

Minutes

DVD No. 345

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, April 6, 2015. Mayor Peggy Dunn presided.

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

**Councilmembers Absent:** Andrew Osman

<b>Staff Present:</b>	Scott Lambers, City Administrator	Patty Bennett, City Attorney
	Dawn Long, Finance Director	Karl Weinfurter, Info. Sys. Specialist II
	Mark Klein, Planning Official	Richard Coleman, Planning Director
	Chief John Meier, Police Department	Chief Dave Williams, Fire Department
	Joe Johnson, Public Works Director	Chris Claxton, Parks & Rec. Director
	Kathy Byard, Budget Manager	Nic Sanders, Human Resources Director
	Deb Harper, City Clerk	Cindy Jacobus, Assistant City Clerk

**Others Present:** Jamie West, Troon – General Manager Ironhorse Golf Club

1. **PLEDGE OF ALLEGIANCE** – Led by 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 7-0.**

3. **CITIZEN COMMENTS** – None

4. **PROCLAMATIONS**  
**Fair Housing Month, April, 2015**  
**National Volunteer Week, April 12-18, 2015**  
**Pan American Day, April 14, 2015**

Mayor Dunn read portions of the Fair Housing Month and Pan American Day proclamations into the record. She read into the record the National Volunteer Week proclamation in its entirety and thanked all Councilmembers and meeting attendees, whose participation makes a strong community.

5. **PRESENTATIONS/RECOGNITIONS** **GFOA Budget Award**

Mayor Dunn presented the Government Finance Officers Association [GFOA] award to Dawn Long, Finance Director, and Kathy Byard, Budget Manager. The award represents commitment to the highest principles of governmental budgeting and satisfaction of nationally recognized guidelines for effective budget presentation in four areas: policy document, financial plan, operations guide and communications device. For budgets beginning in 2013, there were only 1,424 participants that

received the award. Ms. Byard estimated the City had received this award each year since 1998. Mayor Dunn thanked Ms. Long and Ms. Byard and recognized City Administrator Scott Lambers and all Department Heads for their contributions. Ms. Long complimented Ms. Byard for her hard work on the budget.

## 6. SPECIAL BUSINESS

### Public Hearing

Pre-Budget Public Hearing for 2016 Fiscal Budget

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

## 7. CONSENT AGENDA

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted on in a single motion. If a Councilmember requests a separate discussion on an item, it can be removed from the consent agenda for further consideration.

- A. Accept Appropriation Ordinance Nos. 2015-9, 2015-10, and 2015-11
- B. Accept minutes of March 16, 2015 Governing Body meeting
- C. Accept minutes of February 10, 2015 Parks & Recreation Advisory Board meeting
- D. Approve Change Order No. 17 in the amount of \$14,692.00 to Titan Built, pertaining to the Leawood Justice Center Project, located at Town Center Drive & Tomahawk Creek Parkway [Project # 76008]
- E. **Resolution No. 4424**, approving a Special Event at Park Place at 116<sup>th</sup> Place and Ash Street for a Fundraising Event to be conducted on Saturday, May 2, 2015 in Leawood, Kansas
- F. **Resolution No. 4425**, approving and authorizing the Mayor to renew a Maintenance Agreement between the City and Intergraph Public Safety, Inc., in the amount of \$30,211.80, pertaining to the Intergraph Software System for the Computer Aided Dispatch System [CAD], Records Management and Mobile Operating Systems
- G. **Resolution No. 4426**, waiving the bidding process, in accordance with Charter Ordinance No. 39, pertaining to the replacement of the outdoor air handler and condensing unit serving the terrace level of City Hall, located at 4800 Town Center Drive [Project # 74053]
- H. **Resolution No. 4427**, approving and authorizing the Mayor to execute an Inter-local Agreement between the City of Leawood and the City of Kansas City, Missouri, pertaining to the resurfacing of State Line Road between 123<sup>rd</sup> Street and 135<sup>th</sup> Street [Project # 72056]
- I. **Resolution No. 4428**, approving and authorizing the Mayor to execute a Cooperative Agreement in the amount of \$18,000, between the City and Mid-America Regional Council [MARC] for funding operations of Operation Green Light Traffic Control System
- J. **Resolution No. 4429**, accepting the 2015 Ironhorse Golf Club Business Plan, as submitted by Troon Golf, LLC, pertaining to the operations of the Ironhorse Golf Club
- K. **Resolution No. 4430**, approving a Final Sign Plan for Christ Community Church – Sign Criteria, located north of 143<sup>rd</sup> Street and west of Kenneth Road (PC Case 28-15) [From the March 24, 2015 Planning Commission meeting]

- L. **Resolution No. 4431**, approving a Final Plan for Town Center Plaza – KCP&L Electric Vehicle Charging Station, located south of Town Center Drive and west of Roe Avenue. (PC Case 29-15) *[From the March 24, 2015 Planning Commission meeting]*
- M. **Resolution No. 4432**, approving a Final Plan for Neenan Plumbing Showroom, located north of 104<sup>th</sup> Street and west of State Line Road. (PC Case 21-15) *[From the March 10, 2015 Planning Commission meeting]*

Councilmember Sipple requested Consent Agenda Item 7.A. be pulled.

Mayor Dunn requested Consent Agenda Item 7.J. be pulled.

Councilmember Rezac requested Consent Agenda Item 7.L. be pulled.

Councilmember Filla requested Consent Agenda Item 7.M. be pulled.

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

- A. Accept Appropriation Ordinance Nos. 2015-9, 2015-10, and 2015-11

Councilmember Sipple recused himself from voting, as his wife is an independent contractor providing services for the Parks & Recreation Department.

**A motion to approve Consent Agenda approve Item 7.A. was made by Councilmember Filla; seconded by Councilmember Cain. The motion carried with a unanimous vote of 6-0 [recusal by Councilmember Sipple for reason stated].**

- J. **Resolution No. 4429**, accepting the 2015 Ironhorse Golf Club Business Plan, as submitted by Troon Golf, LLC, pertaining to the operations of the Ironhorse Golf Club

Mayor Dunn noted optimistic projections on Page 3 of the business plan and asked Jamie West to address. Mr. West stated that weather is a factor and it was not conducive to play in 2013 and 2014. Thus far, 2015 weather has been comparable to 2012 and usage is up, with 25,000 rounds this year attainable. With no rain-outs, play could reach 26,226 rounds. There have been various rate increases, including non-resident play, resulting in increased revenue. Mr. West confirmed the business plan had been reviewed by the Ironhorse Advisory Board.

Mayor Dunn congratulated Mr. West on Ironhorse's recent third place ranking of area public golf courses by the Kansas City Business Journal.

**A motion to approve Consent Agenda Item 7.J. was made by Councilmember Rasmussen; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 7-0.**

- L. **Resolution No. 4431**, approving a Final Plan for Town Center Plaza – KCP&L Electric Vehicle Charging Station, located south of Town Center Drive and west of Roe Avenue. (PC Case 29-15) *[From the March 24, 2015 Planning Commission meeting]*

Mr. Coleman stated the station is a powerful, 480-volt, Level 3 charger that requires its own transformer. The station can charge an electric vehicle [EV] in approximately 20 minutes and can handle two EVs at once. The location on the north side of Barnes & Noble was determined by City staff.



Mr. Coleman was not aware of the number of EVs that are anticipated in Leawood in the next year, but two charging stations located in Park Place are frequently and continuously used. Also, an application has been received for three Level 3 charging stations to handle six EVs at the Johnson County-Leawood Pioneer Library.

Mr. Lambers stated the City does not anticipate adding EVs to the fleet, because the City turns over vehicles too quickly. In order to justify the cost for an EV, it would need to be held for an extended period of time.

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

- M. **Resolution No. 4432**, approving a Final Plan for Neenan Plumbing Showroom, located north of 104<sup>th</sup> Street and west of State Line Road. (PC Case 21-15) [*From the March 10, 2015 Planning Commission meeting*]

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

Mr. Coleman confirmed no preliminary plan was required as only exterior remodeling was proposed. The property is currently vacant and the modifications should improve the view of the property from State Line Road.

## **8. MAYOR'S REPORT**

- A. Councilmembers Jim Rawlings, Carrie Rezac, Chuck Sipple and James Azeltine joined me along with other department heads at the Johnson County Board of County Commissioners' 2015 State of the County Address, presented by Chairman Ed Eilert. This event was sponsored by the Johnson County Public Policy Council.
- B. Participated in the Leawood Chamber of Commerce ribbon-cutting for Get Smarter Prep located in Parkway Plaza. They have been a Chamber member since 2006 and recently moved into a larger venue in Leawood.
- C. Attended the Leawood Lions' dinner meeting where Shawnee Mission School Superintendent Dr. Jim Hinson was the presenter. He enlightened the attendees that 40% of Shawnee Mission students receive free and reduced lunch vouchers.
- D. Presented an abbreviated version of my 2014 State of the City remarks to the Leawood Rotary at their weekly breakfast. Rotarians Councilmember Jim Rawlings and Police Chief John Meier were both in attendance and listened attentively for the second time.
- E. Participated as a guest at the U.S. Army's Command General & Staff College National Security Roundtable held at Fort Leavenworth, Kansas. The two-day meeting focused on U.S./China/Russia relationships and was most educational. Ambassador Stephen Young was a primary presenter.
- F. Attended a farewell reception hosted by Director General Jack Yang for the relocation of his Taipei Economic and Cultural Office-Kansas City office to Denver. They will continue to have jurisdiction over Kansas and Missouri. This is their first move since they opened in Kansas City in 1985, 30 years ago. I-Lan Sister City Committee Co-Chair Jim Rochel was also in attendance.

- G. Congratulations are in order:
1. Ironhorse Golf Club ranked third in area public golf courses by Kansas City Business Journal. Thanks to Ironhorse Advisory Board Chair Dick Fuller, Troon's Jamie West and all involved.
  2. Parks & Recreation Director Chris Claxton and her team for a successful 22<sup>nd</sup> annual Eggstravaganza Egg Hunt at City Park. Many wonderful photographs of the event appeared in the Johnson County Neighborhood News section of the Kansas City Star.
- H. Reminder to exercise your great privilege and vote tomorrow, Tuesday, April 7, 2015. School Board elections, as well as Johnson County Community College Trustee elections, are on the ballot.

**9. COUNCILMEMBERS' REPORT – None**

**10. STAFF REPORT – None**

***COMMITTEE RECOMMENDATIONS***

**11. PLANNING COMMISSION**

***[from the March 24, 2015 Planning Commission meeting]***

**Resolution No. 4433**, approving Planning Commission determination that a limousine service is sufficiently similar to Business Services, a use expressly authorized in the BP district, and authorizing the limousine service use in the BP District [PC Case 41-15]

Greg Musil, Douthit, Frets, Rouse, Gentile & Rhodes, LLC, 5250 W. 116<sup>th</sup> Place, Leawood, Kansas, 66211 appeared on behalf of the applicant, Diane Forgy, Overland Chauffeured Services. Mr. Musil gave a presentation of "characteristics of uses" and stated chauffeured services use was not prohibited in the Leawood Development Ordinance [LDO]. He stated that in LDO Section 16-9-50, a number of business services are substantially similar to chauffeured services, including "fleet of vehicles" and "office services". Mr. Musil noted the Planning Commission discussed adding this type of business use to the LDO with a Special Use Permit [SUP], but the time required to pursue a SUP would not allow Ms. Forgy to proceed with contractual arrangements for the former A.B. May business location at 2107 W. 104<sup>th</sup>.

Diane Forgy, 10515 Ensley Lane, Leawood, Kansas 66206 appeared and stood for questions.

Councilmember Rasmussen asked if there is sufficient parking to accommodate the 50 fleet vehicles plus employee parking. Ms. Forgy stated there are at least 90 parking spaces on the property. Approximately 10 to 15 vehicles could potentially park in the warehouse/garage area.

Councilmember Rasmussen recalled a prior applicant for a car rental facility at 103<sup>rd</sup> and State Line Road, where parking was an issue. Mr. Coleman stated that Enterprise Leasing had never made an application for numerous reasons, which he did not recall. Mr. Lambers pointed out a rental car facility would have cars parked for retail customers and further add to the parking aggravation. He stated that exceptions are for obscure situations, not so for such a real business. Mr. Lambers suggested if the Council approved this application because of a time constraint, he would like to revise the LDO.

Councilmember Rasmussen asked Ms. Forgy if her family was involved in the home-based chauffeur leasing business north of 95<sup>th</sup> Street and west of State Line. He recalled the City had many difficulties with the business. Ms. Forgy replied that was a long time ago, and the company is no longer operates out of her parents' home. She took over the business from her parents and is located at the Intercontinental Hotel on the Country Club Plaza. She has grown the business, but in the last eight or nine years, fleet size has increased by fewer than 10 for a total of 42 vehicles, 50 chauffeurs and 20 office staff. Office staff work in shifts, so not all 20 employees will be on-site at one time. About 30 chauffeured vehicles are out at one time on a weekday and less on weekends. The fleet consists of mixed vehicles, including Lincoln Town Cars. She envisioned being a good neighbor and a positive addition to the business community. She stated at times, her business may be able to provide overflow parking for other businesses in the area.

Councilmember Sipple asked about the activity level between midnight and 6:00 A.M., and with regard to vandalism, if there was protective fencing along the property. Ms. Forgy replied some activity will occur during that time. If chauffeurs work in the morning, they usually take a fleet vehicle home the night before. Some vehicles will return late in the evening, but as corporate is their primary business customer, it should be a light time. She stated the back property line has a chain link fence and a creek. There is a possibility for unauthorized entry, but staff would be present in a lit building. Manual gates are located on either side of the building. These will probably remain open during the day, then be closed towards the end of the day.

Councilmember Azeltine asked if work being done on the site will require a planning application if the proposal is approved. Ms. Bennett replied that staff would check into all the requirements of the Business Park District, which may lead to an application for a Final Plan. She added that property neighbors do not receive notice for Final Plans.

Councilmember Rasmussen stated he had received complaints during periods of snow, when drivers sometimes use the slightly curving road as a turnaround, and questioned if that road was part of the property or public. Ms. Forgy replied the road is public.

Mayor Dunn asked about Performance Standard E2 listed on Page 3 of the Staff Report, which states any vehicles stored overnight shall not be visible from a public street. She asked if there would be a public street from which fleet vehicles would be visible and also if a SUP would be necessary to park the vehicles. Ms. Bennett replied that from her understanding of the business, a SUP would probably not be necessary, but that it would need to be determined if the vehicles would be visible from a public street. Councilmember Rasmussen attested the only visible parking is in the front of the structure.

Mayor Dunn asked the applicant if she is planning any upgrades on the façade. Ms. Forgy replied no changes are planned, other than subtle signage. Mayor Dunn stated if the determination is made to approve the proposal, the business would not need to come before the Governing Body again, as landscaping and other screening requirements could be approved without a Final Plan. Ms. Bennett stated that Business Park Districts have certain requirements, staff would work with the applicant, and a Final Plan may have to come before the Governing Body.

Councilmember Cain asked if this type of business was omitted in the LDO list of allowable uses for a specific reason, or just overlooked. Mr. Lambers replied the LDO was developed in the late 1990s, and he found it difficult to believe it was an oversight, given the magnitude of the industry, and felt it would have been identified as a permissible use at that time. This Business Park District is unusual because of its proximity to a residential area.

Mayor Dunn clarified the only determination being made by the Governing Body is approval of the Planning Commission recommendation and not for a Planning Commission Work Session to discuss the addition of this business type in the LDO. Mr. Lambers stated he would write a proposal for an LDO amendment to include car rental and limousine services. The Planning Commission would have a Work Session to review the amendment and discuss any other additional uses. The Governing Body would only have a Work Session to discuss, if needed.

Councilmember Rasmussen stated he would vote in favor of the motion because he felt inclusion of chauffeur business is a fair interpretation and usage under equipment rental and leasing in the LDO. In addition, the applicant is aware and has assured sufficient parking.

**A motion to approve Item 11. was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 7-0.**

## **12. PUBLIC WORKS COMMITTEE**

### **[from the March 4, 2015 Public Works Committee meeting]**

Approve recommendation of Freeman Concrete Construction LLC/CFS Engineers for the 2015 Design/Build Curb & Asphalt Overlay Program [Project # 80252]

Councilmember Rezac stated the scoring utilized for this program was different than the first design-build curb project. All the contractors were qualified, but there had been concern about the history of each. To ensure no upfront bias, modifications to the scoring process were developed to rank service and not just cost. This new scoring methodology could be used moving forward.

Previously, 90% of a score was based on the proposal and 10% based on cost. For this program, 75% of a score was based on the proposal and 25% based on cost. Bidders were provided with weighting factors in advance, in the Request for Proposal. Mr. Johnson stated responses to six or seven specific items were requested in the contractor proposal, and the contractor was scored based on how well they responded. He stated the revised process worked well and the City has a good bid.

Councilmember Rezac asked Mr. Johnson why “Policy or Program Change” on the Staff Review memo was marked “Yes”. Mr. Johnson replied that it should not have been marked.

**A motion to approve Item 12. was made by Councilmember Rezac; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 7-0.**

**13. OLD BUSINESS – None**

**14. OTHER BUSINESS – None**

**15. NEW BUSINESS**

- A. Schedule a Governing Body Executive Session at 6:00 P.M., on Monday, October 5, 2015 for City Administrator's Semi-Annual Review

**A motion to approve Item 15. was made by Councilmember Filla; seconded by Councilmember Rezac. The motion was approved with a unanimous vote of 7-0.**

**ADJOURN**

There being no further business, the meeting was adjourned at 8:40 P.M.

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Debra Harper, CMC, City Clerk

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Cindy Jacobus, Assistant City Clerk