

OVERLAND PARK CITY COUNCIL MEETING

April 5, 2010

Mayor Carl R. Gerlach called the Overland Park City Council meeting to order at 7:30 p.m. The following members were present, constituting a quorum:

Mr. Fred Spears, Council President; Mr. Terry Goodman; Mr. George Kandt; Mrs. Terry Happer Scheier; Mr. David White; Mr. Jim Hix; Mr. Dave Janson; Mr. John Skubal; Mr. Curt Skoog; Mrs. Donna Owens; Mr. Dan Stock; and Mr. Paul Lyons.

Also present were: Mr. John M. Nachbar, City Manager; Mrs. Kristy Stallings, Deputy City Manager; Mr. Sean Reilly, Communications Manager; Mrs. Vicki Irey, Director of Information Technology; Mr. Bill Heatherman, Supervisory Civil Engineer; Mr. Dave Scott, Chief Financial Officer; Mr. Adam Norris, Assistant to the City Manager; Mr. Doug Brown, Director of Public Works; Mr. Bill Ebel, Director of Planning and Development Services; Mr. Bob Watson, City Attorney; Mr. Mike Casey, Deputy Fire Chief; Mr. Mark Kessler, Police Lieutenant Colonel; Mrs. Leslie Karr, Current Planning Manager; Mrs. Tammy Owens, Mr. Bart Budetti and Mr. John Knoll, Senior Assistant City Attorneys; Mr. Tony Cosby, Acting Director of Recreation Services; Mr. Greg Ruether, Acting Director of Parks Services; Mrs. Karen Arnold-Burger, Presiding Judge; Mr. Rob Welton, PC Technician; and Mrs. Barbara Potts, Recording Secretary. Approximately 20 people were in the audience.

PLEDGE OF ALLEGIANCE

Mayor Carl R. Gerlach led the audience in the Pledge of Allegiance.

Mayor Gerlach recognized the Honors Government Class attendees from Shawnee Mission West High School.

PUBLIC HEARING

PROPOSED ASSESSMENTS FOR IMPROVEMENT DISTRICT NO. 07-193 –
Levying assessments on lots, pieces and parcels of ground for the purpose of paying the cost of the construction of a flood control project along Indian Creek between Roe and Mission. (Improvement District No. 07-193).
Ordinance No. ASMT-2866.

Director of Public Works Doug Brown stated that Improvement District No. 07-193 was created by the public hearing process on May 21, 2007, by way of Governing Body Resolution No. 3591. Section 1 of that resolution set forth the scope of improvements, which included excavation of approximately 110,000 cubic yards of material from the over banks of Indian Creek; the construction of an overflow channel and grade control structures; the installation of riprap along portions of the channel banks; park trail realignment; and the restoration of the project limits.

Mr. Brown indicated that Section 4 of Resolution No. 3591 set forth the method of assessment of property in the Improvement District to be as follows:

- 1) Each property in the Improvement District, except Tracts 19 and 20, will be assessed an amount equal to four and five-tenths percent (4.5 percent) of its total property and improvements valuation as recorded in the Johnson County Clerk's office on August 31, 2006.
- 2) Tract 19 is owned by the United States government and is not subject to assessment. Thus, its share of the assessment shall be paid from the City-at-Large share of the project cost.
- 3) Tract 20 shall be assessed an amount equal to 25 percent of the total costs of the flood control project, not to exceed \$750,000. In the event that part or all of Tract 20 is platted or otherwise divided, its assessment shall be re-spread such that no portion of the assessment shall be spread against any lands to be dedicated to the City as right-of-way or public park.

Mr. Brown presented Sections 2 through 5 of Ordinance No. ASMT-2866, which are under consideration this evening.

- 1) Section 2 indicates that the assessments, with accrued interest, are levied concurrent with general property taxes and shall be payable in ten annual installments. The first installment shall be payable at the time of the first payment of general property taxes.
- 2) Section 3 indicates that all assessments shall bear an interest rate not to exceed the maximum rate of interest prescribed by K.S.A. 10-1009, and amendments thereto.
- 3) Section 4 indicates that the owner of any property so assessed may, at any time prior to May 5, 2010, pay the whole of the assessment against any lot or parcel to the City Clerk.
- 4) Section 5 states that assessments not paid prior to the date provided in Section 4 herein shall be certified, together with the interest accrued or to accrue by the City Clerk to the County, and collected in the same manner as other taxes.

Mayor Gerlach invited comments from the public in regard to Improvement District No. 07-193 and Ordinance No. ASMT-2866. There being none, he closed the hearing and referred the item for action.

Mr. Fred Spears moved to approve Ordinance No. ASMT-2866 under Improvement District No. 07-193. A second was made by Mr. George Kandt, and the motion passed by a roll-call vote of 12 to 0.

MAYOR CARL R. GERLACH

REAPPOINTMENT TO THE POLICE DEPARTMENT RETIREMENT PLAN
BOARD OF TRUSTEES:

Steve Vecchio – Term 4/13/10 to 4/9/13

Mr. Spears moved to approve the reappointment of Steve Vecchio to the Police Department Retirement Plan Board of Trustees for the term of 4/13/10 to 4/9/13. Mr. George Kandt seconded, and the motion passed by a 12 to 0 vote.

CITY MANAGER JOHN NACHBAR

No report.

CONSENT AGENDA:

FINANCE, ADMINISTRATION AND ECONOMIC DEVELOPMENT

STAFF ITEMS:

COUNCIL MINUTES – February 8 and March 1, 2010

EXPENDITURE ORDINANCE NO. 3A – Outlining the expenditures from the General Operating Fund for February 17 through March 2, 2010.

EXPENDITURE ORDINANCE NO. 3B – Outlining the expenditures from the General Operating Fund for March 3 through March 16, 2010.

CAPITAL PROJECTS EXPENDITURE ORDINANCE NO. 3B – Outlining the expenditures from the Capital Projects Fund for March 4 through March 10, 2010.

CAPITAL PROJECTS EXPENDITURE ORDINANCE NO. 3C – Outlining the expenditures from the Capital Projects Fund for March 11 through March 17, 2010.

CAPITAL PROJECTS EXPENDITURE ORDINANCE 3D – Outlining the expenditures from the Capital Projects Fund for March 18 through March 24, 2010.

CAPITAL PROJECTS EXPENDITURE ORDINANCE NO. 3E – Outlining the expenditures from the Capital Projects Fund for March 25 through March 31, 2010.

APPLICATIONS FOR NEW DRINKING ESTABLISHMENT LICENSES:

Bangkok Pavilion, d/b/a Bangkok Pavilion, 7249 W. 97th Street, David Chouang, manager.

Javad Enterprises, Inc., d/b/a Cafe Casbah, 8609 College Boulevard, Mansour Ahmadian, manager.

APPLICATIONS FOR RENEWAL OF DRINKING ESTABLISHMENT LICENSE CONTINGENT ON RECEIVING STATE LICENSES:

Apffel Nine, L.L.C., d/b/a Toad's Pub and Perk, 12056 W. 135th Street, Mindi D. Salas, manager.

IZM Corporation, d/b/a Izumi Japanese Steakhouse and Sushi,
11658 W. 135th Street, Myong M. Boettcher, manager.

Martini, L.L.C., d/b/a Caspian Bistro, 8973 Metcalf, Hamid
Mahoutchian, manager.

Nick and Jake's, Inc., d/b/a Nick and Jake's, 6830 W. 135th Street,
Albert Pereira, manager.

Ritz Charles Overland Park, Inc., d/b/a Ritz Charles, 9000 W. 137th
Street, Lorna Daganaar, manager.

APPLICATION FOR RENEWAL OF DRINKING ESTABLISHMENT LICENSE AND
CATERERS LICENSE - The Culinary Center of Kansas City, L.C., d/b/a The
Culinary Center of Kansas City, 7917 Foster, Sheila Hansen, manager.

APPLICATION FOR RENEWAL OF CLASS B PRIVATE CLUB LICENSE
CONTINGENT ON RECEIVING STATE LICENSE - Holtze F and B Corporation,
d/b/a Holtze Executive Village, 11400 College Boulevard, Phillip Madrigal, new
manager.

APPLICATION FOR RENEWAL OF CEREAL MALT BEVERAGE LICENSE -
QuikTrip Corporation, d/b/a QuikTrip No. 246, 7701 Metcalf, Timothy
Heuback, manager.

APPLICATION FOR TEMPORARY PERMIT TO SELL CEREAL MALT BEVERAGE
CONTINGENT ON RECEIVING SPECIAL EVENT PERMIT - Overland Park South
Rotary Club and Jazz in the Woods, Inc., for an event to be held June, 11, from
4:30 p.m. until 11 p.m.; and June 12, 2010, from 4:30 p.m. until 11 p.m.; at
9711 W. 109th Street, G.M. Humphries, manager. [Special Event Permit
No. 2010-109).

PUBLIC SAFETY

COMMITTEE ITEMS:

USER AGREEMENT – Johnson County Park and Recreation District and City of
Lenexa for continued use of Intergraph Public Safety for records management,
police dispatch and investigative case management.

ADDENDUM TO USER AGREEMENTS – Johnson County Park and Recreation
District, Cities of Lenexa, Merriam, Leawood, Olathe, Prairie Village, and
Shawnee for agency specific changes relating to connectivity and license issues
and billing for future upgrades for the use and operation of Intergraph Public
Safety for records management, police dispatch and investigative case
management.

AGREEMENT – Conference Technologies, Inc., for Command and Control
Center audio/video system improvements in the amount of \$54,022.23,
using police forfeiture funds.

ACCEPTANCE OF FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) GRANT – Assistance to fire fighters grant for radio replacement and auxiliary equipment for the Fire Department in the amount of \$130,599.

ORDINANCE NO. PAR-2842 – Relating to the recovery of City personnel and equipment fees from persons who apply for parade permits.

RESOLUTION NO. 3777 – Establishing a fee schedule for recovery of personnel and equipment costs from applicants for parade permits.

REQUEST APPROVAL TO ACCEPT GRANT – Kansas Internet Crimes Against Children (ICAC) Task Force Grant for the purchase of a new computer and to send one detective to the 2010 Internet Crimes Against Persons National Training Conference in the amount of \$2,823 with no City match required.

A motion was made by Mr. Spears to approve the preceding Consent Agenda items as outlined. Mr. Kandt seconded the motion, which passed by a roll-call vote of 12 to 0.

REGULAR AGENDA

PUBLIC WORKS

COMMITTEE REPORT – Terry Happer Scheier, Chair

No report.

STAFF REPORT:

BID TABULATION – Antioch, 119th Street to I-435 (KDOT Project No. 46 N-0374-01; CARS Project No. 320000781).

Mr. Brown announced that the above-listed item has been removed from the agenda because, as of 5 p.m. today, staff has not received the authority from the Kansas Department of Transportation (KDOT) to award this. He explained that staff expects this approval in the next 24 to 48 hours.

WAIVE BID PROCESS AND PURCHASE ADDITIONAL SALT SUPPLIES – Cargill Incorporated Deicing Technology, for an additional 9,000 tons of salt at a total cost of \$412,650 to be funded from the operating budget (\$100,000) and the Contingency Fund (\$312,650).

Mr. Brown explained that the Public Works Department is purchasing a sufficient quantity of salt prior to snow season to ensure that they have adequate stockpile to operate without resupply during the winter. Staff believes that a beginning stockpile of 17,000 to 19,000 tons gives them more than adequate assurance of being able to operate effectively during the most severe winter.

Currently, the Public Works Department has approximately 9,000 tons on hand. Although the contract with Cargill Incorporated was completed at the end of 2009, they have agreed to sell the City an additional 9,000 tons at the 2009 contract price.

Staff recommends waiving the bid process and purchasing an additional 9,000 tons of salt at \$45.85 per ton from Cargill Incorporated Deicing Technology in the amount of \$412,650.

A motion was made by Mrs. Terry Happer Scheier for approval to waive the bid process to purchase an additional 9,000 tons of salt supplies from Cargill Incorporated Deicing Technology, which will be funded from the Operating Budget (\$100,000) and funded from the Contingency Fund (\$312,650) for a total of \$412,650. Mr. David White seconded, and the motion passed by a vote of 12 to 0.

CHANGE ORDER NO. 1 – Teague Electric for additional work on the 2009 Collector Street Lighting project in the amount of \$26,080.

Mr. Brown said that Change Order No. 1 is for lighting modifications at three different locations as follows: Floyd, between 143rd Street and 145th Terrace; 139th Terrace and Golden Bear Drive; and 132nd Terrace and Lamar. He explained that the proposed work is similar to that currently being performed for the 2009 Collector Street Lighting Project. Staff determined that adding the modifications as a change order would be more cost effective than bidding as an individual project.

Staff recommends approval of Change order No. 1 for the amount of \$26,080, bringing the total contract amount to \$170,266.20.

Mrs. Happer Scheier moved to approve Change Order No. 1 from Teague Electric for additional work on the 2009 Collector Street Lighting Project, as listed, in the amount of \$26,080. Mr. White seconded the motion, which passed by a 12 to 0 vote.

CHANGE ORDER NO. 3 – Meyers Construction, Inc., for additional work on the box culvert replacement on 191st Street east of Pflumm in the amount of \$44,534.50.

Mr. Brown said Change Order No. 3 consists of adding guardrail to the reinforced concrete box culvert that was designed by Johnson County and constructed by Overland Park. He explained that the guardrail will be necessary to maintain safety standards with future development. He noted that this work also requires a contract phasing adjustment based on additional work and material fabrication. The requested final completion date is June 1, 2010.

A motion was made by Mrs. Happer Scheier and seconded by Mr. White to approve Change Order No. 3 from Meyers Construction, Inc., for additional work on the box culvert replacement located on 191st Street east of Pflumm in the amount of \$44,534.50

AGREEMENT – Brungardt Honomichl and Company, P.A., for engineering services for 98th and Pawnee Storm Sewer Repair in an amount not to exceed \$66,894.

According to Mr. Brown, the Public Works Committee approved the consultant selection of Brungardt Honomichl and Company for the 98th Street and Pawnee Storm Sewer Repair, and authorized staff to negotiate a contract with them at the November 23, 2009, meeting. Currently, staff has negotiated a scope and fee for the design of the project and recommends approval of the agreement.

Mrs. Happer Scheier moved to approve the Agreement with Brungardt Honomichl and Company, P.A., for engineering services for 98th Street and Pawnee storm sewer repair in an amount not to exceed \$66,894. A second was made by Mr. White, and the motion passed by a vote of 12 to 0.

FINANCE ADMINISTRATION AND ECONOMIC DEVELOPMENT

COMMITTEE REPORT – Jim Hix, Chair

No report.

STAFF REPORT:

AGREEMENT – Associates of Hope Harbour for Community Weekend Intervention Program services for a three-year period of time.

Presiding Judge Karen Arnold-Burger said this is the third agreement for the Overland Park Weekend Intervention Program (OPWIP). As she explained, the Governing Body approved the other two agreements related to this item several weeks ago. This agreement is with Associates of Hope Harbour for program services for a period of three years. She requested approval of the agreement.

Mr. Jim Hix moved to approve the Agreement with Associates of Hope Harbour for Community Weekend Intervention Program services for a three-year period of time. Mr. Paul Lyons seconded the motion, which passed by a vote of 12 to 0.

PUBLIC SAFETY

COMMITTEE REPORT – George Kandt, Chair

No report.

STAFF REPORT

No report.

COMMUNITY DEVELOPMENT

COMMITTEE REPORT – Terry Goodman, Chair

No report.

STAFF REPORT:

RESOLUTION NO. 3811 – Setting a public hearing for Monday, June 7, 2010, concerning the unsafe and dangerous structure located at 7800 W. 60th Street (Report to Governing Body No. 10-01).

In terms of background, a complaint was registered with the City of Overland Park in July 2008 for a house that is in disrepair at 7800 W. 60th Street. The structure appears to have been abandoned. The vacant structure is in a deteriorated and unsafe condition. The owner is deceased and a designated agent has not been found.

Director of Planning and Development Services Bill Ebel informed the Governing Body that contact was made with the brother of the deceased property owner, but the brother stated that he would not pursue ownership of the property. According to the Johnson County District Court, no documents have been filed for the property. Pursuant to Overland Park Municipal Code Section 16.190.110.1.1 and K.S.A. 12-1756, it shall be necessary for the building official to order the immediate demolition of the structure. Should it become necessary for the City to abate the unsafe and dangerous condition to protect the interests of the City of Overland Park, the building official is recommending initiation of unsafe structure proceedings and the approval of the Report to the Governing Body No. 10-01.

Mr. Ebel presented Resolution No. 3811, which sets a public hearing for Monday, June 7, 2010, concerning the unsafe and dangerous structure located at 7800 W. 60th Street. Should the condition be abated prior to June 7, 2010, the building official shall copy the Governing Body with a memo recommending closure of this action. He offered to answer questions.

Mr. Lyons stated that, assuming this proceeds forward to the demolition of the building, it seems as though there is still a situation with regard to the property. Once the structure is demolished, he asked who would take care of the property.

Mr. Ebel said no one has stepped forward to settle the estate, and there is no one named as executor of the estate. The demolition of the structure is the City's last recourse. He stated that staff could abate it by repairing the structure, with the primary repair being the roof. The City can abate the structure by fixing the other problems, keeping the property maintained, and continuing to assess it until the property is settled.

Senior Assistant City Attorney Bart Budetti explained that the Law Department staff and Planning Department staff have tried to reach the relatives of the deceased owner. However, the response has been that they cannot take possession of the structure because of their situation, or they do not want to become involved, because they are concerned about the liability.

Mr. Terry Goodman moved to approve the Report to the Governing Body No. 10-01, relative to Resolution No. 3811, setting a public hearing for Monday, June 7, 2010, concerning the unsafe and dangerous structure located at 7800 W. 60th Street. Mr. Curt Skoog seconded, and the motion passed unanimously.

RECOMMENDATIONS FROM THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA:

SPECIAL EVENT PERMIT NO. 2010-48 – 6300 Lamar. A special event permit is requested to allow an electronics recycling event on April 24, 2010, in the parking lot of the Waddell and Reed campus. Application made by the City of Overland Park.

SPECIAL EVENT PERMIT NO. 2010-109 – 9401 Indian Creek Parkway. A special event permit is requested to allow a music festival in the Corporate Woods development from June 11 to June 12, 2010. Application made by Mr. Mac Humphries, representing the Overland Park South Rotary Club.

SPECIAL EVENT PERMIT NO. 2010-119 – A special event permit is requested to allow 50th Anniversary signs at various locations throughout the city from April 6 through November 1, 2010. Application made by Mary Birch, chair of the 50th Anniversary Committee for the City of Overland Park.

REZONING NO. 2010-1 – Vicinity of the southwest corner of 119th Street and Quivira. Rezoning is requested from CP-O, Planned Office Building District, to CP-2, Planned General Business District, to allow a retail building with a drive-thru. Application made by Polsinelli Shughart PC. The Planning Commission approved this item on February 22, 2010, by a vote of 9 to 0.
Ordinance No. Z-3440.

Mayor Gerlach invited comments from the public in regard to Ordinance No. Z-3440 (Rezoning No. 2010-1). There being none, he closed the public hearing and entertained a motion on the Consent Agenda items.

Mr. Spears moved to approve the preceding Planning Commission Consent Agenda items as stipulated. Mr. Kandt seconded, and the motion passed by a roll-call vote of 12 to 0.

PLANNING COMMISSION REGULAR AGENDA:

RESIDENTIAL DAY-CARE PERMIT NO. 2009-7 – 8515 Kessler. The applicant is requesting a residential day-care permit for a one-year period of time. Application made by Liliana Mariaca. The Planning Commission approved this item for a one-year period of time on February 8, 2010, by a vote of 11 to 0. (Continued from the March 1, 2010, City Council meeting.)

Current Planning Manager Leslie Karr presented Residential Day-Care Permit No. 2009-7, 8515 Kessler. She explained that the applicant is requesting approval of a residential day-care permit for a one-year period of time. The Planning Commission approved this item for a one-year period of time. The applicant has indicated that she will have from six to ten children under her care depending on the time of year.

The applicant has received her final inspection from the Fire Department and has a license from the state of Kansas to care for a maximum of ten children. In addition, the required fenced outdoor play area has been installed and inspected by City staff.

Staff is unaware of any comments or concerns from neighbors associated with the request for a day-care home at this location.

A motion was made by Mr. Spears to approve Residential Day-Care Permit No. 2009-7, 8515 Kessler, for a one-year period of time. Mr. Kandt seconded the motion, which carried by a 12 to 0 vote.

REZONING NO. 2009-5 – Vicinity of the southwest corner of 179th Street and Quivira. Rezoning is requested from RUR-J, Rural District, Johnson County, to PRN, Planned Residential Neighborhood District, to allow a senior living facility. Application made by Inez Harkins. The Planning Commission approved this item on February 22, 2010, by a vote of 9 to 0. Ordinance No. Z-3439.

Mrs. Karr said that following the consideration of this application at the Planning Commission meeting on February 22, 2010, Acting Director of Parks Services Greg Ruether met with the applicant, along with the Planning Department staff, to discuss the issue of the stream corridor dedication for a public trail. She indicated that Mr. Ruether and Mr. Dan Foster, representing the applicant through Schlagel and Associates, P.A., walked the proposed trail location and Mr. Ruether agreed that if the City were to require dedication of land for a public trail, the trail would be located on the east side of the stream corridor as requested. Since a private path for the senior living facility is proposed on the west side of the stream corridor, the Parks Department would only accept dedication of the east side of the stream corridor for the public trail. She explained that the applicant revised the proposed site plan following the Planning Commission meeting to show both the public trail and private path.

To address the concerns of the applicant regarding stipulation e for parkland dedication, staff and the applicant have agreed on a revised stipulation e. The last sentence in the first paragraph reads, "In addition to the Warranty Deed, the landowner/developer shall furnish a Title Report which indicates that the property is free and clear of any street assessments, property taxes and liens." The other change in stipulation e is the last sentence in the second paragraph, which reads, "Acceptance of the parkland is contingent upon an acceptable visual environmental assessment by the Director of Parks and Recreation, which shall indicate that the proposed parkland is free of any visible dumpsites or harmful material.

After confirming that no one wished to speak for or against this item, Mayor Gerlach declared the public hearing closed.

Mr. Spears moved to approve Ordinance No. Z-3439 (Rezoning No. 2009-5), vicinity of the southwest corner of 179th Street and Quivira, from RUR-J, Rural District, Johnson County, to PRN, Planned Residential Neighborhood District, to allow a senior living facility, subject to stipulations a through d, the revision of stipulation e, and stipulations f through t. After a second by Mr. Kandt, the motion passed by a roll-call vote of 12 to 0.

REVISED PRELIMINARY PLAN APPROVAL – Corporate Lakes at Metcalf, vicinity of the northeast corner of 123rd Street and Metcalf. Application made by Pars Consulting Engineers, Inc. The Planning Commission denied this item on February 22, 2010, by a vote of 8 to 2.

Mrs. Karr explained that the Planning Commission denied this item on February 22, 2010, by a vote of 8 to 2. She indicated that the applicant is requesting this item be remanded to the Planning Commission to allow him to submit a new site plan to address staff's concerns.

Mr. Hix moved to remand the Revised Preliminary Plan for Corporate Lakes at Metcalf, vicinity of the northeast corner of 123rd Street and Metcalf, to the April 26, 2010, Planning Commission meeting for consideration. Mrs. Happer Scheier seconded the motion, which passed by a vote of 12 to 0.

UNIFIED DEVELOPMENT ORDINANCE AMENDMENT – ZRR NO. 2854 –
Amendments to Unified Development Ordinance Chapter 18.390 for accessory uses to develop standards for the screening of pool filtering and heating equipment for permanent in-ground pools in residential districts. Application made by the City of Overland Park. The Planning Commission approved this item on February 22, 2010, by a vote of 10 to 0.

According to Mrs. Karr, this item was heard at the February 1, 2010, City Council meeting and remanded to the Planning Commission to discuss an appropriate distance to require screening from the adjacent properties.

The City Council was supportive of the Ordinance Review Committee's recommendation to only require screening where the equipment is visible from the street or the equipment is located in a close proximity to adjoining property. However, the City Council questioned whether an appropriate distance was 20 feet and asked the staff and Planning Commission to further review an appropriate distance.

Mrs. Karr referred to the maps of properties in the written Staff Comments with pools in Overland Park showing both a 20-foot and 25-foot distance buffer. Staff is comfortable with the combination of ordinance changes from the Community Development Committee and the Ordinance Review Committee's recommendations with screening required at a distance of less than 25 feet.

The Planning Commission again considered this item at their February 22, 2010, meeting and recommended approval of the amendments as presented.

An opportunity was given the audience to offer comments on this proposal. With no response, Mayor Gerlach declared the hearing closed.

Mr. Spears moved for approval of Unified Development Ordinance No. ZRR-2854, amending Chapter 18.390 for accessory uses to develop standards for the screening of pool filtering and heating equipment for permanent in-ground pools in residential districts as presented by staff and approved by the Planning Commission. Mr. White seconded, and the motion passed by a roll-call vote of 12 to 0.

OLD BUSINESS:

EXECUTIVE SESSION – For the purpose of discussing matters subject to the attorney-client privilege relating to the case of Pishny et al. v. Board of County Commissioners of Johnson County, Kansas, et al. in the Johnson County, Kansas, District Court.

At 8 p.m., Mr. Spears moved that the Governing Body recess into an executive session for a period of 10 minutes for the purpose of discussing matters subject to the attorney-client privilege relating to the case of Pishny et al. v. Board of Commissioners of Johnson County, Kansas, et al., in the Johnson County, Kansas, District Court.

Following the executive session, the Governing Body reconvened into regular session in the Council Chamber at 8:10 p.m.

NEW BUSINESS:

None.

ADJOURNMENT:

With no further business, Mr. Hix moved to adjourn at 8:10 p.m., and Mr. Skoog seconded. The motion passed unanimously. Minutes transcribed by Barbara Potts.

ATTEST:

Mayor Carl R. Gerlach

Marian Cook, City Clerk