

Minutes

DVD No. 364

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, 7:30 P.M. on Monday, February 1, 2016. Mayor Peggy Dunn presided.

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

**Councilmembers Absent:** None

**Staff Present:** Patty Bennett, City Attorney  
Chief Troy Rettig, Police Department  
Mark Klein, Planning Official  
Debra Harper, City Clerk  
Chief Dave Williams, Fire Department  
Karl Weinfurter, Info. Services Specialist II  
Richard Coleman, Community Dev. Dir.  
Dawn Long, Finance Director

**Others Present:** Kevin Jeffries, President, Chief Executive Officer and Director of Economic Development, Leawood Chamber of Commerce

1. **PLEDGE OF ALLEGIANCE** – Led by Boy Scouts from Troop 10.
2. **APPROVAL OF AGENDA**

**A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Rasmussen. The motion was approved with a unanimous vote of 8-0.**

3. **CITIZEN COMMENTS**

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. It is not appropriate to comment on pending litigation, municipal court matters or personnel issues. Comments about items that appear on the action agenda will be taken as each item is considered. **CITIZENS ARE REQUESTED TO KEEP THEIR COMMENTS UNDER 5 MINUTES.**

4. **PROCLAMATIONS** – None
5. **PRESENTATIONS/RECOGNITIONS** – None
6. **SPECIAL BUSINESS** – None

7. **CONSENT AGENDA**

- A. Accept Appropriation Ordinance Nos. 2015-54, 2016-2 and 2016-3
- B. Accept January 19, 2016 Governing Body minutes
- C. Accept November 10, 2015 Park & Recreation Advisory Board minutes

- D. Approve payment in the amount of \$23,231.05 to the City of Overland Park, Kansas, pertaining to the Intergraph Software System [Intergraph Public Safety, Inc.] for the Computer Aided Dispatch System [CAD], Records Management and Mobile Operating Systems
- E. Approve Co-op Bid in the amount of \$262,294.00 from Shawnee Mission Ford for the purchase of City Vehicles and Equipment
- F. Approve Co-op Bid in the amount of \$106,500.00 from American Equipment Company for the purchase of City Vehicles and Equipment
- G. Approve Change Order No. 1 in the amount of \$7,460.00 with P. Morgan Painting Company, pertaining to the City Hall Remodel Project [Project # 76040]
- H. Approve 6<sup>th</sup> and Final Pay Request in the amount of \$139,846.09 to V.F. Anderson Builders, LLC, pertaining to the Leawood Heritage Storm Drainage Channel and corresponding roadway located near 87th & Ensley Lane [Stormwater Improvement Project DB-04-027] [Project # 77014]
- I. Approve Renewal of Cereal Malt Beverage [CMB] license for Hen House, located at 11721 Roe Avenue
- J. **Resolution No. 4550**, approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$43,930.63, between the City and Commercial Floorworks, Inc., for removal and installation of carpet tile at Fire Station No. 3, located at 14801 Mission Road
- K. **Resolution No. 4551**, approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$15,850.00, between the City and Becerra Masonry, pertaining to the 143rd Street Improvement Project between Nall Avenue and Windsor Street [Project # 80162] [KDOT Project # 46 N-0426-01]
- L. **Resolution No. 4552**, approving and authorizing the Mayor to execute an Artwork Contract between the City and RDG IA Inc., dba RDG Dahlquist Art Studio for an amount not to exceed \$250,000.00, pertaining to an art piece to be known as Weight of Your Heart/Weight of a Feather to be located at the Leawood Justice Center
- M. **Resolution No. 4553**, approving an Eligible Facilities Request for a one time increase in height of an existing wireless communication tower for Parkway Plaza – STC Five LLC, located north of 135<sup>th</sup> Street and west of Briar Street (PC Case 02-16) [*continued from the January 19, 2016 Governing Body meeting*]
- N. **Resolution No. 4554**, approving an Eligible Facilities Request for replacement of wireless antennae and associated equipment for Parkway Plaza – T-Mobile Central LLC, located north of 135<sup>th</sup> Street and west of Briar Street (PC Case 01-16) [*continued from the January 19, 2016 Governing Body meeting*]
- O. **Resolution No. 4555**, approving an Eligible Facilities Request for replacement of wireless antennae and associated equipment for Parkway Plaza – Sprint Spectrum, LP, located north of 135<sup>th</sup> Street and west of Briar Street (PC Case 03-16) [*continued from the January 19, 2016 Governing Body meeting*]
- P. **Resolution No. 4556**, approving an Eligible Facilities Request for replacement of wireless antennae and associated equipment for Parkway Plaza – Verizon Wireless, LLC, located north of 135<sup>th</sup> Street and west of Briar Street (PC 04-16) [*continued from the January 19, 2016 Governing Body meeting*]
- Q. **Resolution No. 4557**, approving an Eligible Facilities Request for replacement of wireless antennae and associated equipment for Parkway Plaza – AT&T, located north of 135<sup>th</sup> Street and west of Briar Street (PC 05-16) [*continued from the January 19, 2016 Governing Body meeting*]

- R. Declaration of Surplus Property: various Parks & Recreation equipment items

Councilmember Cain requested Consent Agenda Item 7.I. be pulled  
Councilmember Azeltine requested Consent Agenda Item 7.L. be pulled.

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

- I. Approve Renewal of Cereal Malt Beverage [CMB] license for Hen House, located at 11721 Roe Avenue

City Clerk Debra Harper confirmed for Councilmember Cain that approval of the CMB license renewal would not preclude Hen House from applying for an alcohol Drinking Establishment License once their building remodel to include a restaurant is complete this summer.

**A motion to approve Consent Agenda Item 7.I. was made by Councilmember Cain; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.**

- L. **Resolution No. 4552**, approving and authorizing the Mayor to execute an Artwork Contract between the City and RDG IA Inc., dba RDG Dahlquist Art Studio for an amount not to exceed \$250,000.00, pertaining to an art piece to be known as Weight of Your Heart/Weight of a Feather to be located at the Leawood Justice Center

In follow-up to a constituent inquiry, Councilmember Azeltine asked Mr. Coleman if the City would pay an Art Impact Fee for this art piece. Mr. Coleman stated he believed the City would be required to do so, the same as required of any developer, but was uncertain of the percentage cost and would need to follow-up. He estimated the fee would be \$0.15 per square ft. for 60,000 square ft., or about \$4,000.

Mayor Dunn commented the art piece was far beyond and superior to paying the Art Impact Fee.

Councilmember Filla added the more important aspect was all money raised for the art piece and the Justice Center was already paid for by sales tax, with no bonding, debt or property tax.

Councilmember Osman stated the record needed to be clear in this regard. When the Justice Center was planned, the plan and budget included a public art piece. The funding was appropriated and paid for by sales tax years ago.

Mayor Dunn clarified funding had come from the county public safety tax and augmented with a four-tenths of one cent sales tax approved by Leawood voters. She stated City Administrator Scott Lambers would create a standard communication response to inquiries and suggested it contain a prior excellent response used by Councilmember Filla.

**A motion to approve Consent Agenda Item 7.L. was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.**

**8. MAYOR'S REPORT**

- A. Attended the Leawood Chamber of Commerce ribbon cutting for Sunflower Bank located in the Ironhorse Center on 151<sup>st</sup>. They are headquartered in Salina and a family-owned bank over 100 years old. We wish them much success.
- B. Many thanks to City Administrator Scott Lambers and Parks & Recreation Director Chris Claxton for organizing my 2015 State of the City luncheon at the Ironwoods Lodge. All City Councilmembers were in attendance along with Johnson County Commissioners representing Leawood.
- C. Attended a breakfast meeting hosted by Representative Marvin Kleeb to meet the newly approved Secretary of Commerce Antonio Soave. He and his family are Overland Park residents and greatly enjoy the fine quality-of-life Johnson County offers.
- D. Many thanks to I-Lan Sister City Committee Chair Bette Monson and her committee, Council Liaisons Debra Filla and Jim Rawlings, as well as Staff Liaison Julia Berger for orchestrating a most successful Lunar New Year celebration at Leawood's Blue Koi restaurant. All attendees at the sold-out event greatly enjoyed the delicious cuisine prepared by owner Scott Chang and his team. We had nearly all City Councilmembers in attendance as well.
- E. Congratulations are in order for Leawood resident Mark Parkins, who has been appointed to the WaterOne Board to serve an unexpired term through January 2020 and will be sworn into office at the WaterOne Board meeting on February 9<sup>th</sup>. He is a 33-year resident of Johnson County and a territory manager with American Cast Iron Pipe Company. The main responsibility of the WaterOne Board is to set the policies under which the utility runs.

**9. COUNCILMEMBERS' REPORT – None**

**10. STAFF REPORT – None**

***COMMITTEE RECOMMENDATIONS***

**11. PLANNING COMMISSION – None**

**12. OLD BUSINESS**

Resolution amending the City of Leawood's Community Improvement District [CID] Policy and repealing Resolution No. 3930 [*continued from the January 19, 2016 Governing Body meeting*] – *CONTINUED TO THE FEBRUARY 15, 2016 GOVERNING BODY MEETING*

**13. OTHER BUSINESS – None**

**14. NEW BUSINESS**

Schedule Governing Body Work Session on Monday, March 21, 2016, at 6:00 P.M., for Executive Session - Attorney-client privilege [Tentative]

Councilmember Osman stated he would be unable to attend the Work Session due to family schedule and wanted to advise of his absence to ensure a quorum.

**A motion to approve Agenda Item 14. was made by Councilmember Rawlings; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 8-0.**

**ADJOURN**

There being no further business, the meeting adjourned at 7:45 P.M.

---

Debra Harper, CMC, City Clerk

---

Cindy Jacobus, Assistant City Clerk