

**Regular Meeting**

**THE LEAWOOD CITY COUNCIL**

**June 3, 2013**

**Minutes**

DVD No. 304

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, at 7:30 P.M., on Monday, June 3, 2013. Mayor Peggy Dunn presided.

**Councilmembers present:** Jim Rawlings, Julie Cain, Gary Bussing, Debra Filla, Carrie Rezac, James Azeltine, Lou Rasmussen, and Andrew Osman

**Councilmembers absent:** None

<b>Staff present:</b> Scott Lambers, City Administrator	Patty Bennett, City Attorney
Chief Dave Williams, Fire Dept.	Joe Johnson, Public Works Director
Chief John Meier, Police Dept.	Lovina Freeman, HR Director
Mark Andrasik, Info Systems Director	Deb Harper, City Clerk
Richard Coleman, Comm Dev. Director	Pam Gregory, Assistant City Clerk
Mark Klein, Planning Official	

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

Mayor Dunn noted the following modification to the agenda:

- Addition of Item No. 10 – Staff Report regarding Storm Damage
- Addition of Item No. 14 – New Business to schedule an Executive Session immediately following the regular meeting

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion carried following 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.**

Nikki Henning, 10319 Howe Drive, asked if Leawood would consider allowing backyard chickens for the following reasons:

- 1) Better nutritional benefits
- 2) Reduced landfill space because of the amount of trash they consume
- 3) Organic pest control and fertilizer
- 4) Educational and low maintenance

Chickens are legal in the City of Roeland Park, which has strict regulations and have had no problems or complaints. Mr. Lambers replied if the City's ordinances do not prohibit backyard chickens, HOA deed restrictions would supersede the City's ordinances.

A motion for City staff to review this and provide a report was made by Councilmember Filla; seconded by Councilmember Bussing.

Mr. Lambers indicated this could be a controversial issue and suggested they keep it only at the staff level to research the process other City's have gone through.

The motion tied with a vote of 4-4. (Yea: Councilmembers Cain, Bussing, Filla, and Rezac. Nay: Councilmembers Osman, Azeltine, Rawlings, and Rasmussen).

Mayor Dunn commented since this discussion occurred in Roeland Park and is now permitted, Ms. Henning was the only person she was aware of that is in favor of this for Leawood. She had only heard comments from people hoping Leawood would never consider this path.

Mayor Dunn voted in favor of the motion for City staff to review this and return with a report; however, she was not inclined to believe this would ever be accepted by Leawood constituents.

The motion carried following a vote of 5-4.

#### **4. PROCLAMATIONS**

#### **Relay for Life Day, June 8, 2013**

Mayor Dunn proclaimed June 8, 2013, as Relay for Life Day and encouraged citizens to participate in the American Cancer Society Relay for Life of Overland Park/Leawood at the Lakewood Middle School, located at 6601 Edgewater Drive, on Saturday, June 8, 2013.

#### **5. PRESENTATIONS/RECOGNITIONS - None**

#### **6. SPECIAL BUSINESS**

- A. **Resolution No. 4056** accepting proposed assessments for tax year 2014 for construction of certain public and private road and parking lot related improvements and other such transportation related improvements approved by the City, located within One Nineteen Street Development District, within the City of Leawood, Kansas; and authorizing and directing the City Clerk to give notice thereof to the owners of properties within the District by publishing notice thereof and providing written notice to owners of property of such proposed assessments [One Nineteen Transportation Development District] [CIP #80456]

A motion to approve the resolution was made by Councilmember Rezac; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 8-0.

- B. **Resolution No. 4057** accepting proposed assessments on lots, pieces, and parcels of ground in the City of Leawood, Kansas, for the purpose of paying for construction of improvements to Nall Avenue, 117<sup>th</sup> Street, Town Center Drive and Roe Avenue and construction of storm water improvements within the City of Leawood, Kansas; and authorizing and directing the City Clerk to give notice thereof to the owners of properties within the District by publishing notice thereof and providing written notice to owners of property of such proposed assessments [Park Place Development] [CIP #83196]

A motion to approve the resolution was made by Councilmember Rezac; seconded by Councilmember Azeltine.

Mr. Lambers recalled this is the unique assessment district that changes with valuation each year, which people should be aware of. Once they are assessed for valuation increases the first time, their share will decrease each year.

The motion carried following a unanimous 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 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. 2013-18, and 2013-19
- B. Accept minutes of the May 20, 2013 Governing Body meeting
- C. Accept minutes of the April 11, 2013 Sustainability Advisory Board meeting
- D. Approve renewal of Cereal Malt Beverage [CMB] license to Price Chopper, located at 13351 Mission Road
- E. Approve Massage Establishment License for Leawood Family Care Physical Therapy, located at 11301 Ash Street, in accordance with Code §5-510 of the Code of the City of Leawood 2000
- F. Approve purchase in the amount of \$17,325.00 from Shawnee Mission Ford for the purchase of a 2013 Ford Fusion Police Vehicle
- G. **Resolution No. 4058** declaring intent to use properties located at 9601 Lee Boulevard, 9615 Lee Boulevard and 9617 Lee Boulevard for Park and Fire Station purposes after completion of the City Justice Center and directing staff to commence rezoning of the properties to recreational use
- H. **Resolution No. 4059** approving and authorizing the Mayor to execute a Service Agreement between the City and Lose & Associates, Inc., in the amount of \$30,000.00, pertaining to a Revised Master Plan for the Parks and Recreation Department [*from the May 14, 2013 Parks and Recreation Advisory Board meeting*]
- I. **Resolution No. 4060** approving and authorizing the Mayor to execute Amendment No. 1 to that certain Independent Contractor Agreement dated April

- 18, 2011, between the City and Western Enterprises, Inc., in the amount of \$30,000 pertaining to the 2014 Fireworks July 4<sup>th</sup> Celebration
- J. **Resolution No. 4061** approving and authorizing the Mayor to execute an Inter-local Agreement between the City and Kansas Department of Transportation [KDOT] pertaining to the 143<sup>rd</sup> Street Improvement Project between Nall Avenue to east of Mission Road [Project # 80162]
  - K. **Resolution No. 4062** approving and authorizing the Mayor to execute a Construction Agreement between the City and \_\_\_\_\_ O'Donnell & Sons, in the amount of \$1,598,962.05, pertaining to the 119<sup>th</sup> Street Mill & Overlay Program [Project # 72017]
  - L. **Resolution No. 4063** approving and authorizing the Mayor to renew a Maintenance Agreement between the City and Intergraph Public Safety, Inc., in the amount of \$28,319.52, pertaining to the Intergraph Software System, which includes the computer-aided dispatch [CAD] system, records management and mobile operating systems
  - M. **Resolution No. 4064** approving a Final Plan for a Tenant Finish for Park Place – Space G-05, located south of Town Center Drive and east of Nall Avenue. (PC Case 59-13) *[from the May 28, 2013 Planning Commission meeting]*
  - N. **Resolution No. 4065** approving a Final Plan for a Tenant Finish for Town Center Drive – The Buckle, located south of 117<sup>th</sup> Street and east of Nall Avenue. (PC Case 39-13) *[from the May 28, 2013 Planning Commission meeting]*

A motion to approve the Consent Agenda was made by Councilmember Rasmussen; seconded by Councilmember Osman. The motion carried following a unanimous vote of 8-0.

## 8. MAYOR'S REPORT

- A. Leawood Police Officer Shawn Farris and Leawood Sergeant Tim Anderson participated in the 2013 Kansas Law Enforcement Torch Run for Special Olympics along with officers from other Johnson County units and the Sheriff's Department. Police Chief John Meier and the City of Leawood once again hosted the lunch stop in the City Hall Courtyard. Congratulations and thank you to all who participated and to others who supported this worthwhile cause.
- B. Mayor Dunn received notice from the Public Works staff that a family dog had fallen into a manhole in Overland Park after the manhole cover was blown off by the recent storms. This dog was washed downstream and was located by City of Leawood personnel and was saved in the City of Leawood. This was a dramatic rescue of a Labrador Retriever and is good news from an otherwise, bad storm. The Overland Park resident wanted to thank everyone involved in the City of Leawood for their assistance in this rescue.
- C. Mayor Dunn thanked all City of Leawood personnel that had to work extraordinary feats during the recent devastating rains.

## 9. COUNCILMEMBERS' REPORT - None

## 10. STAFF REPORT – STORM DAMAGE REPORTS

Public Works Director Joe Johnson reported that the Friday, May 31<sup>st</sup> rains totaled 3.66" within a 1 ½ hour period, which was estimated as a 100-year flood event. The ground was already saturated from previous rains, which compounded the storm issues. Ironhorse Golf Course sustained some of the worst flooding. There were a few homes that flooded in the City as well. Councilmember Azeltine asked if City staff inspects the stormwater infrastructure after this type of event. Mr. Johnson replied all of the manholes have been inspected and they are currently checking block inlets to ensure there are no additional problems. Everything should be inspected by the end of summer.

Councilmember Cain thanked Mr. Johnson and his department for their timely and competent work during and after the storms.

Councilmember Rawlings thanked Stormwater Crew Supervisor Calvin Burgess for his prompt service in checking the backwater valves on the berm and the residents that back up to his home.

Parks and Recreation Director Chris Claxton reported fortunately the Parks and Recreation maintenance facility did not incur any water or damage, which has been an issue in the past. Since the storm receded, silt has been their main issue on parking lots and trails. She thanked Parks Superintendent Brian Anderson and his team for addressing this on Saturday so people could utilize the trails over the weekend. No damage occurred at Gezer Park. Water was backed up at Brooke Beatty Park; however, it did not reach the playground site. There was damage to the infield at Tomahawk Park, which is primarily used for practice. They are considering turning this into a grass field because heavy rains will cause recurring problems. Playground mulch will need to be replaced at I-Lan Park. Silt at the low water crossing is the main issue at Ironwoods Park. The ingress/egress of the lake repair is holding. Water rose to the back of the amphitheatre stage; however, the water receded relatively quickly. Water rose 60-70 feet from the bank at the newly acquired 45-acre park land. Fields 8 and 9 flooded at City Park, including everything east of the Lions Shelter. The treed area of the Dog Park received the majority of the flooding. Most of the grassy areas were ok.

Councilmember Rasmussen suggested they reconsider the watering area for the dogs because of flooding and felt the location of the east fence would be critical to minimize flood damage.

Ms. Claxton stated the bridge leading out of the park to the south is still standing; however, it was completely under water. Staff is currently assessing the damage to the trails.

Ms. Claxton confirmed for Councilmember Cain that the proposed restroom site at Ironwoods Park did not flood.

Ironhorse Golf Manager Jeff Thomasson reported the golf course had recently been repaired from the Memorial Day flooding when 3-4 inches of additional rain fell on Friday within 1 ½ hours. Out of 54 bunkers, 38 were destroyed. Approximately half of the holes on the course encountered some sort of damage. Parts of the irrigation system are fully exposed. Thus far, 60 cubic tons of debris have been cleaned up allowing the front 9 holes to be open for play. The back 9 should be open on Sunday.

Mayor Dunn thanked City staff for all of their hard work on cleanup efforts.

***COMMITTEE RECOMMENDATIONS***

**11. PLANNING COMMISSION** - None

**12. OLD BUSINESS** – None

**13. OTHER BUSINESS** - None

**\*\*14. NEW BUSINESS**

Schedule an Executive Session immediately following the regular 7:30 P.M., Governing Body meeting to discuss matters related to the acquisition of real property

A motion to recess into Executive Session for a period of 20 minutes to discuss matters related to the acquisition of real property was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion carried following a unanimous vote of 8-0.

The Governing Body recessed into Executive Session at 8:35 P.M.

The Governing Body reconvened into regular session at 8:55 P.M.

A motion to adjourn the regular session was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 8-0.

There being no further business, the meeting was adjourned at 8:55 P.M.

**ADJOURN**

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Debra Harper, CMC, City Clerk

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Pam Gregory, Assistant City Clerk