

Minutes

DVD No. 373

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 Tuesday July 5, 2016. Mayor Peggy Dunn presided.

Councilmembers Present: Andrew Osman, Jim Rawlings, Chuck Sipple, Julie Cain, Debra Filla and Lisa Harrison

Councilmembers Absent: James Azeltine

Staff Present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
Richard Coleman, Comm. Dev. Director	Deputy Chief Wayne Harder, Fire Dept.
Joe Johnson, Public Works Director	Chief Troy Rettig, Police Department
Nic Sanders, Human Resources Dir.	Dawn Long, Finance Director
Mark Andrasik, Info. Services Director	Chris Claxton, Parks & Recreation Dir.
Debra Harper, City Clerk	Cindy Jacobus, Assistant City Clerk

Others Present: Dick Fuller, Chair, Ironhorse Advisory Board

Note: Due to technical difficulties, there was intermittent audio recording of the meeting captured by the Council Chamber microphones.

- 1. PLEDGE OF ALLEGIANCE**
- 2. APPROVAL OF AGENDA**

Mayor Dunn welcomed Leawood resident and Kansas Insurance Commissioner Ken Selzer.

Mayor Dunn noted the amended agenda to continue Consent Agenda Item 9.E. to the next Governing Body Meeting on July 18, 2016.

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 5-0.

- 3. OATH OF OFFICE ADMINISTERED TO LISA HARRISON, AS WARD THREE COUNCILMEMBER TO FILL COUNCILMEMBER REZAC'S UNEXPIRED TERM UNTIL JANUARY 2018**

Mayor Dunn expressed her delight to have Councilmember Harrison join the Governing Body. She noted as a resident Councilmember Harrison had given many prior years of service to the City and she was willing to take on another new role to serve the citizens of Leawood.

Councilmember Harrison introduced her husband Tim, and her two sons, and acknowledged the attendance of fellow Rotarian Mr. Selzer. Mayor Dunn thanked Mr. Harrison for giving up family time for Councilmember Harrison to participate in various City meetings and events. She also thanked Insurance Commissioner Selzer for his support.

4. ROLL CALL OF NEW COUNCIL

5. 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.**

6. PROCLAMATIONS – None

7. PRESENTATIONS/RECOGNITIONS – None

8. SPECIAL BUSINESS

- A. **Resolution No. 4651**, authorizing the sale by the City of Leawood, Kansas of General Obligation Bonds and General Obligation Temporary Notes of the City to provide funds to finance the costs of certain public improvements within said City and to refund certain outstanding General Obligation Bonds of the City; approving the form of Notice of Bond Sale and Preliminary Official Statement to be used in connection therewith; and authorizing and directing the City Finance Director to advertise such sale in the manner prescribed by law

Councilmember Filla noted the bond refundings had resulted in a savings of \$810,000. Mayor Dunn stated that Finance Director Dawn Long and other department heads, along with the City's bond counsel, continuously search for refunding opportunities.

A motion to approve Agenda Item 8.A. was made by Councilmember Rawlings; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 6-0.

- B. **Resolution No. 4652**, authorizing the replacement of Fire Station No. 1 in the City of Leawood; providing for issuance of General Obligation Improvement Bonds of the City to pay the costs thereof pursuant to K.S.A. § 12-1736 and for the issuance of Temporary Notes of the City pending the issuance of said Bonds; and expressing the intent to reimburse costs of the project so incurred from proceeds of General Obligation Bonds and Notes; and authorizing and approving certain related matters and actions [Project# 80158 – Fire Station No. 1 Replacement]

Mayor Dunn stated the replacement fire station had been discussed in two recent Governing Body Work Sessions.

A motion to approve Agenda Item 8.B. was made by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 6-0.

- C. **Resolution No. 4653**, approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$1,926,955.32, between the City and Excel Constructors, Inc., pertaining to the Ironhorse Clubhouse Expansion Project [Project # 49133]

Councilmember Osman requested the number of pre-bid contractors, reason(s) for receipt of one bid, and review of the bid timeline. He noted bids were due just before Memorial Day and sub-contractors could have been wrapping up other projects.

Ms. Claxton stated as mentioned in the Staff Review Fact Sheet, conversations had been held with the bidder and contractors who did not bid. Reasons from contractors who did not bid include lack of time due to bidding for a \$25 Million school improvement project, inability to secure costs from sub-contractors and suppliers in a timely manner, and having too many projects. The construction industry is doing very well at this time. She stated Project Manager Brett Haugland of Continental Consulting Engineers had done an excellent job of vetting contractor comments.

Mayor Dunn requested the construction timeline. Ms. Claxton stated construction was anticipated to begin in September and last for 6 to 9 months, with the building enclosed by winter. Interior work performed over the winter months would work well with course operations.

Councilmember Rawlings asked if Excel Constructors was a relatively new name and if the company had used another name in the past. Ms. Claxton pointed out the recommended contractor was Excel Constructors, not Excel Construction; she was not aware of a prior name.

Mayor Dunn wished Ms. Claxton the best of luck with the expansion project.

A motion to approve Agenda Item 8.C. was made by Councilmember Osman; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 6-0.

9. **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. 2016-23 and 2016-24
- B. Accept minutes of the June 20, 2016 Governing Body minutes
- C. Accept minutes of the June 20, 2016 Governing Body Work Session minutes
- D. Accept minutes of the June 7, 2016 Budget & Finance Committee Work Session
- E. Approve bid award for the purchase of office supplies with National Joint Powers Alliance [NJPA] with Staples Advantage for a 4-year term
- F. Approve 2nd and Final Pay Request of \$270,802.76 to Magellan Pipeline Company, L.P., pertaining to the 143rd Street Improvement Project between Nall Avenue to east of Mission Road [Project #80162] [KDOT # 46 N-0426-01]
- G. **Resolution No. 4654**, approving a Special Event at Park Place at 116th Place and Ash Street for a Street Fair 'Chick Event' to be conducted on Saturday, September 10th and Sunday, September 11, 2016, in Leawood, Kansas
- H. **Resolution No. 4655**, approving and authorizing the Mayor to execute a Quit Claim Deed from the City to Mauricio A. Valdes Padilla, for real property located at 8708 Cherokee Lane [Leawood Heritage, Lot 38], pertaining to the Leawood Heritage Stormwater Project [Project # 77014]

- I. **Resolution No. 4656**, approving and authorizing the Mayor to execute a Quit Claim Deed from the City to Larson Building Company, LLC, for real property located at 8711 Ensley Lane [Leawood Heritage, Lot 38], pertaining to the Leawood Heritage Stormwater Project [Project # 77014]
- J. Approve Mayoral Appointments for Councilmember Lisa Harrison

Councilmember Filla requested Consent Agenda Item 9.A. be pulled.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Filla; seconded by Councilmember Rawlings. The motion was approved with a unanimous vote of 6-0.

Councilmember Filla inquired if Check Number 84523 on Appropriation Ordinance 2016-24 was for repair of the projector in the City Hall Main Conference Room. Mr. Andrasik stated the projector had been replaced in the Main Conference Room and the payment was probably for repair of the projector in the City Hall Oak Room.

Councilmember Filla requested the number and addresses of abandoned properties the City maintains, noting Check Number 84410 to Brothers Lawn & Landscape LLC, with description of "Abandoned Property Maintenance" on Appropriation Ordinance 2016-23. Mr. Coleman stated the City probably maintains just one abandoned building and also performs ground maintenance such as mowing of tall grass and weeds. He agreed to provide the requested information.

A motion to approve Consent Agenda Item 9.A. was made by Councilmember Filla; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 6-0.

10. MAYOR'S REPORT

- A. On July 6, 1976, Mayor William Eddy deposited a \$1,000 Certificate of Deposit [CD] from the Leawood American Revolution Bicentennial Committee with a request for an annual report. Last year the CD earned \$42.85 in interest on a principal amount of \$8,553.32, which brings the current balance of the CD to \$8,596.16. The new CD yields an interest rate of 0.50% and will mature on June 20, 2017. Prior documentation regarding this CD includes a request that if the City of Leawood should ever cease to exist, the funds be used for the Community Center in advance.
- B. Attended a lovely Leawood Chamber of Commerce After Hours event hosted by the Parks & Recreation Director Chris Claxton and her team at our Ironwoods Lodge. Dean & Deluca co-hosted the event.
- C. Much appreciation and congratulations to Parks & Recreation Director Chris Claxton and her talented team for another enjoyable and safe 4th of July. Assisting with all the festivities were our Police, Fire and Public Works Departments. Judging by the lines of individuals waiting for the shuttles at the event's conclusion, it appeared we had a record-breaking crowd in attendance.
- D. Pool attendance as of June 30, 2016 is 18,430, up 67% over same time in 2015. As you may recall, we had cool weather in June of last year, and pool attendance was only 11,023 as of June 30, 2015. The pool now has the ability to process credit cards.
- E. Reminder that the Leawood Arts Council Art Show and Reception will be held July 7 through July 17, 2016, 10:00 A.M. to 5:00 P.M. daily at Better Homes and Gardens Real Estate, Kansas City Homes, Mission Farms location. The Awards Reception will be held Sunday, July 10, 2016, from 5:30 to 8:30 P.M. I hope you all will be able to attend.

- F. Reminder that the Leawood Stage Company is producing “Once Upon Mattress,” beginning at 8:00 P.M. on July 14 through 17, 2016, and July 21 through 23, 2016, at the Ironwoods Park Amphitheater. Let’s hope for lovely weather for this musical comedy.

11. COUNCILMEMBERS’ REPORT – None

12. STAFF REPORT – None

COMMITTEE RECOMMENDATIONS

13. PLANNING COMMISSION – None

14. OLD BUSINESS – None

15. OTHER BUSINESS

Resolution No. 4657, approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$7,500.00 between the City and Beth Nybeck, Artist, pertaining to Art on Loan piece entitled, ‘Point Defiance,’ to be located to the west of the front of Leawood City Hall, 4800 Town Center Drive

Mayor Dunn stated the proposed art piece would be located on the concrete slab west of City Hall that had been vacant for some time.

Councilmember Cain noted the lease term had increased from the two years previously discussed, to a term of three years. She inquired if the artist was in agreement with the change. Mr. Lambers confirmed the artist was in agreement and this would lock in the purchase price if the City would acquire the piece.

A motion to approve Agenda Item 15. was made by Councilmember Cain; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 6-0.

16. NEW BUSINESS

- A. **Ordinance No. 2789C**, amending § 1-210 of the Code of the City of Leawood, Kansas, 2000, pertaining to vacancy in the office of Mayor or Councilmember, and repealing existing § 1-210 and other sections in conflict herewith [ROLL CALL VOTE]

A motion to pass the ordinance was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion was approved with a unanimous roll call vote of 6-0.

- B. **Ordinance No. 2790C**, amending Chapter 4, Article 12 of the Code of the City of Leawood, Kansas, 2000, by amending sections 4-1201 entitled “Scope and Application”, 4-1202 entitled “Lien Created”, 4-1207 entitled “Building Official: Investigation, Removal of Structure”, 4-1209 entitled “Disposition of Funds”, and repealing existing sections 4-1201, 4-1202, 4-1207, 4-1209 and other sections in conflict herewith [ROLL CALL VOTE]

Ms. Bennett confirmed for Councilmember Cain that Kansas law had changed to remove limitations and the proposed revisions would amend City Code to be the same.

A motion to pass the ordinance was made by Councilmember Filla; seconded by Councilmember Harrison. The motion was approved with a unanimous roll call vote of 6-0.

- C. **Ordinance No. 2791C**, amending the Code of the City of Leawood, Kansas, 2000, § 15-405 entitled, ‘Collection and Disposal of Solid Waste,’ and § 15-408, entitled ‘Permits,’ and repealing existing Sections 15-405, 15-408 and other sections in conflict herewith [ROLL CALL VOTE]

Councilmember Cain asked if the shortened permit term was applicable to all disposal service providers. Mr. Lambers stated the proposed revision was necessary to provide the authority to issue a 6-month permit, intended at this time for one service provider, who is aware of the situation.

Councilmember Filla inquired if City code was in-line with Johnson County requirements. Mr. Lambers stated City permits are for basic service and Johnson County probably has much more in-depth regulation of providers.

Mayor Dunn noted new language in regard to time for conclusion of pick-up. Mr. Lambers stated “sunset” could be open to interpretation, so specific language regarding time had been proposed.

A motion to pass the ordinance was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion was approved with a unanimous roll call vote of 6-0.

- D. **Ordinance No. 2792C**, adding Chapter 11 Article 1 of the Code of the City of Leawood, Kansas, 2000, by adding a new Section 11-110 entitled, ‘Nudity in a Public Place,’ and repealing existing sections in conflict herewith [ROLL CALL VOTE]

Councilmember Cain asked for details of the event that precipitated the proposed change. Chief Rettig stated this was an incident at a Prairie Village pool by a repeat offender wearing inappropriate attire. Councilmember Filla stated she was glad that breastfeeding had been exempted.

A motion to pass the ordinance was made by Councilmember Filla; seconded by Councilmember Harrison. The motion was approved with a unanimous roll call vote of 6-0.

ADJOURN

There being no further business, the meeting was adjourned at 8:03 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk