurring or contributory or comparative fault or negligence of the City or any third party and, further, notwithstanding any theory of law including, but not limited to, a characterization of the City's or any third party's joint, concurring or contributory or comparative fault or negligence as either passive or active in nature.

c. General Limitation: Nothing in this Section shall be deemed to impose liability on the Vendor to indemnify the City for Loss when the City's negligence or other actionable fault is the sole cause of Loss.

d. Waiver of Statutory Defenses: With respect to the City's rights as set forth herein, the Vendor expressly waives all statutory defenses, including, but not limited to, those under workers compensation, contribution, comparative fault or similar statutes to the extent said defenses are inconsistent with or would defeat the purposes of this section.

SECTION XII - INSURANCE

The Vendor shall secure and maintain, throughout the duration of this Agreement, insurance of such types and in at least such amounts as required herein. Vendor shall provide certificates of insurance and renewals thereof on forms acceptable to the City.

Vendor, upon receipt of notice of any claim in connection with this Agreement, shall promptly notify City, providing full details thereof, including an estimate of the amount of loss or liability.

Vendor shall monitor and promptly notify City of any reduction in limits of protection afforded under any policy listed in the Certificate (or otherwise required by this Agreement) if Vendor's limits of protection shall have been impaired or reduced to such extent that the limits fall below the minimum.
available from any lawfully operated, revenue producing source. Should the City fail to budget, appropriate or otherwise make available funds for payments due under this Agreement in any budget year, this Agreement shall be deemed terminated on the last day of the then current budget year for which appropriations were received without penalty or expense to the City of any kind whatsoever, except as to the portions of the recurring charges herein agreed upon for which funds have appropriated and budgeted or are otherwise made available. City agrees to notify Vendor of such termination, which shall not constitute a default under this Agreement, at least sixty (60) days prior to the end of the City's then current budget year.

SECTION V - WARRANTY

The Vendor warrants that each truck load of rock salt shall meet or exceed the requirements set forth in the Specifications. Rock salt failing to comply with the Specifications shall be replaced and/or corrected pursuant to Section IX Material/Work Acceptance of this Agreement, upon receipt of notification, at no cost to the City.

SECTION VI - DESIGNATION OF CONTACT PERSONS

The Vendor shall designate and provide the name and phone number of the person who will be responsible for coordinating all activities with the City. The City shall provide similar contact information to the Vendor. Both designees shall be available during normal business hours.

SECTION VII - VENDOR'S PERFORMANCE

The Vendor shall furnish at its own cost and expense all labor, tools, equipment, materials, and transportation required to deliver (if required) the rock salt to the City's facilities listed in the bidding documents (the "Facilities"), all work to be done in a good and workmanlike manner to the entire satisfaction of the City, and in accordance with all City, State and Federal laws applicable thereto.

SECTION VIII - VENDOR'S RISK

Vendor retains title to and risk of loss or damage to the rock salt prior to the time of its delivery and acceptance by the City. Title to and risk of loss or damage to the rock salt will pass to the City upon delivery and acceptance, free of any and all encumbrances.

The Vendor shall assume full responsibility for the proper unloading of the rock salt and shall, at its own cost, bear any loss, repair any damage or remediate any spill which occurs as a result of these activities.

SECTION IX - MATERIAL/WORK ACCEPTANCE

Acceptance of the materials/work is subject to approval of the City. Material/work deemed not in compliance with the Specifications will be replaced and/or corrected at the Vendor's expense. Should the Vendor fail, or refuse to remedy unacceptable material/work issues within ten (10) days of being notified in writing, the City may elect, at its option, to cause the unacceptable material/work to be replaced and/or corrected at the Vendor's expense. Out of pocket expenses incurred by the City to make such replacements and/or corrections shall be paid for out of any monies due or that become due the Vendor.

SECTION X - INDEPENDENT CONTRACTOR

The Vendor is an independent contractor and as such is not an employee or agent of the City.
AGREEMENT
FOR
ROCK SALT

THIS AGREEMENT is made and entered into this 1st day of June, 2020, by and between the City of Overland Park, Kansas, hereinafter the "City", and Central Salt LLC, hereinafter the "Vendor".

WITNESSETH:

WHEREAS, the City desires to purchase rock salt in accordance with the Bidding Specifications for Rock Salt issued by the City on April 28, 2020 (hereinafter the "Specifications"); and

WHEREAS, the Vendor has submitted to the City, a bid, in accordance with the requirements of the above-referenced Specifications; and

WHEREAS, the City has selected the Vendor to provide the rock salt upon the terms and conditions and for the sum set forth herein.

NOW THEREFORE, in consideration of the compensation to be paid to the Vendor, and of the mutual agreements herein contained, the parties hereto have agreed as follows:

SECTION I – SCOPE

Vendor shall provide Rock Salt to the City in accordance with the Specifications attached hereto and incorporated by reference herein as Exhibit A and at the prices set forth in the Bid for Rock Salt, attached hereto and incorporated by reference herein as Exhibit B.

SECTION II - PRICE AND PAYMENT TERMS

Vendor shall provide the material described in the Specifications attached and abide by the terms and conditions of this Agreement. In consideration of accepted material, the City will pay the Vendor the scheduled prices set forth in Bid for Rock Salt, subject to the terms and conditions of this Agreement.

All compensation due shall be payable to Vendor within thirty (30) days of receipt of an undisputed invoice and upon satisfactory completion and acceptance of delivered rock salt.

SECTION III - AGREEMENT TERM

The Agreement term shall be for a period of one (1) year from the date of signing and shall be renewable annually at the sole option of the City for up to two (2) additional one (1) year periods.

Vendor understands and agrees that the material price will remain firm for the renewal period, however Vendor may request an adjustment to the original bid price for delivered rock salt in recognition of possible escalations in diesel fuel costs beyond that which could have been anticipated at the time of bid. Such requests may be made subsequent to the regional bulk per gallon price of diesel fuel increasing by more than 30% between the time of bid and the any subsequent agreement renewal date. Any price increase during a renewal period shall be at the sole option of the City.

SECTION IV – CASH BASIS LAW

Notwithstanding anything contained in this Agreement to the contrary, it is understood and agreed by the parties hereto that City is obligated only to pay periodic payments or monthly installments under this Agreement as may lawfully be made from funds budgeted and appropriated for such purpose during the City’s then current budget year (i.e. January 1 to December 31) or from funds made
Bidders will promptly notify the City’s contract specialist (the “Contract Specialist”) of any discrepancies, ambiguity, or error which they discover upon examination of the bidding documents. Discrepancy notifications and/or inquiries for clarification or interpretation of the bidding documents should be made to:

Sally Wachtel, Contract Specialist
City of Overland Park
Public Works Department
8500 Santa Fe Drive
Overland Park, Kansas 66212
Phone: 913-895-6029
Email: sally.wachtel@opkansas.org

1.04 ADDENDUM: All corrections, changes or interpretations of the bid documents will be made by addendum from the Contract Specialist. Interpretations, corrections, or changes to the bid documents made in any other manner will not be binding.

All addenda issued during the time of bidding will become part of the bidding documents and receipt thereof shall be acknowledged on the bid form. Addenda will be provided to all those known to have a complete set of bidding documents addressed to their last known address. Copies of addenda will be made available for inspection wherever bidding documents are on file for that purpose.

1.05 SUPPLY METHOD (Delivery / Pickup): At its option, the City may elect to purchase materials for either pick up by the City at the Vendor’s supply location or delivered F.O.B. to one or more City designated facilities. Material elected for pick up will be loaded onto provided transport trucks incidental to the “Material Only” bid price. Material requested to be delivered will be transported and unloaded to one or more of the following designated facility locations:

**City of Overland Park:**
Dennis Garrett Maintenance Facility
11300 West 91st Street
Overland Park, KS 66214

Hardy Street Storage Facility
11821 Hardy Street
Overland Park, KS 66213

**Blue Valley Maintenance Facility**
6869 West 153rd Street
Overland Park, KS 66223

**Participating Agencies:**
Blue Valley School District
Bin #1: 7480 W. 149th Terr.
Overland Park, KS 66223
Bin #2: 8000 W. 165th St.
Overland Park, KS 66085

City of Lenexa
Meritex Cave Storage Facility
10100 Block of Renner Blvd. (South Entrance)
Lenexa, KS 66219

Johnson County
1800 W. Old 56 Highway
Olathe, KS 66061

City of Leawood
14303 Overbrook Rd.
Leawood, KS 66224

City of Mission
4775 Lamar Ave.
Mission, KS 66202

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Deliveries to the City of Overland Park may utilize standard single vehicle dump truck, tractor trailer end up, and/or belly dump style delivery trucks. Vendor shall note that there may be participating agencies that have delivery locations with certain height limitations, (no greater than 16 feet) and which may require the restrictive use of belly dump delivery trucks only.

The listed designated facilities are not permanently staffed or equipped to receive bulk material deliveries and as such shall require a 24 hour advance notice by the Vendor to the City on all delivery schedules. General operating hours of the facilities are from 8:00 am to 3:30 pm Monday through Friday; however, the Vendor must provide the required advance notice and delivery coordination schedule. Unless otherwise specified at the time of order, delivered materials shall be supplied no later than ten (10) calendar days from receipt of order.

1.06 ACCEPTANCE: Vendor retains title to and risk of loss or damage to the rock salt prior to the time of its delivery and acceptance by the City. Title to and risk of loss or damage to the rock salt will pass to the City upon delivery and acceptance, free of any and all encumbrances.

The Vendor shall assume full responsibility for the proper unloading of the rock salt and shall, at its own cost, bear any loss, repair any damage or remediate any spill which occurs as a result of these activities.

Acceptance of the materials/work is subject to approval of the City. Material/work deemed not in compliance with the Specifications will be replaced and/or corrected at the Vendor’s expense. Should the Vendor fail, or refuse to remedy unacceptable material/work issues within ten (10) days of being notified in writing, the City may elect, at its option, to cause the unacceptable material/work to be replaced and/or corrected at the Vendor’s expense. Out of pocket expenses incurred by the City to make such replacements and/or corrections shall be paid for out of any monies due or that become due the Vendor.

1.07 ESTIMATED QUANTITY: The combined estimated bid quantity for bulk rock salt among the City and the Participating Entities is 31,750 tons, (uncoated). The estimated quantity is based on average seasonal need; however, the actual purchase amount will vary from the estimate pursuant to experienced needs during the bid term. Itemized quantity estimates are as follows:

- City of Overland Park = 7,000 Tons
- Blue Valley Schools = 750 Tons
- Johnson County = 2,500 Tons
- City of Leawood = 2,500 Tons
- City of Lenexa = 5,000 Tons
- City of Mission = 1,000 Tons
- City of Olathe = 8,500 Tons
- City of Roeland Park = 1,000 Tons
- City of Shawnee = 2,500 Tons

Bidders Note – The estimated quantities are for uncoated mined bulk rock salt. To accommodate
the Participating Entities possible purchase of mined rock salt that has been pre-coated with a wetting agent, that material has been included as a bid item. Bidders may submit prices on one or both of these material products.

1.08 MATERIAL ORDERS: Orders for materials shall be made separately pursuant to individual needs by the City and each of the Participating Entities. Orders by the City and each of the Participating Entities will be made through separate individual purchase orders. All receiving, inspection, payments, and other procurement administration will be the responsibility of the individual Participating Entity. Disputes arising from the sale of materials to any of the Participating Entities or that result in payment claims shall be severable and shall not affect the sale of orders to the City or any other non-involved Participating Entities.

1.09 INSURANCE: The Vendor shall be required to procure and maintain the following types and levels of insurance during the life of the resulting Agreement with the City.

a. Commercial General Liability:
   - General Aggregate: $1,000,000
   - Products / Completed Operations: $1,000,000
   - Personal & Advertising Injury: $500,000
   - Each Occurrence: $500,000

   Policy MUST include the following conditions:
   Name City of Overland Park as “Additional Insured”. *(See Bidders Note)*

b. Automobile Liability: Policy shall protect the Vendor against claims for bodily injury and/or property damage arising from the ownership or use of any owned, hired and/or non-owned vehicle and must include protection for either Any Auto or All Owned Autos, Hired Autos, and Non-owned Autos.

   Limits –
   Combined Single Limits, Bodily Injury and Property Damage – $1,000,000 Each Accident

   Policy MUST include the following condition:
   Name City of Overland Park as “Additional Insured.” *(See Bidders Note)*

c. Workers’ Compensation: This insurance shall protect the Vendor against all claims under applicable state workers’ compensation laws. The Vendor shall also be protected against claims for injury, disease or death of employees which, for any reason, may not fall within the provisions of workers’ compensation law. The policy limits shall not be less than the following:

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</tr>
</tbody>
</table>

*Bidders Note – The successful bidder may be required to enter into separate agreements with each of the individual Participating Entities, and such individual Participating Entities may request they be named as "Additional Insured" for their respective agreement.*
1.10 **INDEMNITY:**

a. Definitions - For purposes of indemnification, the following terms shall have the meanings set forth below:

1. "The Vendor" means and includes the Vendor, all of its affiliates and subsidiaries, its subcontractors and material, men and their respective servants, agents and employees;

2. "Loss" means any and all Loss, damage, liability or expense, of any nature whatsoever, whether incurred as a judgment, settlement, penalty, fine or otherwise (including attorney's fees and the cost of defense), in connection with any action, proceeding, demand or claim, whether real or spurious, for injury, including death, to any person or persons or damages to or Loss of, or Loss of the use of, property of any person, firm or corporation, including the parties hereto, which arise out of or are connected with, or are claimed to arise out of or be connected with, the performance of this Agreement, whether arising before or after the completion of the performance required hereunder.

b. The Indemnity: For purposes of this Agreement, and without in any way limiting indemnification obligations that may be set forth elsewhere in this Agreement, Vendor hereby agrees to indemnify, defend and hold harmless the City from any and all Loss where Loss is caused or incurred or alleged to be caused or incurred in whole or in part as a result of the negligence or other actionable fault of the Vendor, its employees, agents, subcontractors and suppliers.

It is agreed as a specific element of consideration of this Agreement that this indemnity shall apply notwithstanding the joint, concurring or contributory or comparative fault or negligence of the City or any third party and, further, notwithstanding any theory of law including, but not limited to, a characterization of the City's or any third party's joint, concurring or contributory or comparative fault or negligence as either passive or active in nature.

c. General Limitation: Nothing in this Section shall be deemed to impose liability on the Vendor to indemnify the City for Loss when the City's negligence or other actionable fault is the sole cause of Loss.

d. Waiver of Statutory Defenses: With respect to the City's rights as set forth herein, the Vendor expressly waives all statutory defenses, including, but not limited to, those under workers compensation, contribution, comparative fault or similar statutes to the extent said defenses are inconsistent with or would defeat the purposes of this section.

1.11 **COMPLIANCE WITH AFFIRMATIVE ACTION/OTHER LAWS:**

a. The Vendor agrees that:

1. The Vendor shall observe the provisions of the Kansas Act Against Discrimination (K.S.A. 44-1001 et seq.) and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, national origin, ancestry or age;

2. In all solicitations or advertisements for employees, the Vendor shall include the phrase, "equal opportunity employer," or a similar phrase to be approved by the commission;

3. If the Vendor fails to comply with the manner in which the Vendor reports to the commission in accordance with the provisions of K.S.A. 44-1031 and amendments
therefore, the Vendor shall be deemed to have breached the present Agreement and it may be canceled, terminated or suspended, in whole or in part, by the contracting agency;

4. If the Vendor is found guilty of a violation of the Kansas Act Against Discrimination under a decision or order of the commission which has become final, the Vendor shall be deemed to have breached the present Agreement and it may be canceled, terminated or suspended, in whole or in part, by the contracting agency; and

5. The Vendor shall include the provisions of subsections (1.) through (4.) in every subcontract or purchase order so that such provisions will be binding upon such subcontractor or vendor.

The provisions of this Section shall not apply to an Agreement entered into by a Vendor:

1. Who employs fewer than four employees during the term of such contract; or
2. Whose contracts with the City cumulatively total $5,000 or less during the fiscal year of the City.

b. The Vendor further agrees that the Vendor shall abide by the Kansas Age Discrimination In Employment Act (K.S.A. 44-1111 et seq.) and the applicable provision of the Americans With Disabilities Act (42 U.S.C. 12101 et seq.) as well as all other federal, state and local laws, ordinances and regulations applicable to this project and to furnish any certification required by any federal, state or local governmental agency in connection therewith.

c. Contractor shall observe the provisions of Chapter 8 of the Overland Park Municipal Code, and shall not discriminate against any person in the performance of work under the present Agreement because of race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, genetic information, marital status, familial status, or military status.

1.12 BID AWARD: The unit price for each bid item will be used in determining the successful low bidder. Bid items shall include both bulk uncoated rock salt and pre-coated, pre-wetted rock salt. Bid items may be awarded separately; therefore bidders may submit prices on one or both of the items. The Vendor(s) awarded the bid shall be required to enter into a formal agreement with the City. At their option each Participating Entity may also adopt the bid results and enter into a separate formal agreement with the Vendor. Bid prices shall be good for a period of one (1) year from the date of execution of the Agreement. At the City or Participating Entity’s option, the Agreement may be renewed for two (2) additional one (1) year renewal periods. The Vendor(s) awarded this bid will be expected to enter into separate formal agreements with each Participating Entity, which contain the terms and conditions set forth herein, including but not limited to indemnification obligations to each Participating Entity, for their respective agreement, as required towards the City as set forth herein and additional Insured status for each Participating Entity, in each of their respective agreements, as required towards the City as set forth herein.

Bid Items:

Uncoated Rock Salt - Delivered
Uncoated Rock Salt - Undelivered (Supplier’s Named Location)
Coated Rock Salt - Delivered
Coated Rock Salt - Undelivered (Supplier’s Named Location)
SECTION 2: SPECIFICATIONS

2.01 GENERAL: Rock salt to be supplied in accordance with the bid documents shall be suitable for use in the control of ice and snow on municipal streets and bridges. The materials which may be requested to be supplied include both un-coated mined natural rock salt and mined natural rock salt which has been pre-treated with a chemical pre-wetting agent. Whenever reference is made herein to any other specification or standard, it shall mean the latest revision thereof in effect at the time of the invitation to bid.

Supplied rock salt shall be of fresh stock. Reclaimed salt will not be accepted. Both uncoated and coated rock salt shall be supplied at a reasonable moisture content so as to be uniformly free of hardened crystallized nodules or other permanent physical defects which prevents the material from being granularly spread.

2.02 PHYSICAL AND CHEMICAL REQUIREMENTS: Dry raw salt to be utilized in the supply of coated and uncoated rock salt shall have a bulk density of 72 lbs. per cubic foot and shall comply with ASTM specification D632-99, D632-72, Type I, Grade 1 and most current revision.

a. Uncoated "dry" rock salt should contain at least 95% Sodium Chloride. It shall meet the following sieve analysis:

<table>
<thead>
<tr>
<th>Medium ROCK SALT, U.S. SCREEN MESH</th>
<th>Percent Passing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passing 3/8&quot; Square Mesh</td>
<td>100%</td>
</tr>
<tr>
<td>Passing #4</td>
<td>20% to 40%</td>
</tr>
<tr>
<td>Passing #8</td>
<td>2% to 15%</td>
</tr>
<tr>
<td>Passing #10</td>
<td>0% to 2%</td>
</tr>
</tbody>
</table>

Bidder's wishing to bid for the supply of uncoated rock salt containing less than 95% sodium chloride shall note on the bid form variance section of such and include the sodium chloride content percentage. At its option the City may elect to consider accepting the bid at a proportionately lower price per ton.

b. Coated "pre-wetted" rock salt should contain at least 95% Sodium Chloride. It shall meet the following sieve analysis:

<table>
<thead>
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<th>Percent Passing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passing 1/2&quot; Square Mesh</td>
<td>100%</td>
</tr>
<tr>
<td>Passing 3/8&quot;</td>
<td>95% to 100%</td>
</tr>
<tr>
<td>Passing #4</td>
<td>20% to 90%</td>
</tr>
<tr>
<td>Passing #6</td>
<td>10% to 60%</td>
</tr>
<tr>
<td>Passing #10</td>
<td>0% to 15%</td>
</tr>
</tbody>
</table>

Coated rock salt shall not require any extra handling or equipment and shall be delivered ready to be applied as snow and ice control material. The chemical coatings used on coated rock salt shall be bonded to the dry salt and/or comprised of such characteristics so as to not separate, run or form pools when the rock salt material is stored for long periods of time, (more than 12 months and in temperatures up to 100 degrees F.). Coated rock salt shall include a corrosion inhibitor and remain free flowing to -20 degrees F. The pre-wetting agent used to coat dry rock salt shall chemically consist of:

- Magnesium Chloride: 28%
- Triethanolamine: 0.6%
- Coloring Agent: 0.25%
Corrosion Inhibitor/ Performance Enhancement  .4%
PH  8.6

Bidder's wishing to bid for the supply of coated rock salt containing a chemically equivalent, but slightly variant pre-wetting agent should note on the bid form variance section of such and include the chemical content percentage information.

2.03 BID SAMPLE: Each bidder shall submit with their bid a representative sample of at least one (1) pound of the type of salt being proposed. Each sample shall be plainly marked to show the name of the bidder and the materials location of origin. IMPORTANT: Samples must be provided with the bid or prior to the bid opening date and time. Samples can be hand delivered or mailed and clearly marked, "BID FOR: ROCK SALT," to the City Clerk, City of Overland Park, 8500 Santa Fe Drive, Overland Park Kansas 66212.

2.04 MATERIAL SAFETY DATA INFORMATION: Vendor shall provide, for the materials being supplied, current Safety Data Sheets (SDS) with each delivery.

2.05 TESTING: At its option the City may request sample random tests be performed by the Vendor to show supplied material conforms to the specifications. Requested tests shall be at the Vendor's expense and shall follow applicable ASTM testing procedures for moisture content, gradation, PH and sodium content. The number of random test requests shall not exceed 1 per 2500 tons ordered, except where failure to comply with the specifications is found for which the number of tests will be dependent upon finding accepted test results.
BID FOR ROCK SALT

1. The undersigned proposes to furnish and deliver rock salt, as indicated below and in accordance with the bidding documents.

CITY RESERVES THE RIGHT TO AWARD ANY ONE BID ITEM, A COMBINATION OF BID ITEMS, OR ALL BID ITEMS TO ONE OR MORE VENDORS. BIDS MAY BE SUBMITTED FOR ONE OR MORE BID ITEMS BY ANY ONE VENDOR. IF MORE THAN ONE BID IS SUBMITTED, PLEASE SUBMIT EACH BID IN A SEPARATE ENVELOPE.

Estimated Quantities: 31,750 tons (uncoated) and 1 ton (coated)

Unit Price for Uncoated "Dry" Rock Salt:

Material and Delivery cost per ton $ 49.14
Material Only cost per ton (Picked Up*) $ 45.00

Unit Price for Coated "Pre-wetted" Rock Salt:

Material and Delivery cost per ton $ 85.13
Material Only cost per ton (Picked Up*) $ 65.00

*Name and Address of Pickup Location:
Central Salt, LLC - Lyons Mine, 1420 State Hwy 14, Lyons, KS 67554

To be a valid bid, bid submittals shall include:
- At least five (5) references from agencies to whom the bidder has supplied rock salt in the last three (3) years.
- Bid Sample per Section 2.03 of the Bidding Specifications.
- Material Safety Data Sheet for each type of salt proposed.
- Delivery amount in tons per individual truck load.
- Location of origin for each type of salt proposed.
- Quality confirmation test data.

This information may be submitted on a separate attachment.

Approximately 25 tons per truck load
Origin: Central Salt, LLC - Lyons Mine, 1420 State Hwy 14, Lyons, KS 67554

2. It is understood that the unit price bid shall be the price charged to the City for rock salt as outlined in the Bid Specification form as either delivered to the facilities listed in the bidding documents or for the material only. The bid award will be based on the lowest overall cost to the City. Bid prices shall be good for a period of one (1) year from the execution of the Agreement. Bidders must state on the bid form any variances and/or exceptions they may have to any bid document requirement.
Pursuant to the Agreement Term, bid prices may be extended for up to two (2) additional one (1) year periods at the sole option of the City.

3. Bidder acknowledges the quantity being bid is an estimated quantity. The actual quantity purchased will depend upon need at the time of order during the period the bid prices are valid.

4. The City reserves the right to purchase the material at either the "material and delivery cost per ton" bid or at the "material only cost per ton" bid. If material is delivered, the City expects a maximum delivery time within 10 calendar days following a requisition for material. Salt must be delivered by truck from the mine or a suitable stockpile.

5. The undersigned agrees to provide rock salt to any one or all of the Participating Entities at the prices set forth in its bid.

6. In submitting this bid, the undersigned declares that he/she is the only person interested in said bid; that it is made without any connection with any person or persons making another bid for the same contract; and that the bid is in all respects fair and without collusion, fraud, or misrepresentation.

7. The undersigned further declares that he/she has carefully examined the bidding documents and has satisfied himself/herself as to the method of estimating quantities and stockpile locations and understands that in signing this bid he/she waives all right to plead any misunderstanding regarding same. Bids cannot be altered or changed after they have been received by the City and opened.

8. Undersigned acknowledges receipt of Addendum (if an Addendum was issued) ________.

VARIANCES: (Please state variances if material differs from specifications.)

__________________________________________________________

__________________________________________________________

__________________________________________________________

DATE: 05/07/2020

Central Salt, LLC
Company Name

Signature
Ken Grimm, President
Printed Name

1420 State Hwy 14
Street Address

Lyons, KS 67554
City/State/Zip Code

(620) 257-5626 ext 3
Telephone Number

lyoung@central_salt.com
Email Address
Staff Review
Fact Sheet

SUBJECT: DECLARE SURPLUS PROPERTY
July 20, 2020

DISCUSSION
The Public Works Department requests the equipment listed below be declared as surplus property.

One (1) 2009 Ford Escape
City Asset No. 01430
VIN #1FMCU93G19KC25183
Mileage on 6-24-2020 56,263

The vehicle was used by our Community Development Department/Inspection Group and was replaced this year. The vehicle will be sold through our public auction service-Purple Wave Auctions.

It is the recommendation of the Public Works Department that the Council approve the above item as surplus and authorize the Mayor to approve same.

David Ley, P.E.
Director of Public Works

COUNCIL ACTION TO BE TAKEN
Declare Equipment as Surplus Property

STAFF RECOMMENDATION
☑ For
☐ Against
☐ No position

COMMITTEE RECOMMENDATION
☐ For
☐ Against
☐ No position ☑ No Assignment

POLICY OR PROGRAM CHANGE
☑ No
☐ Yes

OPERATIONAL IMPACT

COSTS
n/a

FUND SOURCES
n/a
Date: 6/23/2020
City: n/a
Vehicle: Unit 9502
License Plate #: n/a

Department: Community Development
Description: 2009 Ford Escape
Title #: R1342104, silver/grey

Current Mileage: 56,263 miles as of 06-24-2020
Vehicle Notes: Good running order, Brakes are solid.
Tires in good shape with a fair amount of tread life left.
Body is in good shape with the exception of a rust area on the passenger side rear wheel well.
June 2020 Monthly Report

<table>
<thead>
<tr>
<th>AREA OF CITY</th>
<th>CALLS</th>
<th>CODE 1</th>
<th>NON-EMERGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Zone</td>
<td>777</td>
<td>2:52</td>
<td>5:52</td>
</tr>
<tr>
<td>Center Zone</td>
<td>653</td>
<td>3:25</td>
<td>4:19</td>
</tr>
<tr>
<td>South Zone</td>
<td>748</td>
<td>3:07</td>
<td>5:46</td>
</tr>
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</table>

CALLS FOR SERVICE

<table>
<thead>
<tr>
<th>Service</th>
<th>Calls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic Stops</td>
<td>779</td>
</tr>
<tr>
<td>Traffic Complaint Areas</td>
<td>26</td>
</tr>
<tr>
<td>Medical Calls</td>
<td>138</td>
</tr>
<tr>
<td>Alarms</td>
<td>90</td>
</tr>
<tr>
<td>Arrests</td>
<td>57</td>
</tr>
<tr>
<td>Accidents (Injury)</td>
<td>29(6)</td>
</tr>
<tr>
<td>Open Doors</td>
<td>42</td>
</tr>
<tr>
<td>Suspicious Activity calls</td>
<td>37</td>
</tr>
<tr>
<td>Check the Welfare</td>
<td>24</td>
</tr>
<tr>
<td>9-1-1 Calls Received</td>
<td>1,314</td>
</tr>
<tr>
<td>(Approx. 43 calls per day)</td>
<td></td>
</tr>
<tr>
<td>Administrative Calls Received</td>
<td>4,836</td>
</tr>
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</table>

MONTHLY HIGHLIGHT

Shoplifters foiled in stop at Town Center

On Monday evening, June 29th, Leawood Officers caught up with a shoplifting suspect fleeing on foot from the Macy's store after he had taken more than $3,000 in clothes from the retailer. The suspect and an accomplice were arrested and transported to the county jail. A search warrant served by officers on the suspects' vehicle uncovered more than $5,000 of additional property, many of the items with theft prevention packaging still attached. The investigation is continuing.
### Frequent crash locations

<table>
<thead>
<tr>
<th>INTERSECTION</th>
<th>June</th>
<th>2020</th>
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</thead>
<tbody>
<tr>
<td>I-435 &amp; State Line Road</td>
<td>2</td>
<td>21</td>
</tr>
<tr>
<td>State Line Rd/135th St.</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>103rd/State Line Road</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Town Center Dr/Roe Ave</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>119th/Roe</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>135th/Nall Ave.</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>College/Mission</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>115th/Tomahawk Creek Pkwy</td>
<td>0</td>
<td>3</td>
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</table>

### CRIME REPORT

<table>
<thead>
<tr>
<th>Crime</th>
<th>This month*</th>
<th>Last month</th>
<th>Two months</th>
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</thead>
<tbody>
<tr>
<td>Burglaries</td>
<td>3</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Thefts from vehicles</td>
<td>7</td>
<td>10</td>
<td>14</td>
</tr>
<tr>
<td>Drug possession violations</td>
<td>9</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Stolen autos</td>
<td>6</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Agg. assault/batteries</td>
<td>7</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Crim. Damage to Property/Vandalism</td>
<td>4</td>
<td>10</td>
<td>16</td>
</tr>
<tr>
<td>DUI</td>
<td>14</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>Shoplifting</td>
<td>7</td>
<td>4</td>
<td>1</td>
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<tr>
<td>Mental Health related calls</td>
<td>24</td>
<td>57</td>
<td>46</td>
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### ENFORCEMENT REPORT

<table>
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<th></th>
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</thead>
<tbody>
<tr>
<td>Arrests</td>
<td>88</td>
<td>78</td>
<td>44</td>
<td>51</td>
<td>57</td>
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<tr>
<td>Citations</td>
<td>1,011</td>
<td>912</td>
<td>196</td>
<td>362</td>
<td>560</td>
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<td>Warnings</td>
<td>759</td>
<td>585</td>
<td>138</td>
<td>352</td>
<td>682</td>
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<tr>
<td>Crashes</td>
<td>39</td>
<td>32</td>
<td>10</td>
<td>23</td>
<td>29</td>
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</table>
June 2020 Report

Monthly Calls for Service

<table>
<thead>
<tr>
<th>Service</th>
<th>Count</th>
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</thead>
<tbody>
<tr>
<td>Fire Responses</td>
<td>12</td>
</tr>
<tr>
<td>EMS Responses</td>
<td>165</td>
</tr>
<tr>
<td>HazMat Responses</td>
<td>12</td>
</tr>
<tr>
<td>Tech Rescue Responses</td>
<td>1</td>
</tr>
<tr>
<td>Other Calls for Service</td>
<td>51</td>
</tr>
<tr>
<td><strong>Total Calls This Month</strong></td>
<td><strong>241</strong></td>
</tr>
<tr>
<td><strong>YTD Total Calls</strong></td>
<td><strong>1,466</strong></td>
</tr>
</tbody>
</table>

Monthly Activity Hours
(Non-training - can include response, public education, public services, maintenance, etc)

Staff Activity Hours: 883

Monthly Training Hours

Training Hours: 1,769

Monthly Highlights

- 7 Public Relations Events / Birthday Parades
- 5 Infant / Child Car Seat Installations
- 2 Residential Smoke Detector Installations
- Live Burn Training at Southern Platte Fire Protection District Training Center - May 27-28, June 2
- County-wide cooperative EMS Skills & Simulation Training
- Completed firefighter hiring process - three offers made and accepted - start date of July 27th

Two LFD Captains Retired in June

The Fire Department had two retirements in June. Captain Troy Schoeppner retired on June 11th with 25 years of service to the citizens of Leawood. Captain Joe Sullivan retired on June 12th with 27 years of service to the citizens of Leawood. Both Captains had an individual LFD breakfast send-off at their respective fire stations with presentations of appreciation and best wishes.

Retired Captain Troy Schoeppner  
Retired Captain Joe Sullivan
Fire Department Incident Response Details

Monthly Fire Loss & Value Saved in Leewood

Number of incidents with fire related loss in Leewood for the month: 2

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
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<tbody>
<tr>
<td>Pre-Incident Estimated Value</td>
<td>$2,222,000</td>
</tr>
<tr>
<td>Content Value Loss Estimate</td>
<td>$600,000</td>
</tr>
<tr>
<td>Property Value Loss Estimate</td>
<td>$250,000</td>
</tr>
<tr>
<td>Total Fire Value Loss Estimate</td>
<td>$850,000</td>
</tr>
<tr>
<td>Total Value Saved Estimate</td>
<td>$1,372,000</td>
</tr>
</tbody>
</table>

Incident Response Times

Emergency service performance standards are measured by 90-percentile performance to demonstrate credibility and reliability in service delivery. Percentile metrics demonstrate a better representation of response times than averages. Instead of displaying what the Department does half of the time, the Department observes what it does the majority of the time. Travel and total response times only include emergency responses within the City of Leewood and are included for both the first unit on scene as well as the Effective Response Force (ERF) which include all the units necessary to handle that risk type of emergency incident.

Summary of Monthly LFD Baseline Performance at the 90th Percentile

<table>
<thead>
<tr>
<th>LFD - Baseline Performance 90th Percentile</th>
<th>All Calls</th>
<th>Fire</th>
<th>EMS</th>
<th>Tech Rescue</th>
<th>HazMat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Number of Incidents by Type</td>
<td>241</td>
<td>12</td>
<td>165</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>Alarm Handling</td>
<td>Call Pick-Up to Dispatch</td>
<td>3:04</td>
<td>3:22</td>
<td>3:04</td>
<td>1:27</td>
</tr>
<tr>
<td>Turnout Time</td>
<td>Dispatch to 1st Unit Enroute</td>
<td>1:06</td>
<td>1:30</td>
<td>1:03</td>
<td>0:50</td>
</tr>
<tr>
<td>Travel Time 1st Unit</td>
<td>Enroute to Arrival Time 1st Unit on Scene Emergency Responses Only</td>
<td>5:14</td>
<td>4:23</td>
<td>5:14</td>
<td>N/A</td>
</tr>
<tr>
<td>Total Response Time - 1st Unit</td>
<td>Enroute to Arrival 1st Unit on Scene Emergency Responses Only</td>
<td>8:31</td>
<td>7:26</td>
<td>8:15</td>
<td>N/A</td>
</tr>
<tr>
<td>Travel Time ERF</td>
<td>Enroute to Arrival Time Effective Response Force Emergency Responses Only</td>
<td>9:33</td>
<td>9:43</td>
<td>9:21</td>
<td>N/A</td>
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<tr>
<td>Total Response Time - ERF</td>
<td>Enroute to Arrival Effective Response Force Emergency Responses Only</td>
<td>12:08</td>
<td>17:05</td>
<td>12:06</td>
<td>N/A</td>
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</table>
### LEAWOOD MUNICIPAL COURT CASELOAD

#### CUMULATIVE

<table>
<thead>
<tr>
<th></th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>JAN</td>
<td>1,246</td>
<td>890</td>
<td>820</td>
<td>785</td>
</tr>
<tr>
<td>FEB</td>
<td>2,201</td>
<td>1,537</td>
<td>1,559</td>
<td>1,763</td>
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<td>3,253</td>
<td>2,280</td>
<td>2,595</td>
<td>2,759</td>
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<td>4,615</td>
<td>2,907</td>
<td>3,597</td>
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<td>MAY</td>
<td>5,483</td>
<td>3,900</td>
<td>4,481</td>
<td>3,312</td>
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<tr>
<td>JUN</td>
<td>6,652</td>
<td>4,713</td>
<td>5,542</td>
<td>3,915</td>
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<tr>
<td>JUL</td>
<td>7,783</td>
<td>5,607</td>
<td>6,496</td>
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<td>AUG</td>
<td>8,778</td>
<td>6,470</td>
<td>7,419</td>
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<td>SEP</td>
<td>9,677</td>
<td>7,527</td>
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<td>OCT</td>
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<td>8,728</td>
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<tr>
<td>NOV</td>
<td>11,812</td>
<td>9,420</td>
<td>9,374</td>
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<td>12,523</td>
<td>10,161</td>
<td>10,015</td>
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#### MONTHLY

<table>
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<tr>
<th></th>
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<th>2018</th>
<th>2019</th>
<th>2020</th>
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<td>1,246</td>
<td>890</td>
<td>820</td>
<td>785</td>
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<tr>
<td>FEB</td>
<td>955</td>
<td>647</td>
<td>739</td>
<td>978</td>
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<td>MAR</td>
<td>1052</td>
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<td>627</td>
<td>1,002</td>
<td>203</td>
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<td>MAY</td>
<td>1,318</td>
<td>993</td>
<td>884</td>
<td>350</td>
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<td>1,169</td>
<td>813</td>
<td>1,081</td>
<td>603</td>
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<td>JUL</td>
<td>1,131</td>
<td>894</td>
<td>954</td>
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|       | 12,523| 10,161| 10,015| 3,915 |
LEAWOOD MUNICIPAL COURT RECEIPTS PROCESSED

CUMULATIVE

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<tr>
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<th>2019</th>
<th>2020</th>
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</thead>
<tbody>
<tr>
<td>JAN</td>
<td>$135,897.50</td>
<td>$124,209.00</td>
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<td>$582,316.75</td>
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MONTHLY

<table>
<thead>
<tr>
<th></th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
</tr>
</thead>
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<tr>
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<td>$135,897.50</td>
<td>$124,209.00</td>
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$1,518,103.44 $1,281,212.81 $1,236,818.50 $425,770.50
$1,500,000.00 $1,500,000.00 $1,500,000.00 $1,300,000.00

CUMULATIVE

$1,620,000.00
$1,420,000.00
$1,220,000.00
$1,020,000.00
$820,000.00
$620,000.00
$420,000.00
$220,000.00
$20,000.00

JAN  FEB  MAR  APR  MAY  JUN  JUL  AUG  SEP  OCT  NOV  DEC
135th STREET AND KENNETH ROAD – MIXED USE AND MEDIUM DENSITY RESIDENTIAL – REQUEST FOR APPROVAL OF A REVISED PRELIMINARY PLAN – Located south of 135th Street and west of Kenneth Road – Case 04-20

PLANNING COMMISSION RECOMMENDATION:
The Planning Commission recommends denial (8-0) of Case 04-20 135th Street and Kenneth Road – Mixed Use and Medium Density Residential – request for approval of a Revised Preliminary Plan for the reasons stated in the Planning Commission minutes.

Staff provided the previous stipulations from the accepted Preliminary Plan which were approved with the prior preliminary plan with slight modifications/updates, should the Governing Body approve the application:

1. The project shall be limited to the following:
   a. 410,200 sq. ft. of construction on 18.25 acres for an FAR of 0.43, with a 25% discount for residential within the MXD zoned portion of the development that shall meet all requirements of the Leawood Development Ordinance, including FAR density bonuses, and the City of Leawood’s Comprehensive Plan.
   b. 54 duplexes and 3 triplexes on 38.09 acres for a density of 3.07 dwelling units per acre.

2. Prior to the Final Plan submittal, the applicant shall work with city staff to make the following revisions to the RP-3 portion of the plan:
   a) Provide revised elevation drawings for the duplex and triplex units that meet the material requirements of the Leawood Development Ordinance, including roofing material.

3. The applicant/owner shall be responsible for the following impact fees:
   a) A 135th Street Impact Fee in the amount of $0.58 per square foot of office, $1.95 per square foot of retail, and $389.40 per residential unit for areas north of 137th Street. This amount is subject to change by Ordinance.
   b) A Public Art Impact Fee in the or a piece of public art is required prior to the issuance of a building permit in the amount of $0.15 per square foot of finished floor area for nonresidential development. This amount is subject to change by Ordinance.
   c) A Park Impact Fee in the amount of $300 per residential unit is required prior to issuance of a building permit. This amount is subject to change by Ordinance.
   d) A South Leawood Transportation Impact Fee, due prior to recording of the Final Plat. This amount is subject to change by Ordinance.

4. The applicant/owner shall be responsible for the construction of an additional lane and other improvements on 135th Street prior to issuance of a Certificate of Occupancy for any building within either the MXD or RP-3 zoned portions of the development, per Public Works Department.

5. The right-of-way for 137th Street shall be shifted to the north, to provide a tract of open space to act as a buffer between the street and the existing residential development to the south, as it is extended to the west beyond the current dedicated right-of-way.

6. The applicant/owner shall be responsible for the construction of 137th Street within the proposed development.
7. The completion of the design and construction of all public streets for the full width of the property shall be under a single set of construction plans.

8. All power lines, utility lines, etc. (both existing and proposed, including utilities and power lines adjacent to and within abutting right-of-way) are required to be placed underground. This must be done prior to final occupancy of any building within the project.

9. Within the RP-3 portion of the development, all above ground facilities shall be placed in the rear yard wherever practical. If locating these facilities in the rear yard is not practical or appropriate, as determined by the City Engineer, then such facilities shall be at least 25’ behind the right-of-way.

10. The term of the Special Use Permit for the assisted living facility shall be limited to twenty years from the Governing Body approval.

11. A Special Use Permit for an assisted living facility shall be issued to Vick Regnier Builders, Inc.

12. All utility boxes, not otherwise approved with the final development plan, with a height of less than 55 inches, a footprint of 15 sq.ft. in area or less, or a pad footprint of 15 sq.ft. in area or less, shall be installed only with the prior approval of the Director of Community Development as being in compliance with the Leawood Development Ordinance.

13. Within the MXD portion of the development, all utility boxes, not otherwise approved with the final development plan, with a height of 56 inches or greater, a footprint greater than 15 sq.ft. in area, or a pad footprint greater than 15 sq.ft. in area, shall be installed only with the prior recommendation of the Planning Commission as being in compliance with the Leawood Development Ordinance based on review of a site plan containing such final development plan information as may be required by the City, and approved by the Governing Body. The City may impose conditions on approval, including but not limited to duration or renewal requirements, where the circumstances are sufficiently unusual to warrant the conditions.

14. Within the RP-3 portion of the development, all new utility boxes with a height of 55 inches or greater, a footprint greater than 15 square feet in area, or a pad footprint greater than 15 square feet in area, shall be authorized only by approval of a special use permit prior to construction.

15. The following deviations are hereby granted:
   a) 15% increase in the applicable maximum FAR based on not less than a 1:1 ratio of increase floor area to increased open space being a benefit to the community as passive recreational potential for the public.
   b) 15% increase in the applicable maximum FAR based on a 1:1 ratio of additional open space to additional allowable floor area for incorporation underground parking.
   c) Allow a 30 foot building setback from 137th Street and High Drive within the MXD portion of the development based on compensating common open space (not less than 1:1 ratio) is provided elsewhere in the project.
   d) Subject to meeting the City’s adopted Building Code, allow a minimum side yard setback for the Villas of 15 feet from vertical wall to vertical wall within the RP-3 portion of the development.

16. Per the Leawood Development Ordinance, within the MXD portion of the development buildings shall be required to have a buffer a minimum of 10’ deep adjacent to buildings.

17. Where head-in parking overhangs sidewalks, sidewalks must provide for a minimum of 2’ of additional width to accommodate the overhang of cars.

18. Along all public streets, a minimum of a 10’ tree lawn shall be provided between back of curb and adjacent sidewalks.

19. Sidewalks shall be 6’ in width along 135th Street, both sides of High Drive, and on the north side of 137th Street. A 10’ asphalt hike/bike trail shall be required along the south side of 137th Street and west side of Kenneth Road. All other sidewalks shall be a minimum of 5’ in width.
20. Within the MXD portion of the development and per the Leawood Development Ordinance, where pedestrian routes intersect vehicular access routes, the material of the pedestrian route shall be enhanced and differentiated from the vehicular paving material.

21. All buildings within this development shall conform to the architectural type, style, and scale of the buildings approved by the Governing Body at Final Plan.

22. All downspouts shall be enclosed.

23. In accordance with the Leawood Development Ordinance, all trash enclosures shall be screened from public view with a 6 foot solid masonry structure to match the materials used in the buildings and shall be architecturally attached to the individual buildings and accented with appropriate landscaping. The gates of the trash enclosures shall be painted, sight obscuring, decorative steel.

24. All rooftop equipment shall be screened from the public view with an architectural treatment, which is compatible with the building architecture. The height of the screen must be at least as tall as the utilities being screened.

25. Per the Leawood Development Ordinance, all parking lot light fixtures associated with this project shall be a maximum of 18’ in height.

26. Lighting fixtures along 137th Street, High Drive, and Kenneth Road between 135th Street and 137th Street shall be of a special design that matches the existing light fixtures on 137th Street.

27. At the time of Final Plan a landscape plan shall be submitted that meets all requirements of the Leawood Development Ordinance.

28. Lighting plans, photometric studies that meet the Leawood Development Ordinance, along with specific light fixtures, shall be required at the time of Final Plan.

29. Materials boards shall be submitted at the time of Final Plan application.

30. A model shall be submitted at the time of final plan application.

31. Sign design and calculations shall be required at Final Plan.

32. The applicant shall obtain all approvals and permits from the Public Works Department, per the public works memo dated January 23, 2020, on file with the City of Leawood Planning and Development Department, prior to recording the final plat.

33. The applicant shall obtain all approvals from the City of Leawood Fire Department, per the Fire Marshal’s memo dated November 7, 2018, on file with the City of Leawood Planning and Development Department, prior to issuance of a building permit.

34. A statement shall be included on the final plat for the RP-3 portion of the development that states that there shall be no ingress or egress within the rear yard, or street-side side yard to 137th Street for those lots that are adjacent to 137th Street.

35. All streets within the RP-3 portion of the development shall be public. The developer or Homes Association will maintain any planting or statuary within the street right-of-way. The developer shall execute a right-of-way maintenance agreement with the Public Works Department for any planting or statuary improvements within the public right-of-way.

36. For the MXD portion of the development, a cross access/parking easement for the entire development shall be recorded with the final plat at the Johnson County Registrar of Deeds prior to issuance of a building permit.

37. The developer will continue to work with City staff on the proposed detention areas to determine if any of those areas could be converted to retention ponds to also serve as amenity areas for the development and will bring in detailed plans at the time of final plan application.

38. The Owner/Applicant must establish a funding mechanism to maintain, repair and/or replace all common areas and common area improvements including, but not limited to, streets, walls, and storm water system improvements. The mechanism will include a deed restriction running with each lot in the development that will mandate that each owner must contribute to the funding for such maintenance,
repair and/or replacement and that each lot owner is jointly and severally liable for such maintenance, repair and/or replacement, and that the failure to maintain, repair or replace such common areas or common area improvements may result in the City of Leawood maintaining, repairing and replacing said common areas and/or improvements, and the cost incurred by the City of Leawood will be jointly and severally assessed against each lot, and will be the responsibility of the owner(s) of such lot.

39. This preliminary plan approval shall lapse in two years, if construction on the project has not begun or if such construction is not being diligently pursued; provided, however, that the developer may request a hearing before the City Council to request an extension of this time period. The City Council may grant one such extension for a maximum of 12 months for good cause shown by the developer.

40. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all ordinances of the City of Leawood including the Leawood Development Ordinance, unless a deviation has been granted, and to execute a statement acknowledging in writing that they agree to stipulations one through forty.

PLANNING COMMISSION CHANGES TO STIPULATIONS:

- None

APPLICANT:

- The property is owned by Vic Regnier Builders, Inc.
- The developer is Rick Lashbrook with Leawood 135, LLC
- The engineer is Tim Tucker with Phelps Engineering.
- The landscape architect is Jason Meier with Meier Consulting.

HISTORY:

- A Preliminary Plat, Preliminary Plan, Special Use Permit, and Rezoning for the 135th and Kenneth Development was approved by the Governing Body with case 71-18 (Ordinance #2919) on December 3, 2018. The following was approved with that application.
  - Rezoning of 18.25 acres to MXD (Mixed Use Development District) and 38.09 acres to RP-3 (Planned Cluster Attached Residential). The MXD zoned land was located on the north side of future 137th Street, and the RP-3 zoned land was located both on the north and south sides of future 137th Street.
  - The mixed use portion of the development was approved for a total of 410,200 sq.ft. of construction on 18.25 acres for an FAR of 0.43, which included a 25% discount on residential space per the Leawood Development Ordinance. The MXD part of the development contained the following use percentages.
    - 41,000 sq.ft. of retail/restaurant space - (10.0%)
    - 82,000 sq.ft. of office space - (20.0%)
    - 287,200 sq.ft. of residential apartments (182 units for a density of 9.97 du/ac) – (70.0%)
    - 67,200 sq.ft. for an assisted living facility (84 beds)
  - The RP-3 portion (named Regents Park with this application) of the development consisted of 54 duplexes and 3 triplexes (117 units) on 38.28 acres for a residential density of 3.06 units/acre. Eighteen duplexes (36 units) were approved on the north side of future 137th Street and 36 duplexes and 3 triplexes (81 units) were approved on the south side.
  - A Final Plat and Final Plan for the Regents Park Multi-Family development was approved by the Governing Body with case 33-19 (Resolution #5245) on July 15, 2019 which consisted of public infrastructure and the RP-3 portion of the development.
REQUEST:
- The applicant is requesting approval of a Revised Preliminary Plan altering the proposed phasing of the RP-3 portion of the development and to remove/alter the stipulations of the approved Preliminary Plan related to public improvements on 135th Street and Kenneth Road.

ZONING:
- The property is currently zoned RP-3 (Planned Cluster Attached Residential) and MXD (Mixed Use).

COMPREHENSIVE PLAN:
- The Comprehensive Plan designates the portion of property north of the future 137th Street as Mixed Use, and the area south of the future 137th Street as Medium Density Residential.

LOCATION:

SURROUNDING ZONING:
- North: Directly to the north of the property is 135th Street, an arterial roadway, and undeveloped property zoned AG, on the north side of 135th Street.
- South: Directly to the south of the property is the Leawood Falls Subdivision, zoned RP-4 (Planned Cluster Residential District under a previous version of the Leawood Development Ordinance), and the Villas of Highlands Ranch, zoned RP-2 (Planned Cluster Detached Residential District).
- East: Directly to the east of the property is Kenneth Road and undeveloped land, zoned SD-CR (Planned General Retail).
- West: West of the property is undeveloped land, zoned AG, followed by Chadwick Place, a commercial development zoned SD-NCR (Planned Neighborhood Retail) and SD-O (Planned Office).
CHANGES FROM THE APPROVED PRELIMINARY PLAN:

- With this application, the applicant is proposing two (2) separate changes to be made to the previously approved Preliminary Plan for this project. The first change would be to make changes to stipulations in the Planning Staff Report as well as the Public Works Staff Report. The second change is to alter the Phasing plan.
- The applicant is requesting the following stipulations be removed/alterned:

<table>
<thead>
<tr>
<th>STIPULATION NUMBER</th>
<th>CURRENT STIPULATION</th>
<th>APPLICANT REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stipulations Listed in the Planning Staff Report</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>The applicant/owner shall be responsible for the construction of an additional lane and other improvements on 135th Street prior to issuance of a Certificate of Occupancy for any building within either the MXD or RP-3 zoned portions of the development, per the Public Works Department.</td>
<td>Delete</td>
</tr>
<tr>
<td>7</td>
<td>The completion of the design and construction of all public streets for the full width of the property shall be under a single set of construction plans.</td>
<td>Modify to read: The design and construction of the public streets will be under separate sets of construction plans in accordance with the project phasing.</td>
</tr>
<tr>
<td>8</td>
<td>All power lines, utility lines, etc. (both existing and proposed, including utilities and power lines adjacent to and within abutting right-of-way) are required to be placed underground. This must be done prior to final occupancy of any building within the project.</td>
<td>Modify to read: The applicant shall not be required to place existing power/utility lines along 135th Street frontage underground.</td>
</tr>
<tr>
<td>32</td>
<td>The applicant shall obtain all approvals and permits from the Public Works Department, per the public works memo dated November 13, 2018 on file with the City of Leawood Planning and Development Department, prior to recording the final plat.</td>
<td>Refers to stipulations listed in the Public Works Memo. The Public Works stipulation that the applicant is requesting to be either deleted or modified are listed below under “Public Works Memo”</td>
</tr>
</tbody>
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Stipulations Listed in the Public Works Memo

<table>
<thead>
<tr>
<th>2-c-i,ii,iii</th>
<th>The developer shall construct the following public improvements prior to issuance of Certificate of Occupancy</th>
<th>Delete</th>
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</thead>
<tbody>
<tr>
<td>i. Construct an additional lane for eastbound 135th Street along the frontage of this development. This section of roadway shall be constructed in accordance with the 135th Street construction plans dated 1995 and the lane widening must be as smooth as the existing pavement section. This shall be determined by Profilograph machine. If the new pavement section is not as smooth as the existing lanes, the developer shall diamond grind the new pavement to meet the smoothness of the existing lanes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>STIPULATION NUMBER</td>
<td>CURRENT STIPULATION</td>
<td>APPLICANT REQUEST</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td>ii.</td>
<td>The developer shall construct eastbound right turn lanes and each access to 135th Street and at Kenneth Road. The length of the right turn lane shall be two hundred fifty (250) feet long plus taper at existing/proposed signalized intersection. The length of the right turn lane shall be one hundred fifty (150) feet long plus taper at the Right-in/Right-out.</td>
<td>Modify to read: The Developer shall construct an eastbound right turn lanes at High Drive with the construction of the Phase I. The length of the right turn lane at High Drive shall be two hundred fifty (250) feet long plus taper at existing/proposed signalized intersections. The Developer shall construct an eastbound right turn lane at the right-in/right out drive with the construction of Phase 5. The length of the right turn lane shall be one hundred fifty (150) feet long plus taper at the right-in/right-out drive.</td>
</tr>
<tr>
<td>iii.</td>
<td>The Developer shall install the traffic signal at 135th Street and High Drive and the left turn lanes for eastbound and westbound.</td>
<td>Modify to read: Prior to the issuance of a building permit for any building within the MXD portion of the project, the owner and/or developer shall deposit (either) $300,000 cash or an irrevocable Letter of Credit with the Chief Financial Officer for the City of Leawood. The funds collected shall be placed in an escrow account set aside for a future traffic signal, including any required interconnections, at the intersection of 135th Street and High Drive. The signalization will be considered by the City when and if a warrant is met in accordance with the “Manual on Uniform Traffic Control Devices”. In the event the actual total signalization costs are less than the funds available from the escrow account at the time of contract closing out, the difference shall be refunded to the owner and/or developer, or the successor in interest.</td>
</tr>
<tr>
<td>6</td>
<td>Developments shall have all utilities relocated underground. This includes private property and utilities in the Right-of-way between the curb and property line.</td>
<td>Delete</td>
</tr>
<tr>
<td>13</td>
<td>Certificates of Occupancy shall not be issued for any building until all public improvements, including payments to escrow accounts, have been completed.</td>
<td>Modify to read: Certificates of Occupancy may be issued upon completion of all public improvements as planned with each phase of the development.</td>
</tr>
</tbody>
</table>
PROPOSED CHANGES TO PHASING:

- **Currently Approved Phasing Plan:**
  - The currently approved phasing plan includes all duplex and triplex residential buildings to be constructed within the first phase along with 137th Street from Kenneth Road to Chadwick Street.
  - The amenity area at the intersection of 137th Street and High Drive would be included as part of the second phase.
  - The third and fourth phases would include the Mixed Use portion of the development on the east and west sides of High Drive.

- **Proposed Phasing Plan:**
  - The first phase of the development would include the duplex and triplex residential buildings located south of 137th Street, including the construction of 137th Street from Kenneth Road to Chadwick Street.
  - The second phase of the development would include the amenity area at the intersection of 137th Street and High Drive.
  - The third phase would include the duplex residential buildings north of 137th Street.
  - The fourth and fifth phases would include the Mixed Use portion of the development on the east and west sides of High Drive.

  With regards to the phasing of the project, the applicant is proposing to construct the duplex units, north of 137th Street, in a third phase. This will affect 18 Duplex building (36 Dwelling Units). The construction for the street off of 137th Street for the duplex buildings north of 137th Street would also be moved to the 3rd Phase.

SITE PLAN COMMENTS:

- The applicant has confirmed that no other changes to the site have been proposed with this application from the previously approved Preliminary Plan.

- The previous preliminary plan included the following:
  - The Regents Park subdivision with a total of 54 duplexes and 3 triplexes (117 units), 18 duplexes (36 units) north of 137th Street adjacent to the mixed use portion of the development, and 36 duplexes and 3 triplexes (81 units) proposed to the south of 137th Street.
  - The mixed use portion of the development proposes a total of 410,200 sq.ft. of construction on 18.25 acres for an FAR of 0.43, which includes a 25% discount on residential space per the Leawood Development Ordinance. The MXD part of the development consists of the following uses:
    - 41,000 sq.ft. of retail/restaurant space - (10.0%)
    - 82,000 sq.ft. of office space - (20.0%)
    - 287,200 sq.ft. of residential apartments (182 units for a density of 9.97 du/ac) – (70.0%)
    - 67,200 sq.ft. for an assisted living facility (84 beds)

BULK REGULATIONS:

- The following table outlines the required and provided regulations for the 135th Leawood Development:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Required</th>
<th>Provided</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exterior Structure Setback</td>
<td>40’</td>
<td>30’ - 137th Street and High Drive</td>
<td>Deviation Granted - adjacent to 137th Street and High Drive only</td>
</tr>
<tr>
<td></td>
<td></td>
<td>40’ – 135th Street</td>
<td></td>
</tr>
<tr>
<td>Criteria</td>
<td>Required</td>
<td>Provided</td>
<td>Criteria</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>----------</td>
<td>---------------</td>
<td>----------</td>
</tr>
<tr>
<td>Interior Structure Setback</td>
<td>10'</td>
<td>10'</td>
<td>Complies</td>
</tr>
<tr>
<td>Single Family Residential Structure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Setback</td>
<td>75'</td>
<td>850' approx.</td>
<td>Complies</td>
</tr>
<tr>
<td>Exterior Parking Setback</td>
<td>25'</td>
<td>25'</td>
<td>Complies</td>
</tr>
<tr>
<td>Interior Parking Setback</td>
<td>10'</td>
<td>10'</td>
<td>Complies</td>
</tr>
<tr>
<td>Minimum Open Space %</td>
<td>30%</td>
<td>44.9%</td>
<td>Complies</td>
</tr>
<tr>
<td>Minimum Interior Open Space %</td>
<td>10%</td>
<td>15%</td>
<td>Complies</td>
</tr>
<tr>
<td>Minimum Acres</td>
<td>10</td>
<td>18.25</td>
<td>Complies</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio (F.A.R.)</td>
<td>0.25</td>
<td>0.43</td>
<td>F.A.R. Bonuses Granted</td>
</tr>
<tr>
<td></td>
<td>198,718 SQ.FT.</td>
<td>410,200 SQ.FT.</td>
<td></td>
</tr>
<tr>
<td>Required Use Ratios</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>≥ 20% - Residential</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>≥ 20% - Office</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>≥ 10% - Retail</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Density</td>
<td>≤ 15 DU / acre</td>
<td>9.97 DU / acre</td>
<td>Complies</td>
</tr>
<tr>
<td>Minimum Residential Unit Size</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>80% - ≥900 sq.ft.</td>
<td>Not provided</td>
<td>Applicant acknowledged, but not provided</td>
</tr>
<tr>
<td></td>
<td>20% - ≥750 sq.ft.</td>
<td>Not provided</td>
<td></td>
</tr>
<tr>
<td>Height Limit</td>
<td>90'</td>
<td>71'</td>
<td>Complies</td>
</tr>
</tbody>
</table>

**Planned Cluster Attached Residential District (RP-3)**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Required</th>
<th>Provided</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Setback</td>
<td>30'</td>
<td>30'</td>
<td>Complies</td>
</tr>
<tr>
<td>Side Setback</td>
<td>30'</td>
<td>15'</td>
<td>Deviation Granted</td>
</tr>
<tr>
<td>Side Lot Corner Setback</td>
<td>30'</td>
<td>30'</td>
<td>Complies</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>30'</td>
<td>30'</td>
<td>Complies</td>
</tr>
<tr>
<td>Density</td>
<td></td>
<td>3.07 du/ac,</td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>7.26 du/ac,</td>
<td>6,000 sq.ft./dwelling</td>
<td></td>
</tr>
<tr>
<td>Maximum No. of Attached Units</td>
<td>≤ 4 per building</td>
<td>3 per building</td>
<td>Complies</td>
</tr>
<tr>
<td>Open Space</td>
<td>30% of lot area</td>
<td>66.0%</td>
<td>Complies</td>
</tr>
</tbody>
</table>

* Measured from building lines and building clusters

**LANDSCAPING:**
- No changes have been made to the previous landscaping plan that was approved with the Final Plan application.
- The applicant is not proposing any changes to the Mixed Use portion of the development reflected on the currently approved Preliminary Plan. The Final Landscape Plan which was approved with the Regents Park final Plan included the RP-3 portion of the development, which is not being changed with this application.
- Landscaping will be reviewed at the time of Final Plan for the area zoned MXD.

**TRAFFIC:**
- The applicant provided a traffic study completed in March, 2019 and has been reviewed and approved by the Public Works Department.

**SIGNAGE:**
- No signage is proposed with this application. Signage will be reviewed under a separate Final Plan at a later date.
DEVIATIONS PREVIOUSLY GRANTED:

- 15% increase in the applicable maximum FAR based on not less than a 1:1 ratio of increase floor area to increased open space being a benefit to the community as passive recreational potential for the public.
- 15% increase in the applicable maximum FAR based on a 1:1 ratio of additional open space to additional allowable floor area for incorporation underground parking.
- Allow a 30 foot building setback from 137th Street and High Drive within the MXD portion of the development based on compensating common open space (not less than 1:1 ratio) is provided elsewhere in the project.
- Subject to meeting the City’s adopted Building Code, allow a minimum side yard setback for the Villas of 15 feet from vertical wall to vertical wall within the RP-3 portion of the development.

IMPACT FEES:

- **135th Street Corridor Impact Fee:** The applicant/owner shall be responsible for the 135th Street Impact fee in the amount of $0.58 per square foot for office, $1.95 per square foot for retail, and $389.40 per residential unit for areas north of 137th Street, which is due prior to issuance of building permit. This amount is subject to change by Ordinance.
- **Public Art Impact Fee:** A public art impact fee or a piece of public art shall be required. Approval of the design and location of the art will need to go before the Arts Council, Planning Commission, and be approved by the Governing Body at a later date. In Lieu of that, the applicant may pay a public art impact fee in the amount of $0.15 per square foot of finished floor area for nonresidential development prior to issuance of a building permit. This amount is subject to change by Ordinance.
- **PARK Impact Fee:** The applicant/owner shall be responsible for a Park Impact Fee in the amount of $0.15 per square foot of finished floor area and $300 per residential unit is required prior to issuance of building permit. This amount is subject to change by Ordinance.
- **South Leawood Transportation Impact Fee:** The applicant shall be responsible for a South Leawood Transportation Impact Fee prior to recording of the Final Plat.

STAFF COMMENTS:

- The applicant is requesting not to pay for some public improvements associated with the project now or in the future, including the construction of a third lane on 135th Street and the undergrounding of power/utility lines.
- In previous developments along 135th Street, improvements are generally constructed with the development or paid into escrow to have the project done in the future, when the city deems it necessary for proper facilities to be constructed.
- It is the position of city staff that the application request be denied and that the currently approved Preliminary Plan stay in effect.
MEMO

DATE: January 23, 2020

TO: Richard Coleman, Director of Community Development

FROM: Brian Scovill, P.E., City Engineer
Department of Public Works

SUBJECT: 135th and Kenneth Road Revised Preliminary
Case Number: 4-20

The Department of Public Works has reviewed the aforementioned project. Based on
the approved 135th Street Community Plan and past development requirements
implemented along this corridor, the Public Works Department recommends carrying
forward the previously approved preliminary plan stipulations with some modifications
based on the previously approved final plan stipulations. The recommended
stipulations are listed below with revisions and additional language from the previously
approved preliminary stipulations highlighted with bold print:

1) Plat:
   a) Along 135th Street the developer shall provide eighty-five (85) feet of Right-of-
      Way from the section line and provide a ten (10) foot Utility Easement
      abutting the Right-of-Way.

   b) Along 137th Street provide eighty (80) feet of Right-of-Way, provide a five (5)
      foot Sidewalk Easement abutting the south Right-of-Way line and provide a
      ten (10) foot Utility Easement abutting both sides of the Right-of-Way.

   c) Along High Drive provide ninety (90) feet of Right-of-Way and provide a ten
      (10) foot Utility and Sidewalk Easement abutting both sides of the Right-of-
      Way.

2) Traffic Impact Analysis:
   a) The submitted Traffic Study was reviewed by Olsson. The developer modified
      their original plan and relocated the full access intersection at 135th St & High
      Drive approximately 170 feet west. This proposed location is 200 feet east of
      the ¼ mile spacing that staff had requested. After review of the developer’s
      traffic study it was determined that the proposed location 200 feet east of the
      section line does not increase queue lengths and/or delays along the 135th St
      corridor.
b) The Developer shall provide fifty (50) foot curb return radius at the intersections along 135th Street and at 137th Street and Kenneth Road. All other intersections and drive entrances shall have a thirty (30) foot curb return radius.

c) The Developer shall construct the following public improvements prior to issuance of Certificate of Occupancy:

i) Construct an additional lane for eastbound 135th Street along the frontage of this development. This section of roadway shall be constructed in accordance with the 135th Street construction plans dated 1995 AND the lane widening must be as smooth as the existing pavement section. This shall be determined by a Profilograph machine. If the new pavement section is not as smooth as the existing lanes, the developer shall diamond grind the new pavement to meet the smoothness of the existing lanes.

ii) The Developer shall construct the 135th Street eastbound right turn lanes at High Drive and at Kenneth Road. The future eastbound right turn serving Tract H will be constructed with the development of tract H. The length of the right turn lane at existing/proposed signalized intersections shall be two hundred fifty (250) feet long plus taper. The length of the right turn lane at the Right-In/Right-Out shall be one hundred fifty (150) feet long plus taper.

iii) The developer shall pay into escrow One Hundred Sixty-Five thousand ($165,000) dollars for traffic signals at 135th Street and High Drive. This amount is fifty (50) percent of the estimated cost for traffic signal design, construction and inspection. This fee shall be paid prior to the City releasing the plat.

iv) The pavement at the intersection of 136th St and High Drive between the crosswalks and within the Right-of-Way shall be concrete.

v) If 137th Street is not constructed to Chadwick with the first phase of this project the developer shall construct a temporary cul-de-sac on the west end of their project and provide escrow for future removal of the cul-de-sac and construction of the permanent 137th Street through their property. The temporary cul-de-sac can be constructed within the 80 feet of Right-of-Way.

3) Storm Water Study:

a) The Storm Water Study has been submitted and the developer will be required to detain their storm water runoff in accordance with current APWA Standards.

i) There are two bio-retention basin and a detention basin on the southwest corner of the development, four bio-retention basin and detention basin on the east side of the development south of 137th Street and additional BMPS to maintain the existing peak flow from this site and to meet the stormwater treatment requirement..

Sister City to I-Lan, Taiwan, R.O.C. • Sister City to Regional Council Gezer, Israel
ii) The developer shall update the stormwater study if changes are made
to the BMP or detention plans.

iii) The developer is providing a 100 foot stream buffer on the existing
creek at the northeast corner of the larger development.

b) The location, size, plant material list, etc of the BMP's will be verified on the
engineering plan submittal.

c) Provide detailed worksheets sizing each bio-retention basin at final
engineering plan stage.

4) The Developer shall make every effort to confine the construction of 137th Street
to the right-of-way or existing easements. If this is not possible, the City will
acquire temporary construction easements.

5) Prior to any construction permits, the Developer shall enter into a City right of
way maintenance agreement to ensure any landscaping or irrigation within the
right-of-way or crosswalks crossing public streets are properly maintained by the
adjacent property owners.

6) The 10 foot wide shared use path shall be constructed on the south side of 137th
Street and along the west side of Kenneth Road.

7) Developments shall have all utilities relocated underground. This includes
private property and utilities in the Right-of-Way between the curb and property
line.

8) Developments on or between 133rd Street to 137th Street shall have six (6) foot
sidewalks within the Right-of-Way, except with residential areas and where the
ten (10) foot bike/hike trail is located. The sidewalks and bike/hike trail shall be
located within the Right of Way or a Sidewalk Easement.

9) Developments on or between 133rd Street to 137th Street shall use the City of
Leawood’s Special Street Light for all public roadway lighting. To maintain a
uniform look of the residential development, Norwood Road north of 137th shall
use the City of Leawood standard street light.

10) The parking lot pavement shall be constructed in accordance to the Leawood
Development Ordinance.

11) Permanent structures, including monument signs, shall not be placed within the
Right-of-Way and Public Easements.

12) All public improvements shall be designed and constructed in accordance with
the City of Leawood Public Improvement Construction Standards as developed
by the Department of Public Works (latest revision).

13) The developer shall obtain and submit to the Department of Public Works and
the Building Official a copy of the NPDES Land Disturbance Permit issued by the
Kansas Department of Health and Environment prior to any grading work at the
site.
14) The permit fee for plan review and construction observation shall be five (5) percent of the construction cost for all improvements within the Right-of-Way or Public Easement(s) granted to the City of Leawood. The fee will be charged and collected from the Contractor prior to issuance of the permit from the Department of Public Works.

15) Construction vehicles, including vehicles of construction personnel, shall not be parked within the Right-of-Way. All staging and storage of equipment and/or materials for private improvements shall be contained on the proposed development unless an Access Easement has been granted by the adjacent property owner.

16) The Developer shall repair and restore all damaged areas between the back of curb and the Right-of-Way abutting this lot including any existing damage. This shall include but is not limited to street lighting equipment, traffic signal equipment, sidewalk, storm sewers, grass, etc.

17) The Developer shall provide documentation by a licensed professional engineer certifying on City forms the BMPs have been constructed in accordance with City standards and the approved plans.

18) The developer shall provide as-built storm sewer information in accordance with City standards. This includes, but is not limited to, vertical and horizontal coordinates of all structures constructed or modified, flow line information at each structure, pipe size information, downstream structure numbers and type of structure. This information shall be provided to us on the Johnson County AIMS coordinate system. The spreadsheet for the data will be provided to the developer after the storm sewer improvements have been completed.

19) The plat shall not be released for recording until all public permits have been obtained by the Contractor(s) and all other requirements have been met.

20) Certificates of Occupancy shall not be issued for any building until all public improvements, including payments to escrow accounts, have been completed.

If you have any questions, please call me at (913) 339-6700, extension 134.

Copy: Project File

Sister City to I-Lan, Taiwan, R.O.C. ● Sister City to Regional Council Gezer, Israel
This plan as reviewed provides adequate access for fire apparatus.

*Gene Hunter, Leawood Fire Marshal*
1. Residential
   2. Retail
   3. Office
   4. Assisted Living

- **Overall Site Information**
  - **Gross Square Footage**
    - Residential: 52,000 SF
    - Retail: 123,000 SF
    - Office: 410,200 SF
    - Assisted Living: 66,000 SF
    - **Total**: 801,200 SF

- **Open Space Calculation**
  - **Required**
    - Residential: 1,000 SF/Unit x 56 Units = 56,000 SF
    - Total Open Space: 71,954 SF
  - **Provided**
    - Residential: 1,400 SF (Assisted Living included)
    - Total Open Space: 71,954 SF

- **Density Calculation**
  - **Gross Development**
    - Residential: 66,000 SF
    - Retail/Office: 123,000 SF
    - **Total**: 189,000 SF
  - **Max FAR with Discount**
    - 55% of Residential SF: 38,850 SF
    - Total FAR: 129,240 SF
  - **Max FAR without Discount**
    - 100% of Residential SF: 66,000 SF
    - Total FAR: 189,000 SF
  - **Net Density**
    - Maximum FAR: 287,200 SF
    - Minimum FAR: 123,000 SF
    - Minimum FAR with Discount: 129,240 SF

- **General Requirements**
  - All walks to be at least 30' wide
  - Protect all walk areas with appropriate landscaping
  - Landscaping to be placed behind curbs
  - All walkways to be in compliance with City of Leawood Development Ordinance Article 3 16-3-9 Paragraph 1A201
  - Trash facilities to be smaller than 750 SF
  - **Total**:
    - Open Space: 71,954 SF
    - **Total Buildings**: 569,200 SF
  - **Per City of Leawood Development Ordinance** Article 3 16-3-9 Paragraph 1A201
  - **Maximum FAR with Discount**: 287,200 SF
  - **Minimum FAR with Discount**: 129,240 SF
  - **Allowed Density**: 258,332 SF

- **Other Details**
  - **AS100 - SITE PLAN**
  - **REVISED 08.15.18**
  - **1" = 50'**
  - **135TH AND KENNETH**
  - **1A201**
  - **3A201**
  - **42 UNITS, 52,000 SF**
  - **28,500 SF**
  - **304 SURFACE STALLS**
  - **162 SUB-SURFACE STALLS**
  - **100 (.84/1000 total)**
  - **TOTAL PD**: 293,937 SF +/-
  - **GROSS**: 657,420 SF
  - **REVISED 08.15.18**
  - **1A201**
  - **3A201**
  - **52,000 SF**
  - **794,872 SF (GROSS)**
  - **40'/30'/25’**
  - **11.523 AC +/-**
2. The planting plan graphically illustrates overall plant massings. Each plant species massing shall be placed in a field to utilize the greatest coverage of ground plane. The following applies for individual plantings:
   a. Creeping groundcover shall be a minimum of 6" from paving edge.
   b. All trees shall be a minimum of 3' from paving edge.

3. Mulch all planting bed areas to a minimum depth of 3". Mulch individual trees to a minimum depth of 4".

Materials:
1. Plant material shall be healthy, vigorous, and free of disease and insects as per AAN standards.
2. Shredded bark mulch installed at trees shall be finely chipped and shredded hardwood chips, consisting of pure wood products and free of all other foreign substances. Pine bark compost mulch installed at planting bed areas shall be free of all other foreign substances.
3. Plant pit backfill for trees and shrubs shall be 50% peat or well composted manure and 50% topsoil.

6. Landscape contractor shall maintain all plant material until final acceptance, at which point the one year guarantee begins.

All landscaped areas in ROW shall be sodded and irrigated unless otherwise specified.

Landscape Schedule

| Tree Species | Quantities Per Square Foot | Square Feet x 1.50 | Total
|--------------|----------------------------|--------------------|--------
| Ornamental Trees | 1.50 | 53 | 79.50 |
| Shrub | 1.50 | 128 | 192.00 |
|Total | | | 271.50 |

60.00° Movement Plastic Hose shall be long enough to accommodate 1/2 diameter of tree trunk.

60.00° Movement Plastic Hose shall be installed in a saucer-shaped basin and 1" deep to allow for water infiltration and to prevent root damage.

Watering shall be done weekly for the first year of planting. The amount of water required will depend on the type of soil and climate conditions.

Landscape Plan

Perimeter Landscaping - West Mixed-Use Area
- Perimeter Trees: 12 tree bays per 100 linear feet (200 total)
- Perimeter Shrubs: 40 shrub bays per 100 linear feet (800 total)
- Perimeter Basket: 2 tree bays per 100 linear feet (200 total)
- Perimeter Landscape Fabric: 1 yard per 100 linear feet (200 total)
- Perimeter Stakes: 3 metal stakes per tree bay (600 total)

Perimeter Landscaping - East Mixed-Use Area
- Perimeter Trees: 12 tree bays per 100 linear feet (200 total)
- Perimeter Shrubs: 40 shrub bays per 100 linear feet (800 total)
- Perimeter Basket: 2 tree bays per 100 linear feet (200 total)
- Perimeter Landscape Fabric: 1 yard per 100 linear feet (200 total)
- Perimeter Stakes: 3 metal stakes per tree bay (600 total)

Interior Landscaping
- Lawn Areas: 1 square foot per 100 linear feet (200 total)
- Turf Areas: 1 square foot per 100 linear feet (200 total)
- Decorative Trees: 1 tree per 100 linear feet (200 total)
- Decorative Shrubs: 2 shrubs per 100 linear feet (400 total)
- Decorative Basket: 1 basket per 100 linear feet (200 total)
- Decorative Landscape Fabric: 1 yard per 100 linear feet (200 total)
- Decorative Stakes: 3 metal stakes per tree bay (600 total)

Lawn Area
- Turf Area: 1 square foot per 100 linear feet (200 total)
- Decorative Trees: 1 tree per 100 linear feet (200 total)
- Decorative Shrubs: 2 shrubs per 100 linear feet (400 total)
- Decorative Basket: 1 basket per 100 linear feet (200 total)
- Decorative Landscape Fabric: 1 yard per 100 linear feet (200 total)
- Decorative Stakes: 3 metal stakes per tree bay (600 total)
DENSE EXISTING VEGETATION TO BE PRESERVED

OFFICE 11,250 SF/11,250 SW/O LEVEL OFFICE BLDG

ASSISTED LIVING BELOW GRADE PARKING 100 STALLS

TWO STORY 67,200 SF

PEDESTRIAN PLAZA & PATIO - 850 sf

PEDESTRIAN PLAZA & PATIO - TERRACED CORNER FEATURE- 800 sf

302 SURFACE STALLS

30' BUILDING SETBACK

EAST MIXED-USE AREA ENLARGEMENT PLAN

PROJECT

SITE PLAN

135th and Kenneth Rd.
Leawood, KS

Lawn

1,150 SF

1,150 SF

1,150 SF

Original Submittal Date: 5.22.2018
Revision 1: 6.13.2018
Revision 2: 7.20.2018
Revision 3: 8.15.2018
Revision 4: 11.1.2018

LANDSCAPE ME ER

ARCHITECTURE

CLIENT

Landscape Plan

Landscape Schedule

MEIER ARCHITECTURE

Washington, DC

Rick and Richard Lashbrook
*NOTE: MULTIPLE ELEVATION DESIGNS TO BE CONSIDERED*
MATERIALS PALETTE AND COLOR OPTIONS

Main Body:
LP® SmartSide® Lap Siding
Double 8” Bold Profile Lap

Trim Pieces:
LP - SmartSide Lap Siding
76 Series Smooth Finish Lap

Doors + Shutters:
LP - SmartSide Lap Siding
76 Series Cedar Texture

Accent:
Canyon Stone - Canyon
Ledge Manufactured Stone Veneer

Roof:
CertainTeed - Presidential
Shake Shingles

Color Option 1

- SW 7006 Extra White
- Black Stain
- Midnight Slate
- Charcoal Black

Color Option 2

- SW 7006 Extra White
- Black Stain
- Morning Mist
- Autumn Blend

Color Option 3

- SW 7006 Extra White
- Coffee Stain
- Morning Mist
- Autumn Blend
### Materials Palette and Color Options

#### Color Option 4
- **Main Body + Trim Pieces:**
  - LP® SmartSide® Lap Siding Double 8" Bold Profile Lap
- **Doors + Shutters:**
  - LP - SmartSide Lap Siding 76 Series Smooth Finish Lap
- **Accent:**
  - Canyon Stone - Canyon Ledge Manufactured Stone Veneer
- **Roof:**
  - CertainTeed - Presidential Shake Shingles

#### Color Option 5
- **Main Body:**
  - LP® SmartSide® Lap Siding Double 8" Bold Profile Lap
- **Trim + Doors + Shutters:**
  - LP - SmartSide Lap Siding 76 Series Smooth Finish Lap
- **Accent:**
  - Canyon Stone - Canyon Ledge Manufactured Stone Veneer
- **Roof:**
  - CertainTeed - Presidential Shake Shingles

**Color Swatches:**
- SW 7006 Extra White
- SW 7069 Iron Ore
- SW 7603 Poolhouse
- SW 7006 Extra White
- Autumn Blend
- Charcoal Grey
October 31, 2018

Jessica Schuller
City of Leawood Department of Community Development
4800 Town Center Drive
Leawood, KS 66211

Re: 135th and Kenneth Road – Preliminary Plan
Deviation Requested

The following deviations are being requested for Case 71-18 135th Street and Kenneth Road – Preliminary Plan, Preliminary Plat, Special Use Permit and Rezoning:

1. We are requesting a deviation to allow for a minimum separation of 8-feet between buildings from the RP-3 Bulk requirements of 30-feet separation between buildings. The 8-feet separation is the distance measure between window wells, while a minimum of 15.5-feet separation is being provided between the outside vertical walls of the units.

The request is being made in accordance with the Leawood Development Ordinance, Article 3 Planned Development Procedures, Section 16-3-9 A.5.c. which states:

   c. Side yards between buildings may be reduced to zero when the city approves adequate open space for the project and between buildings.

The required open space in the RP-3 Bulk requirements is 30% of the lot. We have 31.55 acres of RP-3 lot area; therefore requiring 9.46 acres of open space. The proposed open space being provided with this plan is 20.82 acres of open space, therefore an additional 11.36 acres of open space.

We are requesting this building separation deviation on 41 side yards with this plan. Exhibit “A” attached illustrated the worst-case scenario on this plan by using the adjacent units with the greatest building depths at the minimum requested separation. In our worst-case scenario we are encroaching 890.5 square feet in the side yard from the RP-3 bulk requirement of 30 -feet. If we multiple the worst-case encroachment of 890.5 square feet by 42 side yards we come up with a maximum of 36,511 square feet (0.84 acres) encroachment. We have provided 11.36 acres additional opens space to provide better than 1:1 ratio compensation.

Sincerely,

Phelps Engineering, Inc.

Tim Tucker, P.E.

10/31/18
Preliminary Stormwater Study

135th & Kenneth
Mixed Use Development

135th Street and Kenneth Road
Leawood, Kansas

Prepared by:

PEI
PLANNING
ENGINEERING
IMPLEMENTATION

PHELPS ENGINEERING, INC
1270 N. Winchester
Olathe, KS 66061
(913)393-1155

PEI #180350
July 24, 2018
July 24, 2018

Mr. David Ley, P.E.
City of Leawood, Kansas
4800 Town Center Drive
Leawood, KS 66211

Re: 135th and Kenneth Road – Mixed Use Development
    Preliminary Stormwater Study
    PEI #180350

Dear Mr. Ley:

Phelps Engineering, Inc. is pleased to submit this Preliminary Stormwater Management Study for the above referenced project. The Mixed Use project is located at the southwest of the intersection of 135th Street and Kenneth Road. The site is 56.33 net acres and is currently zoned as Agricultural (AG). The proposed plan will rezone the property to Mixed-Use (MXD). The Mix-Use will consist of 38.91 acres of Twin Villas and 17.43 acres of Neighborhood Business consisting of Apartments/Office/Retail.

Preliminary Onsite Drainage System
The existing site is contained in two watersheds draining to the southwest and northeast. The proposed storm sewer system will maintain the approximate existing drainage paths.

Stormwater runoff will be conveyed in an enclosed public storm sewer system sized to convey the 10-year storm in accordance with APWA Section 5600 and City of Leawood requirements.

The 100-year overflow will be conveyed in the street system in conjunction with engineered overflow swales. The lowest openings of any building adjacent to a 100-year overflow will be set a minimum of one-foot above the 100-year water surface elevation.

Existing Conditions
Soils data for the site watershed was determined using the NRCS Web Soil Survey for Johnson County. The site consists of 0.88 acres HSG “B” (Kennebec Soil), 25.19 acres HSG “C/D” (Grundy Soils), and 30.25 acres HSG “D” soils (Oska-Martin, and Chillicothe). Based on aerial imagery from previous years, the existing site is considered to be a combination of grass in good condition and
woods poor condition. See Appendix “F” of this report for aerial imagery exhibits and the NRCS Web Soil Survey.

**Drainage Computations**
The existing site is contained in three watersheds draining to the southwest, northeast, and to the south. Proposed conditions will maintain the same drainage paths. See the enclosed Existing Drainage Map and Proposed Drainage Map in Appendix “B & C”.

Using HydroCAD V10 storm modeling software with SCS Type II 24-hr storm duration, the existing 1-year, 10-year and 100-year site peak discharges were determined for the site watersheds that will require detention. The calculated allowable release rates can be found in Table 1 below. See Appendix “D” of this report for the existing HydroCAD modeling results.

<table>
<thead>
<tr>
<th>Drainage Area</th>
<th>1-Year Peak Flow (cfs)</th>
<th>10-Year Peak Flow (cfs)</th>
<th>100-Year Peak Flow (cfs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southwest</td>
<td>15.01</td>
<td>42.52</td>
<td>73.34</td>
</tr>
<tr>
<td>Northeast</td>
<td>69.93</td>
<td>193.75</td>
<td>331.33</td>
</tr>
<tr>
<td>South</td>
<td>0.85</td>
<td>2.24</td>
<td>3.76</td>
</tr>
</tbody>
</table>

**Downstream Analysis**

**Southwest Watershed**
The City of Leawood has been requiring detention in this watershed with past projects, due to downstream overtopping of 141st Street and flooding of a house at 14009 Canterbury Street. Detention will be provided in this watershed.

**Northeast Watershed**
The onsite drainage area contributing to the northeast watershed is 46.86 acres. The drainage system in this watershed was studied downstream to a point at which the onsite drainage area is less than 10% of the total contributing drainage area, or 46.86 acres. The northeast watershed discharged directly into the FEMA floodplain. The total drainage area to this point is 530 acres. No buildings or street flooding was identified within the drainage to the FEMA floodplain, but immediately downstream of the study area Kenneth Road over tops in the 100-year storm per the FEMA maps. Detention is required in this watershed.

**South Watershed**
The south watershed is 0.4 acres and the downstream drainage system was not analyzed, since the project is proposing to divert the south drainage into the northeast watershed where it can be detained. No discharge to the south is proposed.
Detention
A total of two detention basins are proposed for the 135th Street and Kenneth Road development, one located in the southwest watershed and one in the northeast watershed. All detention analyses were completed using HydroCAD V10 storm modeling software, using SCS Unit Hydrograph detention modeling with SCS Type II 24-hr storm duration. See Appendix “E” for the proposed HydroCAD modeling results.

Southwest Watershed
The southwest detention basin is a dry detention basin that will contain two bio-retention basins in the bottom of the detention basin. The outlet structure used in the routing analysis is multi-stage structure to treat the water quality volume event to the basin and control peak runoff rates in the 1, 10 and 100-year storm event. The first stage is a 1.2 inch diameter orifice on the bio-retention outlet at an elevations of 969.0. The second stage is a 60 inch wide by 10 inch tall orifice with a flowline elevation of 972.24. The 100-year WSE in the basin is 974.45 with a storage volume of 1.114 ac-ft. The emergency spillway is 20 feet wide and set at an elevation of 977. The emergency spillway conveys the peak 100-year inflow of 60.13 cfs at an elevation of 978. The lowest top of berm elevation is set at 979.0 providing a minimum freeboard of one foot over the 100-year WSE. See Table 2 below for the southwest watershed proposed conditions.

<table>
<thead>
<tr>
<th>Storm</th>
<th>Discharge Pt.</th>
<th>Existing Condition</th>
<th>Proposed Condition</th>
<th>Allowable</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Release Rate, cfs</td>
<td>Inflow Rate, cfs</td>
<td>Outflow Rate, cfs</td>
</tr>
<tr>
<td>1-year</td>
<td>Pond</td>
<td>NA</td>
<td>15.83</td>
<td>3.72</td>
</tr>
<tr>
<td></td>
<td>Southwest Total Outfall</td>
<td>15.01</td>
<td>NA</td>
<td>10.83</td>
</tr>
<tr>
<td>10-year</td>
<td>Pond</td>
<td>NA</td>
<td>37.4</td>
<td>19.02</td>
</tr>
<tr>
<td></td>
<td>Southwest Total Outfall</td>
<td>42.52</td>
<td>NA</td>
<td>40.27</td>
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<tr>
<td>100-year</td>
<td>Pond</td>
<td>NA</td>
<td>60.13</td>
<td>26.87</td>
</tr>
<tr>
<td></td>
<td>Southwest Total Outfall</td>
<td>73.34</td>
<td>NA</td>
<td>62.03</td>
</tr>
</tbody>
</table>

Northeast Watershed
The northeast detention pond is a dry detention basin located adjacent to Kenneth Road near the mid-point of the east property line. The outlet structure used in the routing analysis is a multi-stage structure consisting of a 9" orifice set at an elevation of 918.00, a 8' x 5' riser box with a top elevation of 926.50, and a 48" wide x 16" tall weir orifice on a horizontal plan elevation of 923.4. The 100-
year WSE in the basin is 928.67 with a storage volume of 4.0 ac-ft. The emergency spillway is 200 feet wide and set at an elevation of 929.2. The emergency spillway conveys the peak 100-year inflow of 245.7 cfs at an elevation of 929.78. The lowest top of berm elevation is set at 930.8 providing a minimum freeboard of one foot over the 100-year WSE. See Table 3 below for the northeast watershed proposed conditions.

<table>
<thead>
<tr>
<th>Storm</th>
<th>Discharge Pt.</th>
<th>Existing Condition</th>
<th>Proposed Condition</th>
<th>Allowable</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Release Rate, cfs</td>
<td>Inflow Rate, cfs</td>
<td>Outflow Rate, cfs</td>
</tr>
<tr>
<td>1-year</td>
<td>Pond</td>
<td>NA</td>
<td>42.28</td>
<td>4.55</td>
</tr>
<tr>
<td></td>
<td>NE Total Outfall</td>
<td>69.93</td>
<td>NA</td>
<td>66.47</td>
</tr>
<tr>
<td>10-year</td>
<td>Pond</td>
<td>NA</td>
<td>154.34</td>
<td>49.13</td>
</tr>
<tr>
<td></td>
<td>NE Total Outfall</td>
<td>193.75</td>
<td>NA</td>
<td>161.48</td>
</tr>
<tr>
<td>100-year</td>
<td>Pond</td>
<td>NA</td>
<td>245.7</td>
<td>144.04</td>
</tr>
<tr>
<td></td>
<td>NE Total Outfall</td>
<td>331.33</td>
<td>NA</td>
<td>308.19</td>
</tr>
</tbody>
</table>

Stream Buffers
Two stream channels are located on the project and both are located in the Northeast Watershed.

Blue River Tributary "A" enters the site at the northeast corner of the property from a culvert under 135th street and exits the property at the northeast corner of the site under Kenneth Road. The contributing drainage entering the site is approximately 530 acres and the drainage area exiting the site is approximately 550 acres. Blue River Tributary A will be contained in a 100-feet stream buffer measured from the ordinary highwater mark on each side of the stream channel.

An unnamed tributary of Blue River Tributary "A" is located onsite at the east edge of the property and exits the property at the east under Kenneth Road. The contributing drainage exiting the site is approximately 21 acres. This drainage will be improved into stormwater treatment facilities and a stormwater detention basin. No stream buffer setback is required for this drainage in accordance with APWA, since the drainage will not be remain undeveloped and be improved into ponds/basins.

FEMA
Blue River Tributary "A" located at the northeast corner of the site is a FEMA regulated floodplain and has been designated as Zone AE. The Zone AE
regulatory flood plain is contained entirely within a 100-feet stream buffer will not be disturbed. No permit is required by FEMA.

All other parts of the property have been designated as Zone X, per Map Panel 20091C0085G of the Flood Insurance Rate Map dated August 3, 2009. Zone X is defines areas outside the 0.2% annual chance flood plain. No permit is required since zone X properties are located outside the regulatory floodplain.

**Department of Water Resources (DWR)**
The DWR has jurisdiction over drainages with a contributing drainage area in excess of 640-acres. All drainages are less than 640-acres; therefore are not jurisdictional drainages of the DWR.

**Corps of Engineers**
Two stream channels are located on the property and no wetlands are anticipated based on aerial photography and topographic mapping. It is anticipated that a Corps of Engineers nationwide permit will be required for stream channel impacts to the small drainage that is tributary to Blue River Tributary “A”. A Corps of Engineers Permit will be provided prior construction plan approval.

**Water Quality BMP Requirements**
The site is 56.33 net acres and is being zoned as 38.91 acres of Twin Villa Residential Development (R-3) and 17.43 acres of Mix Use of Apartments/Office/Retail. The proposed twin villa plan has 120 units for a density of 3.08 units per acre.

**Pre-development CN**
The pre-developed CN was calculated by evaluating the site based on existing ground cover and soil type. The existing site consists of a combination of the majority as pasture in good condition and a small amount of woods in poor condition. The site consists of HSG Type “C/D” and “D” soils. See enclosed NRCS soil survey printouts in Appendix “F”. The predevelopment CN is calculated at 78.

The proposed CN was calculated by using a land type of ¼ acre residential lots for the Twin Villas and Neighborhood Business for the mixed use area. The proposed plan contains 1.67 acres of open tract green space, 38.51 ¼ acres residential lots, and the remaining 16.15 acres was analyzed as neighborhood business. The post development CN is calculated at 89.

The proposed development has increased the existing CN by 11, therefore requiring a level of service of 6.44 in accordance with APWA Best Management Practices for Water Quality and City of Leawood’s revised scale system for LOS, allowing use of tenths of points instead of whole numbers. See Level of Service Worksheets 1 & 2 in Appendix “H” for more details.
The proposed development BMP mitigation required to provide a minimum water quality level of service of 6.44 is provided by a combination of seven bio-retention basins, native vegetation, and three infiltration practices via Stormtech MC-4500 infiltration chambers. Areas being treated by infiltration trenches will be limited to a maximum of 5.00 acres per system per the MARC BMP Manual requirements.

The Level of Service provided is 6.46, meeting the requirements set forth in APWA. See Level of Service Worksheet 2 and the Post Development Mitigation Exhibit in Appendix "H" for more details.

The lowest openings of any building adjacent to a 100-year overflow will be set a minimum of one-foot above the 100-year EGL in accordance with APWA and City of Leawood requirements.

All maintenance of BMP's will be the sole responsibility of the Homes Association.

All BMP's are contained in a Stormwater Treatment Tract in accordance with City of Leawood requirements, providing access and the required setbacks.

**Conclusion**

This stormwater management plan and attached exhibits complete Phelps Engineering’s submittal of the Preliminary Stormwater Study for the 135th Street and Kenneth Mixed Use Project. Please feel free to contact PEI at (913) 393-1155 if you require additional information.

Sincerely,

Phelps Engineering, Inc.

Tim Tucker, P.E.

Enclosures
To:  Mr. Rick Lashbrook  
Leawood 135, LLC  
P.O. Box 26170  
Overland Park, KS  66225  

From:  Jeff Wilke, PE, PTOE  

Date:  July 24 2018  
Project No.:  P101180207  

Subject:  135th & Kenneth Shared Parking Analysis  

In accordance with your request, TranSystems has completed a shared parking analysis for the proposed mixed-use development at the southwest corner of 135th Street and Kenneth Road in Leawood, Kansas. The study included an analysis of parking demand for the proposed land uses. The concept of shared parking is described in a publication titled *Shared Parking*, published by the Urban Land Institute (ULI). Shared parking is defined as the use of a parking space to serve two or more individual land uses without conflict or encroachment. The key goal of a shared parking analysis is to find the balance between providing adequate parking, land area, and resources dedicated to parking.

**Proposed Development**

The proposed development includes a mixture of residential, office and retail land uses. The southern portion of the site, generally south of 137th Street, includes 120 twin villas. The northern portion of the site includes the mixture of land uses. Several buildings are proposed with apartments, commercial, and assisted living facilities. The main access driveway for the development will run north/south, bisecting the northern portion of the site. The main driveway creates two separate mixed-use areas, referred to in this analysis as the northeastern and northwestern portions of the site.

The parking areas for the two northern portions of the site were designed independently, to provide ample parking for each area. The northeastern portion includes a 100-space parking garage below the assisted living facility to be used by residents, employees, and visitors to the facility. The northeastern portion also includes a 169 surface parking spaces. The northwestern portion of the site includes 190 garage parking spaces for apartment residents. There will also be 231 surface parking spaces to be shared by the office and retail uses, as well as some apartment residents and visitors.

The proposed development is currently in the planning stages and the specific tenants of the commercial areas are not known at this time. Based on input from the developer’s design team, several assumptions were made about the types uses anticipated. The team anticipates the retail uses as being specialty retail and service needs with some small café, local coffee shop, deli, and small restaurants included for the needs of the residential. The sizes of these businesses would be 1,500 to 4,000 square feet. Based on this input, the table on the following page indicates the land uses and sizes assumed for the shared parking analysis.
Shared Parking Analysis

In general, methodologies outlined in Shared Parking were used to perform the analysis. The parking demand was estimated for each land use in the proposed development based on weekday base parking ratios from Shared Parking, average weekday peak parking demand from Parking Generation published by the Institute of Transportation Engineers (ITE), or from local data for similar land uses. These ratios indicate the peak accumulation of vehicles at the peak hour for a single land use.

Next the ratios for each land use were multiplied by a percentage for each hour of the day to indicate hourly variations in the demand for parking. Similarly, seasonal variations are accounted for by applying a different percentage for each month of the year. The ratios and variations used in the analysis were obtained from Shared Parking, and are included with the analysis files in the Appendix at the end of this memorandum. The percentages used for the hourly and seasonal variations in this analysis are a weighted average of the visitor/guest and employee percentages.

Retail Rates

According to Shared Parking, the Community Shopping Center is the smallest retail category available to estimate parking demand, with a base parking ratio of 3.6 spaces per 1,000 sf of leasable space. This category includes all retail that is less than 400,000 square feet. The retail portion of the proposed development is much smaller than this (roughly 79,000 sf), and is anticipated to be smaller specialty type stores. These types of specialty stores typically do not generate as much traffic as a drug store or grocery store, which is categorized in the same land use.

Given that the Community Shopping Center land use does not accurately describe the retail component of the proposed development, another source was used to determine an appropriate base ratio for parking demand. Parking Generation provides an average peak parking demand for a Shopping Center land use on a weekday of 2.55 spaces per 1,000 sf. This average ratio is likely higher than the demand for parking in the proposed development, however it provides for a conservative analysis of shared parking conditions.
Office Rates
The office land use would not be expected to be used as densely as other general office buildings. The types of offices anticipated are professional offices such as law firms or stock brokers. They would generally have small staff sizes, individual office work areas, and conference rooms. Due to these factors, the generic base parking ratio of 3.6 spaces per 1,000 sf from Shared Parking was not utilized for the analysis. Instead the average peak parking demand for a suburban Office Building land use from Parking Generation was used. This ratio is 2.84 spaces per 1,000 sf of leasable space.

Apartment Rates
The base parking rate of 1.65 in Shared Parking does not differentiate between one bedroom and two bedroom units, which can have different parking demands. The base parking ratio used for apartment residents in this analysis is 1.3 spaces per unit. This rate indicates one space per unit for one bedroom units, and two spaces per unit for two bedroom units. This rate was provided by the development team based on data from several recent local projects. Data was collected by EPC Real Estate Group from their developments at 51 Main in Kansas City, Missouri, and from the Village at Mission Farms in Overland Park, Kansas. At 51 Main, a 1.3 spaces per unit ratio was provided and found to have a surplus of 10 percent at peak times. The Village at Mission Farms provided a 1.6 ratio, equating to one space per unit for one bedroom units and two spaces per unit for two bedroom units. This development was found to have a parking surplus of roughly 20 percent during peak times. The actual demand is closer to a 1.35 ratio, with more than half of the units having two bedrooms.

For this shared parking analysis, the base parking ratio was reduced from 1.3 to 0.2 spaces per unit, as 85 percent of the base parking ratio, or nearly all of the residents, will be accommodated in the 190 garage parking spaces, which will not be shared. A few residents and the residential visitors will share the surface parking spaces.

Captive Demand
Shared Parking states that some reduction of customer parking needs occurs in a mixed-use development due to patronage of multiple land uses. These patrons are referred to as “captive” since they are already present at the site for another land use. Residents of the proposed development who visit the restaurants or shops would be considered captive, as they do not add to the demand for parking. This is the same for office workers at who shop or go to restaurants in the development. There is also potential for nearby residents, especially in the twin villas to walk to the restaurants or shops. Given these considerations, a reduction of 12 percent was applied to the base ratios for the restaurant and retail land uses to account for captive demand. The 12 percent reduction matches the percentage of internally captured trips indicated in the traffic impact study for the proposed development.

Assumptions
Several factors in the analysis should be noted. First, the northeastern and northwestern portions of the site were analyzed separately as to not share parking across the main access drive. Second, the parking garage spaces are not included in the supply for the shared parking analysis as they will not be shared spaces. The Assisted
living land use is assume to be fully parked in the garage. Since this land use will not require any shared parking it was not included in the analysis.

**Results**

The results of the analysis indicate that the parking supplies for the northeastern and northwestern portions are projected to be sufficient for all times of the year. The most critical time periods are projected to be during the middle of the day in December. During those time periods, the parking will be close to 99 percent occupied. This analysis correlates with the fact that December is the peak month for most retail business because of holiday shopping.
135th Street and Kenneth Road Traffic Impact Study

Leawood, Kansas

Prepared for:
Leawood 135, LLC

Prepared by TranSystems
July 2018
July 24, 2018

Mr. Rick Lashbrook
Leawood 135, LLC
P.O. Box 26170
Overland Park, KS  66225

RE:  135th Street and Kenneth Road Traffic Impact Study
     Leawood, Kansas

Dear Mr. Lashbrook:

In response to your request and authorization, TranSystems has completed a traffic impact study for the proposed mixed-use development to be located generally in the southwest corner of the 135th Street and Kenneth Road intersection in Leawood, Kansas. The purpose of this study was to assess the impact of the proposed development on the surrounding transportation system.

Included in this study is a discussion of the anticipated impacts of the proposed development on the adjacent street network for the following analysis scenarios:

- Existing Conditions
- Existing Development Conditions
- Future (Year 2040) Conditions

We trust that the enclosed information proves beneficial to you and the City of Leawood in this phase of the development process. We appreciate the opportunity to be of service to you and will be available to review this study at your convenience.

Sincerely,

TRANSYSTEMS

By: __________________________

Jeffrey J. Wilke, PE, PTOE

JJW/jw:P101180207
Enclosure
Introduction
TranSystems has completed this traffic impact study for the proposed mixed-use development to be located generally in the southwest corner of the 135th Street and Kenneth Road intersection in Leawood, Kansas. The purpose of this study was to assess the impact of the proposed development on the surrounding transportation system. The location of the project relative to the major streets in the area is shown on Figure A-1 in Appendix A.

In addition to a description of the proposed development and the surrounding transportation infrastructure, this study includes trip generation estimates, trip distribution estimates, capacity analyses, and a summary of findings.

Proposed Development Plan
The proposed development includes a variety of residential, office and retail land uses. The southern portion of the site, generally south of 137th Street, includes 120 attached single-family residences called twin villas. The mixed-use component of the proposed development is north of 137th Street. Several buildings are proposed in the northern portion with apartments, offices, retail, and an assisted living facility. A copy of the proposed site plan for the development is included on Figure A-2 for reference.

There are two access points to the proposed development site. The main driveway to the site will be a new intersection that will extend south from 135th Street. The main driveway is located roughly 1,700 feet east of the signalized intersection of 135th Street and Pawnee Street, and 900 feet west of the signalized intersection of 135th Street and Kenneth Road. The other access point to the site will be 137th Street, which will be constructed west of Kenneth Road as a part of the proposed development plan. In the future, two more access points may become available on the west side of the site to Chadwick Street as future development occurs on adjacent parcels.

Study Area
To assess the impacts of the proposed development, the intersections listed below were identified for study during the A.M. and P.M. peak hours of a typical weekday.

- 135th Street and Kenneth Road
- Site Driveways

Surrounding Street Network and Land Uses
The major road system in Johnson County is primarily a grid pattern with one-mile spacings on section lines. One Hundred Thirty-Fifth (135th) Street is a four lane divided east/west thoroughfare that is part of the grid network. Adjacent to the development site, 135th Street has a posted speed limit of 45 m.p.h. Kenneth Road is a two-lane collector street with a posted speed limit of 35 m.p.h. Kenneth Road extends a short distance from 135th Street south to intersect Kenneth Parkway. North of 135th Street, the alignment of Kenneth Road becomes a long private driveway to a church. Currently, 137th Street does not extend to the development site. West of Chadwick Street, 137th Street is a two-lane collector street that parallels 135th Street.
The development site currently consists of undeveloped land with agricultural land uses. The land to the north of the site across 135th Street is also undeveloped with some agricultural uses. It is anticipated to develop in the future with land uses similar to the proposed development. South of the site are single-family villa type residences. To the west of the site there is a bank, a church, more villa type residences, and some undeveloped commercial lots. To the east of the site across Kenneth Road is undeveloped land that is anticipated to be commercial type development in the future.

**Traffic Counts**
Turning-movement traffic volume counts were collected at the study intersection on Tuesday, July 10, 2018, from 7:00 to 9:00 A.M. and from 4:00 to 6:00 P.M. Based on the data, the peak hours occur between 7:15 and 8:15 A.M., and between 4:45 and 5:45 P.M. The existing lane configurations, traffic control devices, and peak hour traffic volumes have been illustrated on *Figure A-3*.

**Analysis**
The scope of analysis for the assessment of the proposed development’s impact on the surrounding transportation system is based in large part on the recommended practices of the Institute of Transportation Engineers (ITE), as outlined in their *Traffic Engineering Handbook*. ITE is a nationally-recognized organization of transportation professionals with members from both private and public sectors. The analysis of the proposed development’s impact included development of trip generation and trip distribution estimates as well as a traffic operations assessment for each study scenario. Each of the analysis methodologies and findings are described in the subsequent sections.

**Trip Generation**
Trip generation estimates were prepared using the Institute of Transportation Engineer’s *Trip Generation*, 10th Edition. *Table 1* on the next page shows the expected trips to be generated by the proposed development. Additional information related to trip generation is included in *Appendix B*.

The proposed development includes office, retail, and residential land uses. Therefore, it can be assumed that when the development is fully built out, some of the customers of the retail businesses in the development will also live in the residential portion or work in the office portion of the development. These trips are said to be internal trips, because the origin and destination of the trips are within the development site. The ITE internal capture methodology was used to determine the number of trips internal to the site. The internal trips were not applied to the external street system.
Table 1

Proposed Development Trip Generation

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Intensity</th>
<th>ITE Code</th>
<th>Average Weekday</th>
<th>A.M. Peak Hour</th>
<th>P.M. Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total</td>
<td>In</td>
<td>Out</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total</td>
<td>In</td>
<td>Out</td>
</tr>
<tr>
<td>Single-Family Residential</td>
<td>120 du</td>
<td>210</td>
<td>1,230</td>
<td>90</td>
<td>23</td>
</tr>
<tr>
<td>Multifamily Housing (Low-Rise)</td>
<td>172 du</td>
<td>220</td>
<td>1,260</td>
<td>80</td>
<td>18</td>
</tr>
<tr>
<td>Assisted Living</td>
<td>84 du</td>
<td>254</td>
<td>219</td>
<td>16</td>
<td>10</td>
</tr>
<tr>
<td>General Office Building</td>
<td>79,150 sf</td>
<td>710</td>
<td>846</td>
<td>88</td>
<td>76</td>
</tr>
<tr>
<td>Shopping Center</td>
<td>40,950 sf</td>
<td>820</td>
<td>3,277</td>
<td>173</td>
<td>107</td>
</tr>
<tr>
<td><strong>Subtotal Full Development Trips</strong></td>
<td><strong>6,832</strong></td>
<td></td>
<td><strong>447</strong></td>
<td><strong>234</strong></td>
<td><strong>213</strong></td>
</tr>
<tr>
<td>Internal Development Trips</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td><strong>Total External Development Trips</strong></td>
<td><strong>6,832</strong></td>
<td></td>
<td><strong>447</strong></td>
<td><strong>234</strong></td>
<td><strong>213</strong></td>
</tr>
</tbody>
</table>

Trip Distribution

The estimated trips generated by the proposed development were distributed onto the street system based on the trip distributions summarized in **Table 2**. These distributions are based on existing travel patterns in the area and engineering judgment. The detailed distribution patterns through the study intersections are shown in **Appendix B**.

Table 2

Trip Distribution

<table>
<thead>
<tr>
<th>Direction To/From</th>
<th>Residential Percentage</th>
<th>Commercial Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>East on 135th Street</td>
<td>50%</td>
<td>45%</td>
</tr>
<tr>
<td>West on 135th Street</td>
<td>45%</td>
<td>45%</td>
</tr>
<tr>
<td>South on Kenneth Road</td>
<td>5%</td>
<td>10%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100%</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Traffic Operation Assessment

An assessment of traffic operations was made for the scenarios listed below.

- Existing Conditions
- Existing Development Conditions
- Future (Year 2040) Conditions
The study intersections were evaluated using the Synchro traffic analysis software package. Calculations were performed based on the methodologies outlined in the Highway Capacity Manual (HCM), 2000 Edition, which is published by the Transportation Research Board. The operating conditions at an intersection are graded by the “level of service” experienced by drivers. Level of service (LOS) describes the quality of traffic operating conditions and is rated from “A” to “F”. LOS A represents the least congested condition with free-flow movement of traffic and minimal delays. LOS F generally indicates severely congested conditions with excessive delays to motorists. Intermediate grades of B, C, D, and E reflect incremental increases in the average delay per stopped vehicle. Delay is measured in seconds per vehicle. Table 3 shows the upper limit of delay associated with each level of service for signalized and unsignalized intersections.

<table>
<thead>
<tr>
<th>Level of Service (LOS)</th>
<th>Signalized</th>
<th>Unsignalized</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>≤ 10 Seconds</td>
<td>≤ 10 Seconds</td>
</tr>
<tr>
<td>B</td>
<td>≤ 20 Seconds</td>
<td>≤ 15 Seconds</td>
</tr>
<tr>
<td>C</td>
<td>≤ 35 Seconds</td>
<td>≤ 25 Seconds</td>
</tr>
<tr>
<td>D</td>
<td>≤ 55 Seconds</td>
<td>≤ 35 Seconds</td>
</tr>
<tr>
<td>E</td>
<td>≤ 80 Seconds</td>
<td>≤ 50 Seconds</td>
</tr>
<tr>
<td>F</td>
<td>&gt; 80 Seconds</td>
<td>&gt; 50 Seconds</td>
</tr>
</tbody>
</table>

While LOS measurements apply to both signalized and unsignalized intersections, there are significant differences between how these intersections operate and how they are evaluated. LOS for signalized intersections reflects the operation of the intersection as a whole.

Unsignalized intersections, in contrast, are evaluated based on the movement groupings which are required to yield to other traffic. Typically, these are the left turns off of the major street and the side-street approaches for two-way stop-controlled intersections. At unsignalized intersections lower LOS ratings (D, E and F) do not, in themselves, indicate the need for additional improvements. Many times there are convenient alternative routes to avoid the longer delays. Other times the volumes on the unsignalized approaches are relatively minor when compared to the major street traffic, and improvements such as traffic signal installation may increase the average delay to all users of the intersection.

The decision to install a traffic signal, which is often considered when lower LOS ratings are projected, should be based on engineering studies and the warrants for traffic signal installation as outlined in the Federal Highway Administration’s Manual on Uniform Traffic Control Devices (MUTCD). Signals are typically not recommended in locations where there are convenient alternative paths, or if the installation of a traffic signal would have negative impacts on the surrounding transportation system.
The LOS rating deemed acceptable varies by community, facility type and traffic control device. Most communities in the region have identified LOS D as the minimum desirable goal for signalized intersections. However, at unsignalized intersections LOS D, E, or even F are often considered acceptable for low to moderate traffic volumes where the installation of a traffic signal is not warranted by the conditions at the intersection, or the location has been deemed undesirable for signalization.

Traffic queues were also evaluated as part of the analyses. Long traffic queues which extend beyond the amount of storage available, either between intersections or within turn lanes, can have significant impacts on operations. The projected vehicular queues were analyzed to ensure the analyses are reflective of the physical constraints of the study intersections and to identify if additional storage is needed for turn lanes.

Existing Conditions

The results of the Existing Conditions intersection analyses are summarized in Table 4. The study intersections were evaluated with the lane configurations, traffic volumes, and traffic control devices shown on Figure A-3. The current signal timing and coordination plans for the study intersection was used for the analysis of the traffic signals in this scenario. The Synchro output files are included in Appendix C.

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Movement</th>
<th>A.M. Peak Hour</th>
<th>P.M. Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>LOS¹ Delay²</td>
<td>LOS¹ Delay²</td>
</tr>
<tr>
<td>135th Street and Kenneth Road</td>
<td>Traffic Signal</td>
<td>A 10.0</td>
<td>A 8.5</td>
</tr>
</tbody>
</table>

1 = Level of Service
2 = Delay in seconds per vehicle

The results of the analysis indicates that the existing signalized intersection operates at acceptable levels of service during the A.M. and P.M. peak hour with minimal queuing. This is due to the very low volume of traffic on Kenneth Road, which allows the signal to provide green indications for eastbound and westbound traffic on 135th Street for more than 75 percent of the cycle length.

Given the low volume of side street traffic, the traffic counts were compared to the minimum thresholds of the Peak Hour traffic signal warrant from the MUTCD. The graph of the warrant analysis is included in Appendix C. The results of the warrant analysis indicate that the existing volumes do not satisfy the minimum traffic volume threshold for traffic signal installation. Therefore it is likely that the existing traffic signal at 135th Street and Kenneth Road is not warranted.

It is worth noting that during the traffic counts long queues of eastbound traffic were observed during the P.M. peak hour. These queues extended back from the signalized intersection of 135th Street and State Line Road, which is roughly 1,100 feet to the east of Kenneth Road. This is due to the high volume...
of eastbound through traffic at that intersection. These long queues frequently extended through the intersection with Kenneth Road from approximately 4:50 P.M. to 5:20 P.M. The long queues did clear out of the intersection during each cycle of the signal at 135th Street and State Line Road.

There is little that can be done in the short-term to address the long eastbound queues that were observed. Widening 135th Street in Leawood for a third eastbound through lane will not reduce the eastbound queues. A third eastbound lane would need to be constructed east through the State Line Road intersection, and possibly through other intersections to the east, to serve the heavy eastbound through volume. Such an improvement will require coordination with the Missouri Department of Transportation, as 135th Street becomes M-150 Highway to the east of State Line Road.

City of Leawood staff desires traffic signals to be installed at a minimum spacing of one-quarter mile apart along the 135th Street corridor. This allows ample distance for queuing and for coordinating traffic signals to provide progression for through traffic. The location of the signalized 135th Street and Kenneth Road intersection is less than the desired spacing from State Line Road.

**Existing plus Proposed Development Conditions**

The location of the proposed development’s main driveway intersection along 135th Street is 900 feet from Kenneth Road, which is less than one-quarter mile. Therefore, the intersection would not be considered a candidate for signalization. Without a signal at the main driveway all development traffic to and from westbound 135th Street to make left-turn maneuvers at the 135th Street and Kenneth Road intersection. This would add side street traffic to the intersection which is currently blocked by queues at times during the P.M. peak hour. Given that the existing traffic signal is likely unwarranted, it is appropriate to consider removal of the existing traffic signal at 135th Street and Kenneth Road, and installation of a traffic signal at the main driveway intersection instead.

The decision to remove the existing traffic signal at 135th Street and Kenneth Road must be evaluated in terms of the overall street network. The existing signal at Kenneth Road would provide full access to future developments on the undeveloped properties to the east of Kenneth Road. However, these properties are surrounded by a network of other arterial and collector streets that can also provide full access to these properties. The east side of these properties have access to existing traffic signals along State Line Road. A well planned internal street network through these properties can take advantage of the existing signalized access points.

With the signal at Kenneth Road is removed, the main driveway intersection would be an appropriate location for a traffic signal installation. The projected traffic volumes from full build out of the development do satisfy the peak hour signal warrant. The main driveway intersection is spaced nearly one-half mile along 135th Street from the signalized State Line Road intersection. The main driveway intersection is also spaced slightly more than one-quarter mile east of Chadwick Street, which will likely be signalized in the future as development occurs. The result is that the main driveway would be the only signalized intersection along 135th Street between Chadwick Street and State Line Road. These spacings exceed the City’s desired minimum spacing between signals.
As a stop controlled intersection, the 135th Street and Kenneth Road intersection, drivers would experience lengthy delays making left-turn and crossing maneuvers from the side street approaches. Therefore these movements should be restricted by a raised island within the intersection area. The island would continue to allow eastbound and westbound left-turn movements, but restrict the side street approaches to right-turns only. For the island configuration to be effective in restricting these movements, an eastbound left-turn lane will be needed at the intersection.

Changing access at the 135th Street and Kenneth Road intersection will alter the existing traffic volumes. The northbound left-turn movement will no longer be permitted. These northbound drivers on Kenneth Road will have to turn left onto 137th Street, travel through the development site, and then turn left onto the Main Driveway to access westbound 135th Street. The existing traffic volumes were redistributed in this manner for the Existing plus Proposed Development Conditions intersections analyses.

To accommodate development traffic and the aforementioned traffic control modifications, the following improvements are identified.

**135th Street and Kenneth Road**
- Remove the existing traffic signal. Install Stop signs for northbound and southbound traffic.
- Construct a raised island along 135th Street within the intersection area to restrict northbound and southbound left-turn and crossing maneuvers. The median should allow eastbound and westbound left-turn maneuvers.
- Construct an eastbound left-turn lane with 250 feet of storage plus appropriate taper.

**135th Street and Main Driveway**
- Install a traffic signal.
- Construct a westbound left-turn lane with a minimum length of 300 feet plus appropriate taper.
- Construct an eastbound right-turn lane with a minimum length of 250 feet plus appropriate taper.
- Construct three northbound lanes on the Main Driveway exiting the site, to be used as a right-turn lane and dual left-turn lanes. The right-turn lane and one left-turn lane should have minimum lengths of 200 feet plus appropriate tapers.

The results of the Existing plus Proposed Development Conditions intersection analyses are summarized on the following page in **Table 5**. This study scenario considered the addition of traffic from the proposed development plan. The study intersections were evaluated with the lane configurations, traffic volumes, and traffic control devices shown on **Figure A-4**. The new traffic signal was evaluated in this scenario with the same cycle lengths as the current coordination plans for the corridor. The Synchro output files are included in **Appendix C**.
Table 5
Intersection Operational Analysis
Existing plus Development Conditions

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Movement</th>
<th>A.M. Peak Hour</th>
<th>P.M. Peak Hour</th>
</tr>
</thead>
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<tr>
<td></td>
<td></td>
<td>LOS(^1)</td>
<td>Delay(^2)</td>
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<td>Westbound Left-Turn</td>
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<td></td>
<td>Northbound Right-Turn</td>
<td>A</td>
<td>9.6</td>
</tr>
<tr>
<td></td>
<td>Southbound Right-Turn</td>
<td>C</td>
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<td>137th Street and Kenneth Road</td>
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<td>B</td>
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<tr>
<td></td>
<td>Northbound Shared Left-Turn/Through</td>
<td>A</td>
<td>7.5</td>
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</table>

1 – Level of Service
2 – Delay in seconds per vehicle

As shown in Table 5, each study intersection is projected to operate within acceptable levels of service during the A.M. and P.M. peak hours. All queues are projected to be contained within their respective turn lanes.

Future (Year 2040) Conditions

To estimate future conditions in year 2040 background traffic growth was assumed. An annual growth rate of two percent was applied to the existing traffic volumes on 135th Street. It is assumed that when the property to the north of the development site across 135th Street develops, an access point will align with the signalized Main Driveway intersection. To analyze future conditions at the signalized intersection, the same development trips and distribution projected on the south leg of the intersection are assumed for the north leg. This is a fair approximation since a similar type of development is expected in this area. Similar future development trips are also assumed on Kenneth Road for when the property to the east is developed, except these volumes were scaled to 25 percent, since the property to the east is only 25 percent of the size of the proposed development site.

The additional background growth results in a very heavy volume of through traffic on 135th Street. To support the increased volume, 135th Street will need to be widened to provide three through lanes in each direction. Also, the traffic signal at 135th Street and Main Driveway will need to be split phased for northbound and southbound traffic to allow one of the dual left-turn lanes to function as a shared through lane. These additional lanes and signal modifications are included in the Future Conditions intersection analyses.

The results of the Future Conditions intersection analyses are summarized on the next page in Table 6. The study intersections were evaluated with the lane configurations, traffic volumes, and traffic control devices shown on Figure A-5. The traffic signal timings for the 135th Street corridor were optimized for this scenario. The Synchro output files are included in Appendix C.
### Table 6
Intersection Operational Analysis
Existing plus Development Conditions

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Movement</th>
<th>A.M. Peak Hour</th>
<th>P.M. Peak Hour</th>
</tr>
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<tr>
<td></td>
<td></td>
<td>LOS(^1)</td>
<td>Delay(^2)</td>
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<tr>
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<td>137th Street and Kenneth Road</td>
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<td>A</td>
<td>6.4</td>
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</table>

\(^1\) Level of Service  
\(^2\) Delay in seconds per vehicle

The results shown in the table indicate that all study intersections are projected to operate at an acceptable level of service in the future conditions scenario. Some lengthy queues of eastbound and westbound through traffic are projected during the A.M. and P.M. peak hours. All other queues are projected to be contained within their respective turn lanes.

When 137th Street is continuous from the development site west to Chadwick Street, there will be another access point to the development site. This additional connection has the potential to reduce the northbound left-turn volume and the eastbound right-turn volume at the 135th Street and Main Driveway intersection by 10 to 30 percent. These reductions are not enough to have a significant impact on the results of the analysis for the study intersections.

### Summary

TranSystems has completed this traffic impact study for the proposed mixed-use development to be located generally in the southwest corner of the 135th Street and Kenneth Road intersection in Leawood, Kansas. The purpose of this study was to assess the impact of the proposed development on the surrounding transportation system.

The Existing Conditions analyses found that the traffic signal at the 135th Street and Kenneth Road intersection does not meet the minimum vehicular volumes for a traffic signal installation, and it is not likely that the signal is warranted. Additionally, the signal is located roughly 1,100 feet west of the signalized intersection with State Line Road. This spacing is less than the City’s minimum spacing of one-quarter mile between signals along the 135th Street corridor. During the P.M. peak hour, long queues of eastbound through traffic on 135th Street extend through the Kenneth Road intersection.

In light of these findings, the Kenneth Road intersection is not an ideal location for a signalized intersection and signal removal should be considered. A traffic signal could then be installed at the...
development’s main driveway intersection along 135th Street. This location would provide greater separation between signals, meeting the City’s desired spacing for signals along the corridor.

The following improvements have been identified for the Existing plus Development Conditions scenario.

**135th Street and Kenneth Road**
- Remove the existing traffic signal. Install Stop signs for northbound and southbound traffic.
- Construct a raised median along 135th Street within the intersection area to restrict northbound and southbound left-turn and crossing maneuvers. The median should allow eastbound and westbound left-turn maneuvers.
- Construct an eastbound left-turn lane with 250 feet of storage plus appropriate taper.

**135th Street and Main Driveway**
- Install a traffic signal.
- Construct a westbound left-turn lane with a minimum length of 300 feet plus appropriate taper.
- Construct an eastbound right-turn lane with a minimum length of 250 feet plus appropriate taper.
- Construct three northbound lanes on the Main Driveway exiting the site, to be used as a right-turn lane and dual left-turn lanes. The right-turn lane and one left-turn lane should have minimum lengths of 200 feet plus appropriate tapers.

In the Future Conditions scenario, 135th Street will need to be widened to provide three through lanes in each direction.
Attention:
Richard Lashbrook, Developer
Amy Grant, Polsinelli PC

See sign-in sheet for residents: approximately 10 people in attendance.

The meeting began at 6:00 p.m. Rick Lashbrook stated that the City Council approved the rezoning and preliminary development plan for this project in December 2018. The current request before the City is to revise the phasing of the villa product and to work with the City on how certain public infrastructure improvements are going to constructed and paid for.

The following is a summary of the question and answer portion of the meeting.

1. Explain why you are asking for different phasing of the villa homes?
   Response: It has to do with managing the overall timing of project costs and the fact that the second part of the villa development is bifurcated by 137th Street so I plan to start construction of those villas after completion of the villas located south of 137th Street.

2. Will the villas be 3-stories in height?
   Response: No. They will similar to single-family homes, about 35’ in height.

3. Where is the tree line buffer located?
   Response: Mr. Lashbrook pointed out the location of the tree buffer area on the plan sheets and explained that he has committed to a 20’ tree buffer setback area.

Discussion: At this point, there was discussion about the existing trees along the southern property line and the fact that several trees have been damaged due to storms (both recent and previous). Several residents expresses a desire to have certain tree branches trimmed or otherwise addressed due to storm damage. Mr. Lashbrook indicated that he simply has the property under contract and does not have control over the property. Mr. Lashbrook offered to walk the property with various residents and then convey their desires to the current owner.

4. When will the mixed-use area be developed?
   Response: Mr. Lashbrook explained that he will purchase the area showing the multi-family development and that is currently working on a partner to construct those units but could not offer a time frame for construction. Mr. Lashbrook also stated that the current owner will retain the MXD property to the east of High Drive so he does not have any information on when that might be developed.
5. When will you start construction on the villa homes?
Response: Mr. Lashbrook explained the timing to develop construction level drawings for all public infrastructure improvements and the various groups that need to review and approve those drawings before construction can begin. Mr. Lashbrook stated that his desire is to start moving dirt on the property by this summer.

6. Will you be constructing a new fence along the southern property line?
Response: Mr. Lashbrook stated that this had been discussed with the initial zoning approvals and it was determined that a new fence would not be constructed along the south property line because it would cause several mature trees to be removed.

The meeting concluded at 7:00 p.m.
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sherris &amp; Mike</td>
<td>2858 W 133rd Ter</td>
<td><a href="mailto:sherneil3901@gmail.com">sherneil3901@gmail.com</a></td>
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<tr>
<td>Lang</td>
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<td><a href="mailto:mollycat.c6@gmail.com">mollycat.c6@gmail.com</a></td>
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<tr>
<td>Mike Lang</td>
<td>2950 W 132nd Ter</td>
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<td>Mark &amp; Karen</td>
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<td>Rita Davis</td>
<td>13709 Pembroke Ct.</td>
<td><a href="mailto:orkids53@yahoo.com">orkids53@yahoo.com</a></td>
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<td>Frieda Hodges</td>
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CALL TO ORDER/ROLL CALL: McGuiren, Hunter, Belzer, Hoyt, Elkins, Coleman, Block, Stevens, and Petersen.

APPROVAL OF THE AGENDA

A motion to approve the agenda was made by Coleman; seconded by Hoyt. Motion carried with a unanimous vote of 8-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Stevens, and Petersen.

APPROVAL OF MINUTES: Approval of the minutes from the November 26, 2019 Planning Commission meeting.

Comm. Coleman: On Page 33, Ms. Knight should be in place of Ms. Bennett.

Comm. Peterson: On Page 11, the first paragraph shows Comm. Peterson, but it wasn’t me. Also, beginning on Page 19 and carrying through the rest of the document, it should be “Petersen” and not “Peterson.”

A motion to approve the minutes from the November 26, 2019 Planning Commission meeting as amended was made by Coleman; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Peterson.

CONTINUED TO THE FEBRUARY 25, 2020 PLANNING COMMISSION MEETING: CASE 01-20 – CORNERSTONE OF LEAWOOD – ONSPRING HEADQUARTERS – Request for approval of a Preliminary Plan, located south of 135th Street and east of Nall Avenue. PUBLIC HEARING

CONSENT AGENDA:
CASE 02-20 – LEAWOOD ESTATES – LOT 9 & PARTIAL LOT 8 – RESIDENTIAL EMERGENCY GENERATOR – Request for approval of a Final Landscape Plan, located north of 95th Street and east of High Drive.
CASE 03-20 – HALLBROOK EAST VILLAGE – SECOND PLAT – Request for approval of a Revised Final Plat, located south of 112TH Street and west of State Line Road.

CASE 05-20 – STONE LEDGE SUBDIVISION – SECOND PLAT – Request for approval of a Revised Final Plat, located south of 154th Street and east of Nall Avenue.

CASE 07-20 – PARK PLACE – ENGEL & VOLKERS – Request for approval of a Final Plan for Changes to the Façade of a Tenant Space, located north of 117th Street and east of Nall Avenue.

Comm. Coleman: I don’t think it’s necessary to pull the case, but I have a question on Case 03-20. What is the reason for going from three lots to two lots?

Mr. Coleman: The potential owners want a larger lot for their house.

Comm. Peterson: I have a related question. When three lots are rezoned as two lots, are the lots renumbered with Johnson County Records?

Mr. Coleman: They will be renumbered.

Chairman Elkins: Thank you. Are there other questions? If not, I’ll entertain a motion.

A motion to approve the Consent Agenda was made by Hoyt; seconded by Stevens. Motion carried with a unanimous vote of 7-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Peterson.

NEW BUSINESS:
CASE 04-20 – 135 STREET AND KENNETH – MIXED USE AND MEDIUM DENSITY RESIDENTIAL - Request for approval of a Revised Preliminary Plan, located south of 135th Street and west of Kenneth Road. PUBLIC HEARING

Staff Presentation:
City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 04-20 – 135th Street and Kenneth Road – Mixed Use and Medium Density Residential – request for approval of a Revised Preliminary Plan for property located south of 135th Street and west of Kenneth Road. Staff would like to make a change to Stipulation No. 1A. It should read, “The project is limited to the following: 410,200 square feet of construction on 18.25 acres for an F.A.R. (Floor Area Ratio) of 0.43 with a 55% discount for residential within the MX-D zoned portion of the development. That shall meet the requirements of the LDO (Leawood Development Ordinance). This matches what was previously approved Preliminary Plan.

With this case, the applicant is proposing a couple different changes from the previously approved Preliminary Plan. The first has to do with the phasing of the project. Previously, all the residential units were to be constructed in the first phase, including the
units south of 137th Street and the units north of 137th Street on the west side. The proposed change is to have the duplex and triplex units south of 137th Street be constructed first with a common area at the intersection of High Drive and 137th in a second phase with the third phase consisting of the residential units north of 137th Street. The second proposed change is to the stipulations previously agreed upon by staff. You have a table on the dais to show you the proposed changes. These are newer than what is in the Staff Report. These stipulations the applicant would like deleted or modified have to do with the applicant not wanting to construct the public improvements on 135th Street, including the construction of a third lane and burial of power and utility lines. Multiple developments along the 135th Street Corridor have equally conformed to these regulations to construct or pay into escrow for the construction of public improvements along street frontages as the construction progresses. This includes developments such as Market Square and Plaza Pointe. The developments that have three lanes of traffic along 135th Street have already done the projects. Staff is asking for this process to continue what has already occurred with those developments. The applicant has verified that no other changes are being made to the previously approved plan, including the construction of 137th Street from Chadwick to Kenneth, the Mixed-use portion facing 135th Street, and the number of residential units in the whole design of the project. The only changes are the stipulations and phasing. Staff recommends denial of Case 04-20 in order to keep the previously approved Preliminary Plan in effect. I am happy to answer any questions.

Chairman Elkins: Thank you. Questions for Mr. Sanchez?

Comm. Hoyt: Is the primary nature of staff’s objections the public improvement and not the phasing?

Mr. Sanchez: That is correct. We would want those constructed in the first phase.

Comm. Hoyt: It’s not the phasing itself that is the issue; it is their desire to delay some of the public improvements.

Mr. Sanchez: That is the main issue; however, staff was happy with what was previously submitted. We would like to revert back to that.

Comm. Peterson: I have a question related to the position of the third lane eastbound. I assume it’s going from Chadwick to Kenneth or State Line.

Mr. Ley: The third lane is constructed along their frontage of the development.

Comm. Peterson: In addition to that, there will be turn lanes, correct?

Mr. Ley: Correct.

Comm. Block: Could you remind me of the history of the homes north of 137th Street? I didn’t think homes would be in the very first iteration, and they were added. Now, they
are in a later phase. Didn’t they get some kind of variance to include those homes on the north side of 137th Street?

Mr. Sanchez: I believe those have always been shown on the plans as being part of the first phase. There is a mixed-use portion that includes apartments, retail, and offices. Those have always been shown in a later phase. They want the part that is north of 137th Street to be in its own phase.

Comm. Block: On the Public Works document, it refers to stipulations highlighted in bold print, but I didn’t see anything highlighted in bold. I couldn’t decipher what was new and what was old.

Comm. Hoyt: If I’m not mistaken, the handout has some of that clarified.

Mr. Levy: The stipulations were changed from the original plan. We updated the stipulations to match what was approved at City Council. There were stormwater issues we had on the prior approved plan. There was a stipulation that stated the developer would work with staff to create some amenities. Those were updated to reflect what was actually approved.

Comm. Stevens: Would it help if you point out the changes?

Mr. Sanchez: On the handout, you’ll see that Stipulation No. 4 stayed the same, but the applicant would like to delete it. No. 7 has a change with the word “approved” in the last line. No. 8 has a sentence added before, “however” from the Staff Report. No. 32 appears to be the same as the Staff Report. No. 2(C)I refers to the Public Works memo and remained the same. In that same section, wording changed but seems to have a lot of the same language. No. 2(C)3 changed to match what was in the new Public Works memo. They are requesting to change the timing. The current stipulation requires the fee to be paid prior to the city releasing the Final Plat; the proposal is to require the fee prior to the city releasing the Final Plat for Tracts G and H. No. 7 was previously deleted, and the applicant would like to delete it on this one as well. They added text to it, and it reads the same as what we previously included. No. 19 is a new stipulation that was not in the previous plan, and it was not in the Staff Report. No. 20 was the previous No. 13, and it has the same language that it had before; however, they want to phase all the public improvements. I believe the applicant will be able to go more in depth with the stipulations they wish to change.

Comm. Coleman: Mr. Sanchez, I don’t recall an applicant asking for some of these things to be changed, either in the preliminary part of our hearing or after the fact. I assume this is not normal. Could staff comment on that?

Mr. Sanchez: Staff did research on the previous developments along 137th Street. Similar language was either converted to them or part of the stipulations. To my knowledge, none of those developments had any pushback, or they did not communicate that to staff. We
had these stipulations in the first plan, and at Final Plan, some of them went forward with that as well. This is the applicant wanting to come back and change the stipulations.

**Chairman Elkins:** With respect to the phasing of the residential areas, does staff oppose that? You said you would prefer the original, but when push comes to shove, is staff opposed to changing the phasing?

**Mr. Sanchez:** I don’t believe we would be opposed to phasing the residential. The applicant may be able to talk about it more. If it is all one phase, they would have to construct all the public improvements, which would also mean creating the road north of 137th Street into the separate cul de sac for those residential units. I’m assuming they would like to push that off until they are ready to do that other phase.

**Chairman Elkins:** I don’t think I want to ask you to go through each of the stipulation modifications again, but I’m curious as to staff’s position with respect to the modifications. It’s obvious to me that staff is opposed to deleting No. 4. Beyond that, can you highlight which of the modifications staff opposes?

**Mr. Sanchez:** Would be okay with changing the wording on No. 7.

**Comm. Hoyt:** Maybe I’m misreading this, but I thought the bigger issue with No. 7 is that the current stipulation says that it will be under a single set of construction plans, and the modification is that it’s under a separate set of plans. That seems to be the bigger issue.

**Mr. Coleman:** I think staff is okay with phasing the development project as long as the public improvements that were in the original approval are associated with those phases in a reasonable manner. Of course, the additional villas north of 137th are in the third phase, so that street would have to be built at that time. The other mixed-use developments on 135th Street should have the third lane, burial of power lines, and other public improvements done along with it. We would agree that we don’t necessarily want an extra third lane when it is not necessary. There is no time frame associated with any of the phasing, so we don’t know if the land on 135th Street will be developed in two years or ten years. We’re amenable to having the improvements phased, but it is the city’s policy that the improvements are made by the developer and not the city.

**Comm. Hoyt:** You’re okay with their sense of timing.

**Chairman Elkins:** I want to hone down on the issues of contention, then. With respect to the other requested modifications to the stipulations, are there others that staff stands opposed to? I just don’t want to have Mr. Petersen have to go through them all if there are some that you are agreeable to.

**Mr. Sanchez:** Regarding No. 8, we would want the developer to be responsible for the burial of utilities on 135th Street.
Mr. Coleman: We would want No. 32 to stand as it is. We also want No. 2(C)I to stand as it is.

Mr. Ley: Regarding 2(C)II, we want to make sure they understand that they would still be responsible for the third lane if they construct High Drive with Phase One. It just depends on when High Drive would be constructed.

Chairman Elkins: How about No. 2(C)III?

Mr. Ley: The concern Public Works has with this one is if they construct the High Drive intersection in the roadway and the development on the north side comes in prior to Phase Four or Phase Five, traffic signals could be warranted and we would not have the 50% match for the signal. We would still want to collect the escrow up front if they’re going to construct High Drive with Phase One.

Chairman Elkins: No. 7?

Mr. Coleman: We would want it to remain as it is. We don’t want to delete or change it.

Chairman Elkins: No. 19?

Mr. Ley: We’re okay with modifying it to read how they wrote it to match the phases.

Chairman Elkins: And No. 20?

Mr. Ley: We would be okay with the proposed modification.

Chairman Elkins: We’ve narrowed the issues a bit. What I understand is there is not agreement with respect to Nos. 4, 7, 8, 32, Public Works Memo Nos. 2(C)I, 2(C)II, and 2(C)III. With that, I would invite the applicant to step forward.

Applicant Presentation:
John Petersen, Polsinelli Law Firm, 6201 College Boulevard, appeared before the Planning Commission and made the following comments:

Mr. Petersen: We’re grateful to be here with what we feel is a great project for the city. The most important people in the room are Richard and Rick Lashbrook, principals of Leawood 135, LLC. The give and take helped quite a bit so we can zero in on the issues before us, but I feel a few prefatory comments might help. Some of you were here in December, 2018 when we brought this project before you. It is a vertical and horizontal mixed-use project. It is approximately a 56-acre tract that is intended to be developed with a variety of uses, including attached villas to the south along 137th and then two pods of more vertical mixed-use product with residential over retail, office, and senior living adjacent to 135th Street. The plan before you is the exact plan. As time has gone on, the developer has been resolute in confirming the intent to develop the plan. The dream was to move the entire development forward in a sequential fashion. The
stipulations we’re going to talk about contemplated that. For the record, we agreed to every stipulation under consideration this evening with the idea that we had a plan in front of use that we would execute if the market cooperated. I can speak to the 135th Street Corridor and people who have made the wrong decision, which is to put tens of millions of dollars into horizontal infrastructure, hoping that the development would come in and bring a return on investment. I would respectfully ask you to take note that the 135th Street Corridor, despite tens of millions of dollars of additional lanes, reverse frontage roads, and sewage systems, remains essentially undeveloped. These developers are serious about developing in the City of Leawood, but they’re not going to make that mistake. To pull the vertical pieces into position, they needed partners with expertise and committed capital. It’s fair to say every single well-known mixed-use developer was approached. Every alternative was considered, and there is not a taker for those front pieces. In large part, it is because of the heavy burden of infrastructure costs. We’re here today to do two things that staff articulated well. One involves phasing in the different components of the attached villa project, largely due to financing and timing. Banks will finance when they see product coming behind. There are certain banks that didn’t provide that due diligence, which is why several pieces of property along 135th Street have now gone through four changes of hands. We’re trying to avoid that. Additionally, there is phasing of public infrastructure. We’re going to ask that some of it be eliminated in its entirety, but also to modify some elements to not require the infrastructure to be added when we start the first villa, which is how the stipulation reads today. I understand that we are asking the Planning Commission to make decisions about policy of financing public streets and burying power lines. I understand one might say it is not in the purview of the Planning Commission but rather the Governing Body, but there is a process. The only way to change stipulations is to come through this process to reach the Governing Body. I’m not saying we’re wasting your time because your input is valuable.

(Shows plan on monitor) The plan was always to have villas north of 137th Street, which results in three phases. The amenity area sits where High Drive ends coming in off 135th Street. We’re now proposing five phases. Phase One would be villas south of 137th; Phase Two would be the amenity; Phase Three is the balance of the villa product, designed to allow us to phase in and not put the street in until we’re ready for that phase; Phase Four is the pod west of High Drive; Phase Five is the mixed-use portion east of High Drive.

Moving on to stipulations, I’d like to give you some financial comparisons to explain why we are proposing the changes. No. 4 is one we would like deleted. It indicates that we would build a third lane on 135th Street. We would still be responsible for any deceleration and right-turn lanes both at High Drive and at the right-in access on the most eastern mixed-use pod, but we would like to be released from the responsibility to build that third lane. I’ll speak later about the cost, the traffic report, and the purpose of that third lane. Staff alluded to the fact that we would be building it for no reason at this point because it goes nowhere until Missouri does something. No. 7 is one we have staff support on. This breaks away from the idea that when construction begins on the villas, all the public improvements need to be designed at the same time. We understand that we can phase some of those improvements. No. 8 addresses power lines and is a similar situation. We ask that it be removed and modified to the extent that it is talking about power lines that run immediately adjacent to 135th Street and not any power lines that are
internal or any electrical service provided internal to the site. We’re not asking to be relieved from that responsibility, but we’re asking to be relieved from the responsibility to bury the existing power lines along 135th Street. No. 32 says that there are other requirements in the Public Works memo, which is the normal process for Leawood. We’re not asking to eliminate it; we’re just asking that it be shored up to any changes we do in the Public Works memo, which includes re-dating the memo. Moving to the Public Works memo and No. 2(C)I, we’re asking that it be deleted because it is another bite at the apple on the additional lane along 135th Street. No. 2(C)II goes a bit to timing. We understand we will do the right turn lanes at High Drive and do the right turn lanes in the future when the eastern pad is developed. We are asking for a modification that preserves the responsibility for us to do our deceleration and turn lanes at those identified intersections but eliminating the overall lane widening or additional lane construction for 135th. No. 2(C)III goes to the traffic signal. Right now, we would be required to pay that escrow in with the villas. High Drive will be built with this portion of the project, as will 137th. I don’t think anyone anticipates that there will be a need for signalization with the addition of these villas. This is based on a need. The stipulation could be fashioned that would require payment when the signal is warranted. It could be 5-6 years, so to ask for payment now is a financial tug at the development. No. 7 refers to the burial of power lines, and we want to be sure we’re being consistent and we’re talking about the KCP&L lines that currently exist along 135th, and we’re asking for relief from that obligation. Any requirements for any other electrical service in the interior of our site, including 137th Street, would not be below ground. I think we have agreement on Nos. 19 and 20, which goes to phasing and doing the public improvements when they are needed. That is a very quick overview of what you had from staff. I’d like to speak to why we’re coming back after we have agreed to a plan. Committed development costs include construction of 137th Street from Chadwick to Kenneth Road, High Drive, cul de sac streets, signalized intersection, and eastbound right turn lanes. The deceleration and right-turn lanes would be done immediately and are a large portion of the overall costs of that additional southern lane on 135th Street because all the utilities need to be relocated. The issues we’re talking about in the stipulations are over $7.5 million. To add the burial of power lines increases that number by $1,650,000 and another $450,000 to finish the widening of the third lane. It’s a showstopper, even to those who are still in discussions about bringing multi-family living over retail. For the record, we have other impact fees that relate to traffic. We’re not asking for relief from the 135th Street Corridor Impact Fee, from the Public Art Impact Fee, or the South Leawood Transportation Impact Fee. That approaches another $500,000. I go back to the traffic study to put the third lane in some context. This was studied in a traffic report with a 2040 projection. Until Missouri builds a third lane, this lane would go nowhere.

To summarize, our request is to approve the new phasing plan in terms of the northern portion of the villas. With each stipulation, whether it be from the Planning Department or Public Works, we are seeking the relief we requested. With that, I’m happy to answer any questions.

Chairman Elkins: Thank you. Questions for Mr. Petersen?
Comm. Hoyt: Could you go back to the slide that showed the costs that you expect to incur if the third lane were added? (slide displayed) These are isolated costs. What is the total cost of the entire project? I’m trying to determine the scope of this portion to the entire project.

Mr. Petersen: It’s probably a relatively small percentage. Off the top of my head, I’m going to guess it’s 2%. That’s unfortunately not the way a financing structure is put together. The infrastructure doesn’t produce income.

Comm. Hoyt: You also said this isn’t the total cost of all the infrastructure changes you are making. What is the total of all the infrastructure changes?

Mr. Petersen: $2.1 million.

Comm. Hoyt: Didn’t you say the deceleration lanes are included in the $7.5 million?

Mr. Petersen: To restate and emphasize, these costs are the costs attributed to the stipulations we’re discussing. There are numerous other costs.

Comm. Hoyt: That’s what I’m trying to figure out. I’d like to know all those other ones that don’t generate income but are costs nonetheless.

Mr. Petersen: I wouldn’t know that off the top of my head. I’ll let them figure it.

Comm. Block: Do you have visuals of the lanes? I’m having trouble understanding where the deceleration lanes are and where the third lane fits into that. I don’t know what you’re proposing to delete and what you’ve committed to in the past. It seems the deceleration lane would be further into the project. If you’re going to delete the third lane, you’re proposing to put a deceleration lane where that would go, which would have to be ripped out down the road to add a third lane, and then a deceleration lane would have to be moved further into the project.

Mr. Petersen: There will be setbacks and right-of-way to enable that. As I indicated, all the utilities have been moved out of the way; it is really just breaking the curb and moving the curb line in.

Comm. Block: I thought you indicated you did not want to move all those utilities. They’ll be moved in far enough?

Mr. Petersen: The underground utilities in that area include water, sewer, and probably fiber. To do our deceleration lanes, we’ll have to move all of those.

Comm. Block: Will you move them far enough to account for that third lane?

Mr. Petersen: We’ll move them into the expanded right-of-way.
Comm. Block: You’ll do both of the yellow lines with the first phase?

Mr. Petersen: Again, we have a modification to the stipulations. The one to the west of High Drive would be done as part of the villas; the one to the right is the entrance point for the eastern portion of the mixed-use development on the east side of High Drive along 135th. We are proposing to do that when that portion of the development actually gets started.

Comm. Block: So, it goes to another street that would not be constructed until Phase Five?

Mr. Petersen: Yes, sir.

Comm. Block: You would build High Drive, 137th Street, not the cul de sac north of 137th Street and not the street that goes east.

Mr. Petersen: Correct.

Comm. Block: Why would you not have to bury the power lines at any point in any of these five phases? Why would you be able to not do that, based on what’s happened elsewhere in the city and the LDO?

Mr. Petersen: We want to have a project we can finance. We can’t find anybody that is willing to take that as part of the deal. When we get to Governing Body, I assume they’ll have other alternatives for making these public improvements that may not put the burden on each project but do a more corridor-wide solution. We know today we can’t afford to bury those power lines at $1.6 million and bring a partner in to develop the mixed-use. Right now, we have to do what they want with the villas. We can’t live with that; that’s just a non-start. Villaggio is an example. Times were good then. They buried power lines and put in all the streets. I don’t need to tell you what’s happened to that property. I know that property sold the last time in foreclosure for the amount of the assessments only, and it’s back in a distressed state again. It can’t be done in this day and age. It couldn’t be done then, quite honestly. I’m not being critical of the developers, but it can’t be done. Those power lines are not there because of the ramifications of this project. Those power lines are there because KCP&L won’t bury their own power lines; they make the cities do it if they want it done. Then the cities tell the developers to do it. Some cities don’t require it. Overland Park doesn’t require it. It all adds up, and $2 million could be a small percentage of all the other investment that comes in, but those amounts can make or break projects. We need some help on two things that we’ve identified. Anything that our development impacts on the public and requires improvements, we’ll pay for: turn lanes, signalization, complete construction of 137th Street because our activity generates the need. We aren’t causing the need for a third lane on 135th Street. There is no traffic study that shows that. Also, KCP&L won’t bury their own power lines, and it’s an aesthetic issue.
Comm. Block: Regarding the traffic signal, I don’t know how the 50% was determined, but I assume this part of the project is going to contribute to extra traffic.

Mr. Petersen: We’re not arguing with the 50%; that’s typical.

Comm. Block: But you don’t want to put any of that money into escrow today. We can’t come back five years from now because you may or may not be the owners at the time. I don’t understand how you want to push that off and not escrow that now if you agree that 50% of the cost is yours.

Mr. Petersen: It does happen in other communities. The commercial portion will be the contributing factor for the south side of the street and the need for signalization. We don’t want to have to escrow with the villas. We want the escrow requirement to be phased; we don’t want the escrow requirement to be tripped by the villa development.

Comm. Block: Is it half of $165,000 or all of it?

Mr. Petersen: $165,000 represents half of the estimated costs.

Comm. Block: When would you put it in?

Mr. Petersen: At the beginning of development of the Mixed-use portion.

Comm. Block: Which could be ten years from now.

Mr. Petersen: Correct, or the city would have the right to come back against that property as an assessment.

Comm. Block: So, the HOA is going to collect and escrow $165,000?

Mr. Petersen: We suggested that it be on the commercial property.

Comm. Block: It just doesn’t make sense to me.

Mr. Petersen: The avoidance of trying to put together all the costs we’re facing to start the villa project, including bringing in a public road that will serve commercial traffic as well with High Drive, through the deceleration lane, which is primarily needed for High Drive, at least half of the lane-widening on 135th Street, leads us to consider the signalization as an extra cost that will sit in escrow for potentially ten years.

Comm. Coleman: Mr. Petersen, if I recall correctly, this is the third time this development has been before this commission; is that correct?

Mr. Petersen: At least.
Comm. Coleman: Part of what I’m struggling with is why these issues did not come up the first time, second time, third time, or fourth time. Is it just the money issue that has now come to light? These are standard things that I’ve seen go through on other projects.

Mr. Petersen: Projects are approved, and developers think there’s a chance to do it, but the arbiter in your world is that it’s required for the project. The arbiter in our world is the market. I know you’re not suggesting this, but it could be that we say we’ll agree to it just to come back and ask to have it removed. That is not the case at all. This is very common as an approval gets tested in the market. We’re not going to take risks that border on gambling, so we come back and ask for a modification. To ask for modifications three times on a project this size in my world is nothing. It was good faith taking our requirements to the market, but every single multi-family MX-D developer in your city crunched the numbers and said we needed to get rid of these costs. Out of $10 million, we’re coming back for $2.1 million for projects that we don’t impact. We’re going to get a mixed-use partner in here. I bet we’ll be back again because there will be something in here we’ll have to tweak to make a high-quality project that didn’t fit squarely into a more theoretical approach. If there could be a financing mechanism put forth by the city where one project didn’t have to take $2 million of these public improvements that many cities don’t require at all and others do as part of their Public Works projects. I’m not suggesting Leawood should do that. I recall an effort early on in the 135th Street Corridor to spread it out all the way back from 133rd to 137th. That made sense, but it fell apart and couldn’t be done. We’re trying to get things started. Everything that is needed to handle our project, we’ll pay for, but we need a little help.

Comm. Hoyt: You said it would be interesting if a funding mechanism could be developed that would share the costs. Of the $2.1 million, what would seem to be a reasonable share of that?

Mr. Petersen: There are different methodologies, part by the city at large because there are a lot of people utilizing and enjoying the aesthetics of no power poles. It could be based on square footage. Villaggio did it with $9 million that got paid down to $6 million. City bonds are out there that have been in default for a long time. Chairman Elkins: I’ve got a series of questions, but let’s focus on the power lines first because that’s been a longstanding issue. I’m thinking about the idea, “Don’t oppose unless you have propose to go with it.” What would be your “propose” for burying the power lines? It’s a good discussion on policy. What would you have Governing Body do with respect to power lines?

Mr. Petersen: You’re going to get me in all sorts of trouble. I’m not speaking on behalf of my clients; I’m speaking on behalf of myself. It’s a city aesthetic issue. If the city wants power lines buried, then I think the city needs to step up and help bury power lines, or there should be incentives. Where you see them buried in other cities is when there was an incentive. It is an extraordinary cost. KCP&L does the work; it can’t be bid out. It’s honestly a public investment to bury the power lines by allowing tax dollars to be diverted to reduce the costs. In Overland Park at 115th Street and Nall, the city didn’t
require burying the power lines. We got a CID approved there, and one of the conditions was that the power lines are buried. I would think maintenance of streets would be a higher priority than aesthetics.

Chairman Elkins: One of the things that concerns me about the power lines is a concern that, if we don’t address it now, we’ll have the same situation that we had for years at 95th and Mission. That is that it won’t be your clients dealing with it, but 40 years from now, when it comes time to redevelop what your clients have put together, we’ll deal with it then. I’m really concerned about that.

Mr. Petersen: That’s being addressed at Ranch Mart.

Chairman Elkins: Even with an incentive package, your clients are ready to move forward now. If the city could see clear to give you relief on that now and we, as a city, come up with some CID or other incentive program, how would your clients then be qualified to contribute at that point in time since they already have their investment in the ground and going?

Mr. Petersen: That is a conversation to be had as we move through the process. We’d be open to having that discussion, but to get there, I have to stand on the points I’ve made this evening. We would hopefully anticipate a side discussion to not only solve it for this project but for other projects as well.

Chairman Elkins: You mentioned in your presentation that you and your clients believe it would be appropriate to invest in the escrow at such time when the traffic signal is warranted. How would we collectively determine when a light is warranted? Is it when your folks decide or the city?

Mr. Petersen: That’s your responsibility typically. Cities determine when it is time.

Chairman Elkins: Is there a consensus right now that it’s not warranted today or at the time that your first phase is happening?

Mr. Ley: I believe they’re just doing a right-in, right-out. Is that correct?

Mr. Petersen: Yes.

Mr. Ley: They’re not going to have a westbound left turn lane.

Chairman Elkins: So, there is no dispute that the light is not warranted at this time.

Mr. Ley: That’s correct.

Chairman Elkins: But prior practice would be to escrow the money at the first instance.
Mr. Ley: We started that policy about five years ago. Prior to that, we had the developers install signals upfront because we were anticipating all the development to occur. They would like to change the stipulation to have them pay when the signal is warranted, but then the problem is that we have to try to find the person to collect money from. It makes it difficult. That’s why we try to collect the money upfront.

Chairman Elkins: Dropping back to the power lines, when would it be appropriate to bury the power lines, Mr. Petersen?

Mr. Petersen: Probably when the ultimate improvements are done to 135th. I don’t know exactly where they sit in the right-of-way. The frustrating part is if we just do public streets and it’s a city project, the utility company moves them. If it’s a developer, the developer moves them. That happens on a fairly regular basis. The immense cost is in burying the power lines.

Chairman Elkins: It seems like the best time to bury the power lines if on the front end. I understand what you’re saying about the financing issues, but wouldn’t you agree that, if financing were available, the best time would be before the development goes into place?

Mr. Petersen: In a perfect world, it would be the best time.

Chairman Elkins: I have a question about the third lane. You mentioned a couple times that the traffic studies available indicate there is not really a need for that third lane until 2040. Frankly, I didn’t see that in your record anywhere.

Mr. Petersen: It’s in the traffic study that was part of the original. I’m not sure if that land will ever be built because it doesn’t go anywhere. It dies at State Line.

Chairman Elkins: The record we have before us is a traffic study suggests 2040 is the earliest a third lane would be justified?

Mr. Petersen: It’s clearly not required as part of this development, and the analysis was done under the 2040 condition.

Chairman Elkins: I suspect this may be a bit out of order, but under the LDO, do we even have the authority to grant removal of the stipulations relative to the power lines and the third lane?

Mr. Petersen: You have the power to recommend on any land use plan. As part of any recommendation of any land use plan or ordinance adopting a zoning category or stipulation, you have the right to recommend on any stipulation. I started out by saying that you may say it sounds like a policy issue, but I do think you have the authority to make a recommendation based on any stipulation.

Chairman Elkins: Would we be recommending on the face of it a violation of a standing provision of the LDO?
Mr. Petersen: No.

Chairman Elkins: You’re saying the Governing Body could move forward with this without amending the LDO.

Mr. Petersen: I think they could, yes. This is no different than if we had a traffic study that said that the project would be developed and gave levels of service and delays for the intersection, leading you to make a recommendation of an acceptable level of service. I think the necessity for a third lane of a road and an aesthetic issue of burying power lines is in the realm of reviewing a development plan. I think the city could not require it and not be in violation of the LDO. There may be a policy that would have to be considered.

Chairman Elkins: To your knowledge, is there an LDO provision that requires power lines to be buried?

Mr. Petersen: If there is, I’m not aware of it.

Chairman Elkins: We’ve understood that there is a requirement to bury the power lines, but I’ve never asked if the requirement stems from the LDO or from a policy.

Mr. Petersen: I’ve never seen it codified.

Chairman Elkins: Does staff have a view on either the lane expansion or the burying of the power lines?

Mr. Coleman: For the burying of the power lines, under Public Utilities and Public Safety Uses, there are statements that refer to developments burying the power lines. It’s Section 16-1-4.1.

Chairman Elkins: Is there anything about the lane expansion?

Mr. Ley: Along 135th Street, we’ve always required the developers to do the third lane. The city has a fee schedule that addresses arterial street fees. If a developer constructs adjacent to an arterial street, there is a requirement to pay $783 per foot of frontage. It is actually half that cost, but that is the cost going from a collector to an arterial. The developer at 135th and Mission had to do the lane widening of 135th Street as well as paying the linear footage for that improvement. We had the same situation at Cornerstone. They paid $783 divided by two because it falls on the center line.

Mr. Petersen: We’re paying that.

Mr. Ley: I don’t think that’s part of the stipulations because you’re not adjacent to an arterial street.
Mr. Petersen: Richard cited the code for power lines, and we’re adhering to that. The onsite have to be buried but not transmission lines in a thoroughfare right-of-way that we happen to be adjacent to. I think there’s a distinction there, and I made it in my presentation.

Chairman Elkins: I understand there is room for discussion. I was trying to get an understanding of the parameters in our current ordinance. Are there other questions?

Comm. Block: Along the same lines of the traffic signal, is it codified?

Mr. Ley: The city hasn’t paid for signals when a developer creates an intersection.

Comm. Block: I’m curious if the requirement to have the developer put money in escrow for the traffic signal is supported by the LDO.

Mr. Ley: Each case is considered individually based on the traffic study.

Comm. Block: I understand that each situation is different as to whether it needs a signal or not, but how do you make the determination as to when they need to escrow for that signal. You say the signal will be necessary in whatever period of time; what are you hanging your hat on to make sure they put that money in escrow today?

Mr. Ley: Typically, we collect upfront.

Comm. Block: Based on what?

Mr. Ley: The traffic study.

Comm. Block: Is there a policy to support that decision?

Mr. Ley: The policy is they have to do a traffic study and address their traffic impacts to the city. That is where the stipulation comes in.

Mr. Petersen: It is on a case-by-case basis with the general policy. I draw a distinction here, and that is that until the commercial is developed and the median is broken, there is no intersection. We’re not breaking it as part of the villas. Under the circumstances, we think a fair proposal is to look at when they start developing the commercial or when it is warranted, whichever comes first.

Chairman Elkins: I’m not sure I followed all of Mr. Coleman’s reference to the LDO, but a colleague pointed out that in Section 16-1-4.1 at the end, it says, “In the case of a new or amended Preliminary or Final Plan or Plat, the owner/developer and/or applicant shall be responsible for placing all existing utilities underground prior to issuance of a building or occupancy permit or at such time mandated by the approved plan or plat.” In your view, Mr. Petersen, does what you’re proposing fall in compliance with that?
Mr. Petersen: All the utilities that will be on our property will be buried. These aren’t on our property; they’re on the public right-of-way. New utilities, we are burying.

Comm. McGurren: Mr. Petersen, do I read correctly that there are approximately 117 villas planned?

Mr. Petersen: Yes, sir.

Comm. McGurren: What is the average projected sale price per villa?

Mr. Petersen: As I recall, around $600,000 per unit. It’s a healthy price. We’re trying to have good options in that price range. Again, that speaks to the economics. If we’re getting $2 million a site, we have a bit more flexibility to address aesthetics. In a position such as this with us coming back, it comes down to what is proposed in that commercial development is state-of-the-art vertical mixed-use. What makes it good is another really expensive structured parking. Then, with another $2 million to bury power lines is extensive. The alternative is to bring down the quality of the structured parking, which is not their intent, but it’s a piece of straw out of the haystack.

Chairman Elkins: Other questions? Thank you, Mr. Petersen. Under the LDO, a case such as this provides for a Public Hearing. Before we begin, we’ll allow four minutes for comments. We would also appreciate avoiding replicating comments. We want input from the community, and we’ve spent a considerable amount of time talking about policy tonight. I think that was the applicant’s intent to provide that record for the Governing Body.

Public Hearing
Kevin Jeffries, 13451 Briar Drive, Leawood Economic Development Council, appeared before the Planning Commission and made the following comments:

Mr. Jeffries: To speak to the policy issues you are talking about tonight, to let you know, the Economic Development Council (EDC) has been discussing the concept of the widening of 135th Street and if it should be a public project, much like 143rd and Mission Road and part of our Capital Improvement Program. Should we utilize financing mechanisms like TIF (Tax Increment Financing), which has typically been kind of a bad word to use in Leawood. If you really look into what a TIF is, it’s not really a giveaway; it's another way of financing a project. When taxes go up on the property because the property has improved, some of that is captured. Tax abatements come back and help pay for those infrastructure improvements. I think for 20-30 years, we have said it’s a terrible thing, but I think it’s something we might want to at least look at in certain circumstances where there is a big public benefit. I think if we want Leawood to look different, this is a great opportunity for us to take that stand and do a little something like that. The EDC has been encouraging discussions about a lot of infrastructure, including the widening of 135th Street and coordinating with Missouri. In the mornings, there is a huge bottleneck. There are so many people coming in to Johnson County from Missouri that those extra westbound lanes might be warranted. That would relieve some of that congestion. Again,
that serves all of Leawood and Johnson County, so I suspect the county might help pay for some of that. Mr. Ley would know better about the CARS program and what would qualify. I think the hodge-podge we have now is a game. I’ve been trapped more than once in the wrong lane. I just think it’s something we need to look at the future as opposed to putting it on individual developers. Thank you very much.

As no one else was present to speak, a motion to close the Public Hearing was made by Coleman; seconded by Belzer. Motion carried with a unanimous vote of 8-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Stevens, and Peterson.

Chairman Elkins: Mr. Petersen, do you wish to respond?

Mr. Petersen: You asked about the 2040 analysis on the third lane. The traffic study that serves as the basis for the approval is on Page 8 of your packet.

Chairman Elkins: Thank you. That will be part of the record. Mr. Petersen, did you have anything else to add to the record at this point?

Mr. Petersen: No.

Chairman Elkins: That brings us to a discussion by the commission. We have some weighty issues before us.

Comm. Hoyt: It seems like there are a couple of non-weighty issues in terms of being agreed to in principle, and that’s the phasing of the development and the phasing of the Public Works. We’re really strictly looking at the issue of not building the third lane on 135th Street and not burying the 135th Street utilities.

Chairman Elkins: I also heard an issue about escrow.

Comm. Hoyt: It seems like there could be some finessing of the language to give the city the option to call in the escrow at the point the city determines the need is present or imminent. I don’t know if that’s the way the other commissioners see what we have in front of us.

Chairman Elkins: I think that’s a fair statement. The issue is trying to think of how we can best bring this to a conclusion: whether we consider each item individually and then act upon the application in total. Before we get into the technicalities, let’s get some commentary from the commissioners about what they think on this whole issue of the city’s prior practice of addressing the infrastructure improvements and burying the power lines. Power lines have been an issue as long as I’ve been a resident, so I’m curious to hear what the commissioners’ thoughts are on our prior practice, our current practice, and what Mr. Petersen and his clients are proposing.

Comm. Hunter: I would say we don’t have the authority to make that decision based on the current wording of the LDO. In terms of theoretical situations and if the city needs to
change, I’d be open to options. I look forward to seeing development in the city. I’d be willing to look at different options. I think Governing Body should look at different options, but I don’t think that’s before us right now, and I don’t think we can make that decision.

Comm. Coleman: I have concerns of changing things from the way we’ve done them in the past. A lot of these requirements are required of all of our developers. I don’t think we’ve asked anything out of the ordinary with the plan we and City Council approved. I’m also concerned about precedent if we alter things at this point from the normal way we conduct business in relation to the LDO and the way we hold developers to a certain set of standards that we’ve applied on everyone. I have some grave concerns with that. Part of this is going to be going to City Council for them to make decisions on what to do. We have to look at what’s before us now as opposed to trying to make changes to the way we normally do things on the fly.

Chairman Elkins: I think that’s probably correct; although, I do know for a fact that Governing Body looks to our discussion to help inform them around the policy decisions. I don’t disagree with Commissioner Coleman or Commissioner Hunter that it may well be outside our ability to move forward, but the discussion is very worthwhile. That is why we have the process we do. I concur with both of you that it’s probably the case with respect to what we can do, but I think it’s appropriate for us to offer discussion.

Comm. McGurren: I agree completely with what both of you have said. I think we’re in short-term and long-term mode. Short-term mode is tonight and the decision we have associated with that. I agree with the precedent-setting concept. On the flipside, I think over a longer period of time, it ought to be assessed whether there are other options and something that makes more sense that creates more development that is successful over time. It feels to me that we’ve got two different time frames, and it would be seemingly odd to combine them into one time frame.

Chairman Elkins: Other comments? I guess the observation I would have is that I tend to agree with Commissioner Coleman that there’s a certain sense of fairness about the fact that historically, we’ve required developers to put in this infrastructure, to bury the power lines, to do the other things we’ve talked about tonight. On the other hand, I’ve been looking at the 135th Street Corridor for over 20 years now as a resident. We’ve gone through at least two, if not three, iterations of a special corridor development plan. Yet, we sit out there today without really any active development. It would suggest to me that now is the time for the city to consider some radical changes from what we’ve done in the past, even though it has served us well to date. I don’t know that it’s a fair comparison to look at 135th Street to the west. My sense is that, while there is infrastructure and buildings, I don’t know how economically viable a lot of those developments to the west of Nall are. In some ways, it may not be much different than Mr. Petersen’s reference to Villaggio. That remains to be seen. I’m about to a point in my own personal journey here with thinking that the city may need to rethink the approach to some of these things and perhaps, as Mr. Jeffries said, consider some sort of public-private partnership. That’s my observation from watching all these years and seeing plan after plan. We’ve seen this,
and I don’t know that we’ve seen a whole lot of change in the plan. I don’t know of the most recent plan for 135th Street encouraged or discouraged Mr. Petersen’s clients from moving forward, but there still seem to be obstacles in the way of successful development. Maybe there’s a developer right around the corner. It is concerning that we’ve tried the old ways for so long and just haven’t seemed to make much progress. Other comments?

Comm. Stevens: I think it’s supportive of this development the way it has come together and has been designed with the distribution of uses, especially the phasing, which makes a lot of sense, assessing the phases with the infrastructure as they are needed. It is interesting to do Phase One and that infrastructure that’s part of it and that none of that really affects these two improvements of widening the lanes or burying the power across 135th. I know it’s not part of what the ordinance calls for because it’s one development, and once it has started, the frontage should be improved on 135th. It could be a way to also phase that improvement. I guess kicking off Phase Four and then Phase Five, when the real need for those improvements along 135th. Phase One and even Phase Two and Phase Three really aren’t part of these last two items that we’re debating over. It’s an interesting way of looking at this development and how it’s come together that it seems like that could even be a possibility to attach those improvements to the later phases.

Comm. Block: I had a similar thought through this process as well. What’s before us tonight is just to not do the power lanes or the third lane at all. If you kick it to Phases Four and Five, that development becomes unattainable for sure. I don’t think we can deviate, and I don’t want to deviate as a Leawood resident with what the Governing Body has done with Mission to bury power lines. It’s important to the Governing Body and to us as residents. Maybe the solution is the escrow. If 50% because it’s a master development goes into escrow, when the other developments kick off, they put in the other half. This portion of the development then puts in the fair share so it’s there when it’s needed.

Comm. Hoyt: I sort of like that idea. I was thinking the same thing. There’s a timing issue in all of this that isn’t quite gelling, especially with the additional lane on 135th Street. It seems a little out of proportion to the first phase of the project. I don’t know because I don’t understand exactly where all the digging is going to have to happen for various things to occur, but in the past, a lot of the logic of doing infrastructure throughout the city is if you’re digging up the street to do one thing, you go ahead and do everything that could be done while the street is dug up. At the point where 135th Street has to be dug into for one reason or another, that would be the time to bury the power lines.

Comm. Peterson: I had a real problem with putting the burden of the third lane on the developer when the traffic study has determined that it is not needed for some time. On top of that, there’s the additional turning lanes. I kind of view that as overkill. I don’t know how we could modify that or suggest modifying it. The biggest problem I had was with requiring the developer to pay for that third lane. I don’t know how often you go down 135th, but there’s really not a traffic problem because there’s nothing around there.
The other issue I have is putting the burden of burying the existing power lines, especially transmission lines, on the developer. There should be some way to work with the city or the county to do that, which is what is happening on Mission Road from 119th to 127th. The city is only paying for part of that. The county is paying for part of it. Those are existing lines that have been there for 30 or 40 years. Those are my two main issues.

Chairman Elkins: Thank you. I guess the one point is that you need to remember that we are planning for 178 townhomes to go in there, and shortly after that, a commercial development. Presumably, that will draw more traffic. It may not justify the third lane for the entire way, but we need to consider the additional demand. I understand that the traffic study suggests that even with the burden of this development on 135th Street, it won’t justify that third lane until sometime near 2040, but it is certainly something for us to keep in mind.

Comm. Peterson: One thing that occurred to me, especially when the residential homes go in, in the final phases, is that it is going to clearly increase the traffic problem, but we’re only putting in a third lane eastbound, not westbound. There’s no one developing north of 135th, but all the burden for the third lane eastbound goes upon the applicant. What happens to the third lane if it’s required? Who’s going to finance that when it goes westbound?

Chairman Elkins: Under the current program, it would fall to whoever develops that space along the north side of 135th.

Comm. Block: I live down that way, and it might not warrant that lane now, but I definitely think of rush hour, and 135th from Mission all the way to Wyandotte on the Missouri side is well traveled. This is a year and a half old. I assume not much has changed since then, but how much life span does a traffic study have?

Mr. Ley: We work with the traffic engineer upfront to try to calculate the 2040 counts. It’s not like they look at what’s going to happen in 2025, 2030, until they come to the magic number that it is going to be warranted. We’re looking at full buildout in 2040, so that’s when everything around the full area is completely developed. If that occurs in 2030, that lane is warranted in 2030. It’s just an estimate. In 2030, we’ll be looking at 2050 traffic models, and that is a full buildout. As far as the counts, they’re typically good for a couple years, so it depends on the growth and how much new development is occurring in Overland Park and also into Missouri. If a new development comes in, in a year, they would be required to do new traffic counts and project those future accounts.

Chairman Elkins: I think we’re ready to discuss this. I think the way I would like to approach it is take it in four different pieces. I’d like the commission to weight in by vote how we feel about the phasing for both the development of the residential space and the phasing of the infrastructure as one item. I’d like to take the escrow of the traffic light as a second item and then the relief to the developer for the burying of the power lines as the third. Then, as a fourth, the relief for the widening of the lanes on 135th Street. I think I
know how those will go out, but once we’ve gone through those exercises, we’ll see how we stand for the plan in total.

Comm. Peterson: Would it be possible to take a five-minute break?

Five-minute recess

Chairman Elkins: As I indicated prior to our break, my plan is to take up each of the four issues individually and then see where we are with respect to the overall plan and perhaps vote on the plan in its total, based on the outcome of those four issues. We’ll see how it goes as to whether we need to take each stipulation individually when the time comes. Do I hear a motion with respect to the issue of the stipulations relating to the phasing of the residential space and the infrastructure going along with it.

A motion to approve the stipulations with regard to phasing, including No 19 – was made by Coleman.

Chairman Elkins: We’ll take it up as an overall issue with the idea that staff can make conforming changes to the case.

Motion seconded by Hoyt.

Chairman Elkins: Discussion on the motion related to phasing of the residential and infrastructure.

Motion carried with a with a unanimous vote of 8-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Stevens, and Peterson.

Chairman Elkins: The second issue relates to the escrow for the traffic signal proposed in the plan. Is there a motion relative to the idea of the relief requested by the applicant, relative to the escrow for that stoplight?

A motion to approve the requested escrow relief with the additional provision added that the city would have the option to call for the money at its discretion if it has evidence that a shorter timeline is necessary – was made by Hoyt; seconded by Belzer.

Chairman Elkins: Any discussion?

Comm. Block: I’m going to vote no because I don’t think it’s a realistic ask. The developer is potentially going to be long gone. Once these 171 units or this first phase even is done, the developer has no responsibility. Then, it is on the homeowners, the HOA, and whatever that entity is that’s remaining. This developer is going to sell and move on to the next thing. I don’t think there’s any going back in 6-7 years and getting it. It’s either now or we release them.
Chairman Elkins: You’re assuming the developer is going to abandon the commercial development and just not do it, despite the fact they have an approved plan for it?

Comm. Block: If I read the interact meeting notes correctly, they don’t have control over those other parcels for these other phases. My understanding is they don’t even own the land we’re talking about; it is just under contract. They don’t own all 57 acres.

Comm. Coleman: I agree with Commissioner Block. When it comes to getting funds for escrow, there’s a reason they’re upfront. There are too many downsides, and I don’t feel comfortable with splitting that cost up.

Comm. Belzer: Can we ask for an answer to that?

Chairman Elkins: I think we’re probably past that point. Commissioner Hunter, I’d welcome your thoughts on the subject.

Comm. Hunter: Do we have the authority to approve how money is held by the city for that use?

Chairman Elkins: I don’t know the answer to that question. The issue we’re dealing with here is if we have the authority to insist on the applicant putting money into escrow, which is a slightly different question.

Comm. Peterson: Isn’t it also our recommendation to Governing Body for them to take into consideration?

Chairman Elkins: Yes, it is a recommendation.

Comm. Peterson: We’re not necessarily saying it’s written as law; this is our recommendation to Governing Body for their consideration.

Chairman Elkins: It strikes me that the need for the stoplight will probably be triggered more by the commercial development than the residential. If it’s not this developer that develops the residential space, that would be the appropriate place for the escrow.

Comm. McGurren: Is it fair to say that in the phasing concept that included the phasing of the infrastructure, we’ve already answered the point that we would assume the light would come later anyway and the question now is all about the escrow?

Chairman Elkins: Yes.

Comm. Belzer: Could we recommend that we tie the escrow to the traffic light at the time of Phase Five?

Chairman Elkins: We could, but there’s a pending motion to not do so.
Comm. Block: Mr. Petersen agreed that 50% of the cost was theirs; he just doesn’t want to pay today. The 171 units are causing half of the impact that is going to require that traffic signal is how I understood what he’s saying. He is saying he wants to put the money in closer to when it’s going to trigger the need. I think if we don’t get it in the bank today, I don’t think we’re going to get it.

Comm. Peterson: Related to the phasing, I have a suggestion. We have five phases. Phase One is the main area of the duplexes. Phase Two is basically the community swimming pool, etc. Phase Three begins the northern portion. Regarding the traffic signal, Phases 1-3 are more than 50% of the total land area, but not necessarily traffic. The stoplight in question and potentially the triggering of the escrow could perhaps be triggered at the beginning of Phase Three versus Phases Four or Five.

Chairman Elkins: It is certainly something to consider, but we have a motion pending. We’ll dispose of that and move forward how we think it’s appropriate.

Motion withdrawn by Comm. Hoyt; second withdrawn by Belzer.

Chairman Elkins: Does Commissioner Peterson have a motion? It doesn’t have to be tied to a particular stipulation

A motion to recommend that the escrow is triggered according to the 50% schedule as outlined in the applicant’s response at the beginning of Phase Three of the project, as outlined in Sheet A, dated December 20th – was made by Peterson; seconded by McGurren.

Chairman Elkins: Discussion on Commissioner Peterson’s motion?

Comm. Block: I have the same concerns.

Comm. Belzer: I don’t know about amending this motion again, but I believe it’s at Phase Four and not Phase Three where the impact would occur and where the breaking of the median would take place.

Motion amended to change “Phase Three” to “Phase Four” by Peterson; seconded by McGurren.

Comm. McGurren: I agree with Commissioner Block. If it is at Phase Three when villas are still to be built, it is doable and likely; if it is at Phase Four or Phase Five, it is unlikely.

Chairman Elkins: Any other discussion?

Motion did not carry with a vote of 3-5. For: Stevens, Peterson, and Belzer. Opposed: McGurren, Hunter, Hoyt, Coleman, Block.
Chairman Elkins: Where does that leave us on the stoplight? It leaves us with no relief on the stoplight. Let’s move to the question of the buried utilities. Is there a motion on the applicant’s request for relief from the obligation to bury the utilities? It could be that we don’t recommend the relief.

A motion to recommend the city and the developer work out a plan through which there may be some relief associated with burying the power lines, but if it does not come, the exemption of cost associated with burying the power lines would be denied – was made by McGurren; seconded by Peterson. Motion with a vote of 5-4, including an affirmative vote from the chairman. For: McGurren, Belzer, Hoyt, Peterson, and Elkins. Opposed: Hunter, Stevens, Block, and Coleman.

Chairman Elkins: We’ll go to the last of the major issues raised by this application, which relates to the relief requested by the applicant from the city’s proposed obligation to provide a third lane on 135th Street, eastbound.

A motion to recommend that 50% of the escrow for the third lane until Phase 4 begins, and the developer of the fourth and fifth phase would be responsible for the remainder – was made by Block.

Comm. McGurren: Just to clarify, it would be 50% when Phase One begins; 50% when Phase Four begins.

Comm. Block: I think the other 50% would be borne by whoever develops Phases Four and Five.

Comm. Hoyt: 50%?

Comm. Block: We were discussing the conundrum of potentially different ownership. I might be wrong, but that’s what I thought I read. When that final portion begins, I understand it’s a Master Plan submission to us. They’re asking to be totally relieved of this responsibility; I’m saying they should come halfway.

Comm. Hoyt: Wasn’t it $485,000, so it would be half of that?

Comm. Block: Yes.

Motion seconded by Stevens.

Chairman Elkins: Thank you. Is there discussion?

Motion carried with a vote of 7-1. For: Peterson, Stevens, Block, Coleman, Belzer, Hoyt, McGurren. Opposed: Hunter.

Chairman Elkins: That takes us to the overall plan that was presented to us. My perspective on what I’ve heard is that the plan as presented by the applicant has portions
we are unwilling to recommend to the Governing Body for approval. That should drive your recommendation to the plan. The motion could be either a recommendation for the plan to be approved or denied in total.

Comm. Hoyt: As we either deny or endorse the proposal in its entirety, does there not need to be some reference to those other votes we just took?

Chairman Elkins: Those are in our record. We’ve got to do one or the other.

A motion to recommend denial of CASE 04-20 – 135 STREET AND KENNETH – MIXED USE AND MEDIUM DENSITY RESIDENTIAL - Request for approval of a Revised Preliminary Plan, located south of 135th Street and west of Kenneth Road – was made by Hoyt; seconded by McGurren. Motion carried with a unanimous vote of 8-0. For: McGurren, Hunter, Belzer, Hoyt, Coleman, Block, Stevens, and Peterson.

Mr. Petersen: Thank you for your time. That was hard work, and the commentary was rich and will be useful as we move forward.

CASE 06-20 – 2019 ANNUAL UPDATE TO THE CITY OF LEAWOOD COMPREHENSIVE PLAN – Request for approval of the 2019 Comprehensive Plan. PUBLIC HEARING

Staff Presentation:
City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 06-20 – Annual Update to the City of Leawood Comprehensive Plan for 2019. As the Planning Commission may remember, there was a work session held on November 12, 2019. At that meeting, staff presented some changes to the Comprehensive Plan Map, and I would like to refresh the Planning Commission on those changes.

(Refers to plan diagrams) The first change to the map was at 9609 Lee Boulevard, which is the Fire Station in North Leawood. The city recently purchased that property to the south, and what the Comprehensive Plan is showing is that land that had previously been purchased to be shown as public use for the future of the area that will soon be redeveloped. The second change that staff made is to a property on 133rd and Mission Road, currently, the location of the Kleinwood building. Previously, it had been shown as mixed use. Being that the property is already developed and has been for several years now, we just want to reflect what is existing on the property, which is office. Also on 135th Street and Kenneth Road, we had redone the alignment of the road per the previous Preliminary Plan that was approved, and now this plan that just went through. We updated the future roads and the road alignment with what was previously approved and the zoning as well. The zoning changed from MX-D to show the current zoning they got approved. On 137th and Kenneth, just east of the development we talked about is a small triangular piece, and it just made more sense as an office use. Another change would be at 151st and Mission Road to update some of the streets that have already been
ORDINANCE NO. _____________

ORDINANCE APPROVING PLANNING COMMISSION'S RECOMMENDATION OF DENIAL OF REQUEST FOR REVISED PRELIMINARY PLAN FOR A MIXED USE AND MEDIUM DENSITY RESIDENTIAL DEVELOPMENT, LOCATED SOUTH OF 135TH STREET AND WEST OF KENNETH ROAD. (PC CASE 04-20)

WHEREAS, the applicant is requesting approval of a revised preliminary plan for property located south of 135th Street and West of Kenneth Road with changes to the stipulations and phasing plan;

WHEREAS, the Planning Commission reviewed the application on January 28, 2020, and recommended denial of the application; and

WHEREAS, the Planning Commission's recommendation was presented to the Governing Body on July 20, 2020.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION ONE: That the Governing Body, having reviewed (a) the information presented to the Planning Commission; (b) the minutes of the Planning Commission meeting; (c) the recommendation of the Planning Commission; (d) the record submitted to the Governing Body; (e) the comments and input of the property owner and developer; and (f) any other information in the record, does hereby approve the Planning Commission's recommendation of denial of the application a revised preliminary plan for the Mixed Use and Medium Density Residential Development located south of 135th Street and West of Kenneth Road.

SECTION TWO: This ordinance shall become effective upon its passage and publication in accordance with law.

PASSED by the Governing Body this 20th day of July, 2020.

APPROVED by the Mayor this 20th day of July, 2020.

[SEAL]

Peggy J. Dunn, Mayor

ATTEST:

Kelly Varner, City Clerk

APPROVED AS TO FORM:

Marcia L. Knight, Assistant City Attorney
Memo

To: Mayor Dunn and City Council Members
From: Patricia Bennett
Date: July 8, 2020
Re: Private Property Towing

As you will recall from the March 2, 2020 meeting, Mr. Leibold, an attorney who represents various towing companies, requested the City revise its ordinances to provide a mechanism for private property tows. K.S.A. 8-1103 allows tow companies to place liens on vehicles towed from private property so long as the vehicles were towed in accordance with a County resolution or City ordinance. Because the Leawood Code only discusses City-initiated tows, the attorney has requested that the City add a provision similar to our neighboring cities governing private property tows.

The attached draft ordinance is identical to the one you received in your packet for March 2, 2020 with the exception of the red-lined changes noted below. It adds a section to the City Code addressing non-City initiated tows on non-residential private property and is similar to ordinances in Lenexa and Olathe. It contains provisions required by state law pertaining to maximum fees, access to personal property in the vehicle and required reporting of the location of the towed vehicle. It also contains a provision requiring notice to the vehicle owner or operator by signage on the property or by placing a notice on the vehicle.

At our last meeting, we discussed two specific concerns. First was a question of how a property owner might handle a disabled car left in a lot. Subsection (3) was modified to address this issue and allow the property owner to affix written notice to the car that the car will be towed in 24 hours at the owner's expense if the car is not moved.

We also discussed how a commercial private property owner would handle a vehicle parked in a parking lot if that owner wanted to repave the lot. The ordinance as written allows for towing in this situation if the property is posted with appropriate signage at least 24 hours prior to the time of towing. Or, the owner could affix notice to the specific vehicles to be towed 24 hours in advance, as noted above. We have made no other changes to this draft.

I have discussed the ordinance in detail with Mr. Leibold and let him know that the City would be proceeding with this draft. Additional changes can be requested at a later date if necessary.

Please let me know if you have any questions or if I can be of further assistance.
ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 14, ARTICLE 5 OF THE CODE OF THE CITY OF LEAWOOD, 2000, BY ADDING A NEW SECTION 14-501A ENTITLED “TOWING OF VEHICLES FROM PRIVATE PROPERTY [NON-CITY INITIATED]” AND REPEALING OTHER SECTIONS IN CONFLICT HEREWITH

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION 1. That a new Section 14-501A of the Code of the City of Leawood is hereby enacted to read as follows:

14-501A. TOWING OF VEHICLES FROM PRIVATE PROPERTY [NON-CITY INITIATED]

A. It is the intent of this Section to further the safety of the general public by ensuring that a private property owner or lessee has provided adequate authorization for the removal of a vehicle from their property, and to attempt to avoid towing mistakes and false vehicle theft reports, thereby promoting the safety of those persons involved in ordering the removal of the vehicle as well as those persons removing, towing, and storing the vehicle.

B. It shall be unlawful and a violation of this Section for any person to fail to comply with the following regulations when involved in the towing or request of towing of motor vehicles from private property at the request of third parties and without the consent of the owner or operator of the vehicle:

1. Notification: Prior to the person or tow company towing or removing a vehicle from private property, they shall notify the Leawood Police Department of their intent and of the following information concerning the tow or removal:
   a. Vehicle make, model, style, color and year;
   b. Vehicle Identification Number (VIN);
   c. License plate number and State of issuance;
   d. Ultimate destination where the vehicle is to be towed and stored, and a contact number for the owner to call for information regarding release of the vehicle;
   e. Reason for the tow; and
   f. Person ordering the tow.

2. Mandatory Disconnect: If the owner or other legally authorized person in control of the vehicle arrives at the scene prior to removal or towing of the vehicle, the vehicle shall be disconnected from the towing or removal apparatus, and that person shall be allowed to remove the vehicle without interference upon the payment of a reasonable service fee of not more than one-half (1/2) of the posted rate for such towing or removal, for which a receipt shall be given unless that person refuses to remove the vehicle from the property where it is otherwise unlawfully parked. There shall be no charge if the vehicle has not been connected to the tow truck.
3. **Notice and Sign Requirements:** Except for property appurtenant to and obviously a part of a single-family residence, which shall include duplexes, townhomes, and residential planned unit developments, and except for instances when notice is personally given to a vehicle owner or operator that the area where the vehicle is parked is reserved or otherwise unavailable for unauthorized vehicles which are subject to being towed at the owner or operator’s expense, any private property owner or other person in legal possession of the property, prior to towing or removing any vehicle from private property without the consent of the owner or operator, must post a notice meeting one of the following requirements:

- **a.** Personal notice to the owner or operator that the area where the vehicle is parked is reserved or otherwise unavailable for unauthorized vehicles which are subject to being towed at the owner or operator’s expense; or
- **b.** At least 24 hours prior to towing, written notice affixed to the vehicle to be towed indicating that the parking of the vehicle is unauthorized and the vehicle will be towed at the owner or operator’s expense. Such notice shall state the date and time the notice was placed on the vehicle; or
- **c.** Posting notice on the property as follows:
  - **(i)** The notice must be prominently placed at each primary driveway access or curb cut allowing vehicular access to the property.
  - **(ii)** The notice must clearly indicate, in not less than two inch (2") high, light-reflective letters on a contrasting background, that "Unauthorized Vehicles Will Be Towed".
  - **(iii)** The sign structure containing the required notices shall not exceed three (3) square feet in area and must be permanently installed, with the bottom of the sign not less than four feet (4') and not more than five feet (5') above ground level and must be continuously maintained on the property for not less than twenty four (24) hours prior to the towing or removal of vehicles.

4. **Right to Enter Vehicle:** A tow company may enter a vehicle for the sole purpose of removing the vehicle, provided reasonable care is used in entering the vehicle, and the tow company or person entering the vehicle is responsible for the security of the vehicle and its contents. The right of entry is conditioned on the tow service having the keys or other legal non-damaging means of entering the vehicle.

5. **Owner Access:** Any owner of a vehicle towed pursuant to this Section shall have access to personal property in such vehicle for up to 48 hours after such vehicle has been towed, and such personal property shall be released to said owner unless it is being held or seized as evidence.

6. **Report of Location:** No later than two hours after the tow or removal of a vehicle, the tow company shall report the final location of the towed vehicle to the Leawood Police Department.

7. **Maximum Fees.** The maximum fee a person or tow company may charge for towing vehicles from private property at the request of a third party or for storage of a vehicle shall not exceed the rates as provided in Section 14-509.

8. **Violation.** Any person or tow company that violates the provisions of this Section shall be fined not less than five hundred dollars ($500.00) nor more than two thousand
five hundred dollars ($2,500.00). In addition to such fine, the Court may sentence any 
person convicted hereunder to a period of confinement of up to six (6) months in jail.

SECTION 2. This ordinance shall be construed as follows:

A. Liberal Construction. The provisions of this Ordinance shall be liberally construed 
to effectively carry out its purposes which are hereby found and declared to be in furtherance of 
the public health, safety, welfare, and convenience.

B. Saving Clause. The repeal of Ordinance sections, as provided herein below shall 
not affect any rights acquired, fees, fines, penalties, forfeitures or liabilities incurred there under, 
or actions involving any of the provisions of said Ordinances or parts thereof. Said Ordinance 
repealed is hereby continued in force and effect after the passage, approval, and publications of 
this Ordinance for the purposes of such rights, fees, fines, penalties, forfeitures, liabilities and 
actions therefore.

C. Invalidity. If for any reason any chapter, article, section, subsection, sentence, 
portion or part of this proposed Ordinance set out herein, or the application thereof to any person 
or circumstances is declared to be unconstitutional or invalid, such decision will not affect the 
validity of the remaining portions of this Code or other Ordinances.

SECTION 3. That any provisions in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect and be in force from and after publication 
in accordance with law.

PASSED by the City Council this 20th day of July, 2020

APPROVED by the Mayor this 20th day of July, 2020.

[SEAL]

Peggy J. Dunn, Mayor

ATTEST:

Kelly Varner, City Clerk

APPROVED AS TO FORM:

Patricia A. Bennett City Attorney
Memo

To: Mayor Dunn and City Council Members
From: Marcy Knight, Assistant City Attorney
Cc: Scott Lambers, Patty Bennett
Date: July 16, 2020
Re: Park Place Common Consumption Area – Park Place

Kansas law allows for the possession and consumption of alcohol in City approved Common Consumption Areas [“CCAs”], subject to certain conditions. In May of 2019, the City approved its first CCA for the Barkley Square area of the Park Place Development (Ord. No. 2945).

The Park Place CCA allows patrons of adjacent licensed and permitted restaurants to possess and consume alcoholic drinks in the Barkley Square area during certain days and times. KBS III Park Place Village, LLC has applied to expand the days and hours for the CCA. Previously, the CCA was in effect only from noon to midnight on Fridays and Saturdays. The proposed ordinance expands the days and hours the CCA is available, as follows:

- Monday – Wednesday: 11:00 a.m. – midnight
- Thursday – Friday: 11:00 a.m. – 2:00 a.m.
- Saturdays: 10:00 a.m. – 2:00 a.m.
- Sundays: 10:00 a.m. – midnight

If this ordinance is approved, KBS III Park Place Village, LLC is still required to have a permit from the State of Kansas Division of Alcoholic Beverage Control before participating in the CCA. Adjacent restaurants [currently, The Ainsworth] also may seek permission from the State to participate in the CCA.

Please let me know if you have any questions.
ORDINANCE NO. ________

AN ORDINANCE AMENDING THE PARK PLACE COMMON CONSUMPTION AREA AND AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR WITHIN ITS BOUNDARIES.

WHEREAS, K.S.A. 41-2659 allows cities to establish common consumption areas and to authorize the possession and consumption of alcoholic liquor within such areas; and

WHEREAS, under Section 3-216a of the Code of the City of Leawood, 2000, the City may establish such areas by ordinance; and

WHEREAS, on May 20, 2019 the City adopted Ordinance No. 2945 establishing the Park Place Common Consumption Area; and

WHEREAS, KBS III Park Place Village, LLC desires to expand the hours of its common consumption area in the Barkley Square portion of the Park Place Development.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION ONE: In accordance with Code Section 3-216a and K.S.A. 41-2659, the Governing Body hereby re-establishes the Park Place Common Consumption Area [the “Park Place CCA”] consisting of certain outdoor areas located within the Barkley Square area of the Park Place Development, as designated on the map attached hereto as Exhibit A and incorporated herein by reference, excluding any and all areas which are currently or otherwise become subject to a license issued pursuant to the Kansas liquor control act or the club and drinking establishment act, and subject to the following restrictions.

SECTION TWO: Alcoholic liquor may only be possessed or consumed in the Park Place CCA during the following hours:

- Monday – Wednesday: 11:00 a.m. – midnight
- Thursday – Friday: 11:00 a.m. – 2:00 a.m.
- Saturdays: 10:00 a.m. – 2:00 a.m.
- Sundays: 10:00 a.m. – midnight

SECTION THREE: The boundaries of the Park Place CCA, as shown on Exhibit A, shall be clearly marked by a line of demarcation. More specifically, the boundaries shall be marked by signage at exit areas and blue or red paint or tape markings on pavement between buildings bounding the area.

SECTION FOUR: The Governing Body hereby authorizes the possession and consumption of alcoholic liquor in the Park Place CCA, provided, however, that a common consumption area permit for the Park Place CCA has been issued by the State of Kansas, Director of the Division of Alcoholic Beverage Control in accordance with Kansas law and that any licensee providing alcoholic liquor has requested and received permission to participate in the CCA in
accordance with K.S.A. 41-2659(e). The permittee and licensee shall comply with all laws, ordinances and regulations regarding the Park Place CCA, including those contained within this ordinance.

SECTION FIVE: All alcoholic liquor removed from a licensed premise authorized to participate in the Park Place CCA shall be served in a non-glass container that displays the licensee’s trade name or logo or other unique identifying mark.

SECTION SIX: No open container of alcoholic liquor purchased within the Park Place CCA or from a licensed party shall be removed from the boundaries of the Park Place CCA.

SECTION SEVEN: No sales of alcoholic liquor may occur on premises covered by the Park Place CCA permit, unless the sales are conducted by a licensed caterer in accordance with all requirements for a catered event, or a separate temporary permit has been issued for that specific area.

SECTION EIGHT: Smoking and vaping shall be allowed only in designated areas and otherwise in compliance with law. No inappropriate conduct, including fighting, harassment, destruction of property, excessive noise levels unreasonably disturbing or endangering the comfort, repose, peace or safety of others, or conduct otherwise violating the ordinances of the City of Leawood shall be allowed.

SECTION NINE: KBS III Park Place Village, LLC is liable for any violations that occur within the Park Place CCA.

SECTION TEN: This ordinance shall become effective upon publication in the official City newspaper. This ordinance will remain in force and effect until the earlier of either (1) repeal of this ordinance by the City of Leawood, or (2) the expiration of this ordinance, which shall be the 1st day of August, 2025.

PASSED by the Governing Body this 20th day of July, 2020.

SIGNED by the Mayor this 20th day of July, 2020.

[SEAL]

Peggy J. Dunn, Mayor

ATTEST:

Kelly Varner, City Clerk

APPROVED AS TO FORM:

Patricia A. Bennett, City Attorney
EXHIBIT A

Adjacent Licensee: The Ainsworth

— CCA Area
X Signage