

Minutes

DVD No. 240

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, August 16, 2010. Mayor Peggy Dunn presided.

Councilmembers present: Julie Cain, Andrew Osman, Gary Bussing, Lou Rasmussen, James Azeltine, Debra Filla, Mike Gill, and Jim Rawlings

Mayor/Councilmembers absent: None

Staff present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
Chief John Meier, Police Department	Kathy Rogers, Finance Director
Chief Ben Florance, Fire Department	David Ley, City Engineer
Richard Coleman, Comm. Dev. Director	Chris Claxton, P&R Director
Mark Klein, Assistant Planning Director	Deb Harper, City Clerk
Jack Reece, Info. Systems Specialist	Pam Gregory, Assistant City Clerk

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn noted that the changes to the agenda had been sent to the Council prior to the meeting.

A motion to approve the amended agenda was made by Councilmember Bussing; 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 3 MINUTES.**

4. PROCLAMATIONS – None

5. PRESENTATIONS/RECOGNITIONS – None

6. SPECIAL BUSINESS

- A. **Resolution No. 3437** amending the 2011-2015 Capital Improvement Program [C.I.P.] for the City of Leawood, Kansas

A motion to approve the resolution was made by Councilmember Filla; seconded by Councilmember Gill.

City Administrator Scott Lambers stated a Work Session was held in May, 2010, regarding the art piece, "Splash," along Tomahawk Creek Parkway. The Leawood Arts Council identified the northern pond as the site for the signature feature of the sculpture garden from College Boulevard to 119th Street. Funding was included in 2009, 2010 and 2011 for an unspecified art piece and the Arts Council requested that the City Council consolidate the funds and expend them on this project. The art piece is estimated to be \$200,000. Underwater lighting and a pedestal to support it will need to be installed, which will equal an estimated total of \$280,000. The Capital Improvement Program [C.I.P.] reflects this expenditure in 2011. Staff had indicated they would be dredging the pond in 2010 to accommodate the installation. This cost is not associated with the art project since they need to dredge the pond anyway to reduce the amount of growth.

Councilmember Rasmussen confirmed with Mr. Lambers that the total estimated cost to accommodate the art project would be \$332,500, which includes the contingency.

Mayor Dunn confirmed with Mr. Lambers that the art is funded by utilizing the 2009, 2010 and 2011 Art in Public Places [APPI] funds. Mr. Lambers clarified the contingency is 10% of the total project and the art piece has been secured for \$200,000; therefore, there should be some remaining funds.

Mayor Dunn noted the art piece would be installed in 2011.

The motion carried following a vote of 7-1. Nay: Councilmember Rasmussen. He recalled being asked in the Work Session if there were any concerns over the \$200,000 for the art piece and felt he was being misled when the C.I.P. was amended to \$332,500.

- B. **Ordinance No. 2456** attesting to an increase in taxes [.11%] levied for the budget year 2011 for the City of Leawood, Kansas, Johnson County, Kansas [Roll Call Vote] [CONTINUED FROM THE AUGUST 2, 2010 GOVERNING BODY MEETING]

A motion to pass the ordinance was made by Councilmember Gill; seconded by Councilmember Bussing.

Mr. Lambers clarified they had to estimate what the property tax valuations would be in June, prior to the county assessor completing the appeal process. There was a difference in the estimate by approximately \$80,000. Mayor Dunn noted the budget was based upon an anticipated and forecasted 3.2% valuation reduction and came in at 3.8% after the budget hearings.

The motion carried following a unanimous roll call vote of 8-0. Nay: None.

- C. **Resolution No. 3438** adopting the Fiscal Year 2011 Annual Budget for the City of Leawood, Kansas

A motion to approve the resolution was made by Councilmember Filla; seconded by Councilmember Cain. The motion carried following a vote of 7-1. Nay: Councilmember Rasmussen.

City Clerk Deb Harper distributed a certificate to the Governing Body from Johnson County requiring signatures from the Governing Body members showing passage of the budget.

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. 2010-29 and 2010-30
- B. Accept minutes of the August 2, 2010 Governing Body meeting
- C. Accept minutes of the July 19, 2010 Governing Body Work Session
- D. Approve Mayoral Appointment of Steve Hassler to Bicycle Friendly Committee
- E. Approve 2nd and Final Pay Request in the amount of \$27,007.96 to Musselman & Hall Contractors, pertaining to the 2010 Slurry Seal Program [Project # 70007]
- F. **Resolution No. 3439** approving and authorizing the Mayor to execute a Community Service Agreement between the City and Blue Valley Unified School District No., 229, pertaining to the assignment of School Resource Officers [SRO]
- G. **Resolution No. 3440** approving and authorizing the Mayor to renew the Service Agreement in the amount of \$41,000, between the City and Securitas Security Services USA, to provide School Crossing Guard Services
- H. **Resolution No. 3441** approving and authorizing the Mayor to execute a Professional Service Agreement for an amount not to exceed \$295,500 between the City and MC Realty Group, LLC, as Owner's Representative for the management and administrative services during construction of the Leawood Justice Center to be located at 117th & Tomahawk Creek Parkway
- I. **Resolution No. 3442** accepting a Permanent Storm Sewer Easement from Vernon and Connie Fraley, 9712 State Line Road, [Leawood Estates, Lot 373B Replat], pertaining to the 97th Street Storm Sewer Project
- J. **Resolution No. 3443** accepting a Permanent Storm Sewer Easement from Vernon W. Thompson & Lori Ann Thompson, 9704 State Line Road, [Leawood Estates, Lot 372], pertaining to the 97th Street Storm Sewer Project
- K. **Resolution No. 3444** accepting a Permanent Storm Sewer Easement from Patricia K. and Lawrence G. Kennedy, 9714 State Line Road, [Leawood Estates, Lot 373], pertaining to the 97th Street Storm Sewer Project

- L. **Resolution No. 3445** accepting a Permanent Storm Sewer Easement from Leah B. Burkhead, Trustee of the Leah B. Burkhead Revocable Trust, 9717 Overbrook Road, [Leawood Estates, Lot 355], pertaining to the 97th Street Storm Sewer Project
- M. **Resolution No. 3446** accepting a Permanent Storm Sewer Easement from Arthur R. Korn, 2001 W. 97th Street, [Leawood Estates, Lot 192] pertaining to the 97th Street Storm Sewer Project
- N. **Resolution No. 3447** accepting a Permanent Storm Sewer Easement from The Chandra Oyer Living Trust, 9710 State Line Road, [Leawood Estates, Lot 373A], pertaining to the 97th Street Storm Sewer Project
- O. **Resolution No. 3448** approving a Final Sign Plan for Market Square – American Footwear, located at 3610 W. 135th Street (PC Case # 38-10) [from the July 27, 2010 Planning Commission meeting]
- P. **Resolution No. 3449** approving a Final Sign Plan for Leawood Square – Shelter Insurance, located at 12910 State Line Road (PC Case # 72-10) [from the July 27, 2010 Planning Commission meeting]
- Q. **Resolution No. 3450** approving a Final Sign Plan for Bi-State Centennial Park – Terra Technologies, located at 1920 W. 143rd Street, Suite 140 (PC Case # 69-10) [from the July 27, 2010 Planning Commission meeting]
- R. **Resolution No. 3451** approving a Final Site Plan for One Nineteen, - The Roasterie Café, located at the southeast corner of 119th Street and Roe Avenue (PC Case # 67-10) [from the July 27, 2010 Planning Commission meeting]
- S. **Resolution No. 3452** approving a Final Site Plan for a Tenant Finish for Leawood Plaza – Peachwave Frozen Yogurt, located at 12130 State Line Road (PC Case # 71-10) [from the July 27, 2010 Planning Commission meeting]
- T. **Resolution No. 3453** approving a Final Site Plan for a Tenant Finish for Jiffy Lube, located at the southwest corner of 103rd Street and State Line Road (PC Case # 63-10) [from the July 27, 2010 Planning Commission meeting]
- *U. **Approval of installation of 13-land banked parking spaces for Tomahawk Pointe Development, located on the northwest corner of Tomahawk Creek Parkway & College Boulevard, pertaining to the Final Site Plan approved by Governing Body on November 7, 2005, by Resolution No. 2495-CONTINUED FROM THE JULY 6, 2010 GOVERNING BODY MEETING – WITHDRAWN BY APPLICANT**
- V. Fire Department Monthly Report [July]
- W. Police Department Monthly Report [July]
- X. Municipal Court Monthly Report [July]

Mayor Dunn requested to pull Item No. 7H, Councilmember Cain pulled Item No. 7G, and Councilmember Osman pulled Item No. 7Q for discussion.

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

- 7G. **Resolution No. 3440** approving and authorizing the Mayor to renew the Service Agreement in the amount of \$41,000, between the City and Securitas Security Services USA, to provide School Crossing Guard Service

Councilmember Cain confirmed with Police Chief John Meier that they will provide crossing guard services to Brookwood, Prairie Star, Leawood Middle, and Mission Trail Schools for the 2010-2011 school year.

A motion to approve Item No. 7G was made by Councilmember Cain; seconded by Councilmember Bussing. The motion carried following a unanimous vote of 8-0.

- 7H. **Resolution No. 3441** approving and authorizing the Mayor to execute a Professional Service Agreement for an amount not to exceed \$295,500 between the City and MC Realty Group, LLC, as Owner's Representative for the management and administrative services during construction of the Leawood Justice Center to be located at 117th & Tomahawk Creek Parkway

Mayor Dunn noted there were some issues still outstanding when they received this in their Council packets and asked City Attorney Patty Bennett to clarify.

Ms. Bennett stated there were some specific language issues in the agreement with MC Realty Group that had now been amended. The City Clerk sent the amended agreement to the Governing Body earlier today. The City's insurance broker has approved the changes in the agreement. Councilmember Rasmussen pointed out that the commissioning agent under the Scope of Services was not defined. Ms. Bennett clarified that the commissioning agent would be an entity retained by the City that will go through the building to ensure all utilities are functioning properly before occupancy.

Ms. Bennett introduced Dave Walter with MC Realty Group, and stated he will be one of the two personnel working with the City.

Councilmember Osman referred to Page No. 3 in the agreement and confirmed with Ms. Bennett that Section #2.6.2 had not been changed. He was concerned of a time delay to the Council if they have a change order for more than \$15,000. Mr. Lambers stated he has the authority to move forward with an emergency expenditure if the amount is in excess of his \$15,000 authority. He would then bring it before the Council for affirmation.

Councilmember Osman confirmed with Ms. Bennett that the general aggregate and personal injury insurance limits had remained the same. This is the City's standard amounts as approved by its broker and previous advisors. Insurance coverage does not depend on the amount of the project; it is affected by the type of project.

Councilmember Osman referred to Page No. 6 in the agreement and confirmed with Ms. Bennett that the word "promptly" under Section #4.2 did not refer to a specific timeline.

Councilmember Osman referred to Exhibit A, under Scope of Services, and asked what they meant by “regular on-site meetings.”

Mr. Walter clarified that throughout some of the project they will need to conduct meetings on-site more frequently. They will provide whatever services are needed in order to keep the project moving forward.

Councilmember Osman asked for clarification of Exhibit C, as it pertained to cost overruns over the 22-month time period. Ms. Bennett stated the project is anticipated to be completed in 22 months and be paid in 22 equal installments. There is also up to \$10,000 in reimbursables, with nothing to exceed \$295,500. If there are any cost overruns, it will come before the Council for approval. They will continue to assist the City on “punch list” items for two months after substantial completion.

Councilmember Rasmussen confirmed with Ms. Bennett that a contractor default was not anticipated by this agreement; therefore, if the contractor does not finish the project, they would need to consider amending the contract. She clarified that the Owner’s Representative will assist the City both in its contract for the architect and the contract with the general contractor.

A motion to approve Item No. 7H was made by Councilmember Filla; seconded by Councilmember Osman. The motion carried following a unanimous vote of 8-0.

- 7Q. **Resolution No. 3450** approving a Final Sign Plan for Bi-State Centennial Park – Terra Technologies, located at 1920 W. 143rd Street, Suite 140 (PC Case # 69-10) *[from the July 27, 2010 Planning Commission meeting]*

Councilmember Osman confirmed with Assistant Planning Director Mark Klein that this Consent Agenda item was not discussed during the Planning Commission meeting. Mr. Osman reiterated his comments from a previous Council meeting regarding wanting to streamline some of the sign approvals. He felt this should have been something that was approved at the staff level.

A motion to approve Item No. 7Q was made by Councilmember Osman; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 8-0.

8. MAYOR’S REPORT

- A. Mayor Dunn congratulated the successful candidates in the August 3, 2010, Primary Election. The City of Leawood had a voter turnout of 28%, which far exceeded the Johnson County voter predictions. She expressed her appreciation to all of the Leawood residents that went to the polls.
- B. Mayor Dunn had the privilege of serving as the Master of Ceremonies for the African Women’s Entrepreneurship Program and the African Growth and Opportunity Act Forum luncheon. This event was co-sponsored by the law firm of Polsinelli Shughart PC, The Corporate Council on Africa and the U.S. Department of State.

- C. Mayor Dunn was joined by City Administrator Scott Lambers, Finance Director Kathy Rogers and City Financial Advisors Roger Edgar and David Arteberry from George K. Baum & Company, for a tour of Leawood with two principals of Moody's Financial Services. They had never been to Leawood before and were very favorable with what they saw.
- D. Reminder of the "Wings of Love" Bird Show, on Friday, August 20th, at 7:30 P.M., presented by the Leawood Arts Council in the Oak Room at City Hall. Admission is free and will be a fun and educational interactive performance that will thrill the entire family.
- E. Reminder of the "Jazz Concert Series," presented by the Leawood Arts Council on Sunday evenings at 6:00 P.M. Admission is free and will be held at the Ironwoods Park Amphitheatre, located in Ironwoods Park. There will be performances by "Heat Index" on August 22nd, "Coco Trio" on August 29th and "David Basse & OJT" on September 5th.

9. COUNCILMEMBERS' REPORT

A. Councilmember Filla

Johnson County Solid Waste Management Plan

Councilmember Filla reported that Johnson County has a proposal to revise their Waste Management Policy and are requesting that all of their haulers offer the same services, which is to establish a waste maximum of 95 gallons per week to encourage recycling. This volume based or "pay-as-you-throw" structure means customers pay for the amount of waste they discard. They will no longer allow yard waste to be put into landfills. It is estimated that the Johnson County Landfill will be full by 2027. It takes 15 years to get a permit to build a landfill and costs \$1 Million per acre. Yard waste consumes approximately 11% of a landfill and paper consumes 42%.

The Sustainability Advisory Board drafted a letter for the Mayor to send to the Johnson County Environmental Department supporting the revisions. During the public comment portion of their meeting, Deffenbaugh Disposal and several other mayors and communities all spoke in favor of this. One recommended revision was to reduce the volume of trash allowed per household from 95 gallons to 65 gallons.

Councilmember Rasmussen was concerned the containers would be too heavy for small and elderly people to handle. Ms. Filla stated existing contracts with haulers have provisions to assist people who are unable to take them to the curbside. The homes associations should check into this and also consider wheel-based containers. He was also concerned that these revisions could eliminate jobs. Ms. Filla thought there could be less people picking up trash; however, more jobs may be created by having to sort the recyclables.

Councilmember Cain stated Westwood, Mission, Prairie Village, Desoto, and Kansas City, Missouri, were all participating in this and it is working well. Shawnee will begin in January, 2011. There are 6,000 U.S. communities currently participating.

Once the Johnson County Landfill is full, they are projecting that the trash will have to be hauled to Lawrence. Currently, only 15% of the metro-area has curbside recycling.

Mayor Dunn noted the revisions would not go into effect until January, 2012.

Councilmember Azeltine thought since the county is currently drafting the regulations, they should wait to endorse the policy after it has been adopted.

Councilmember Gill suggested they obtain a legal view explaining the regulations from the City Attorney before endorsing it. He felt each household has different waste needs and they should remove the suggestion in the letter to “reduce the volume of trash allowed per household from 95 gallons to 65 gallons.” Mayor Dunn concurred.

Mayor Dunn applauded the mission of the Sustainability Advisory Board; however, she agreed they would be endorsing this before it is completed.

Mayor Dunn confirmed that yard waste would need to be bagged separately and doesn't require the homeowners to compost themselves.

Mr. Lambers clarified each household would be given a 95 gallon capacity container for disposal before they would add to the base fee.

Councilmember Osman confirmed that areas not part of a homeowners association would need to contract with the haulers individually and the haulers would be required to offer the same services.

A motion to have the Mayor forward a letter extending support to Johnson County in their intent to encourage recycling and restrict yard waste from going to the landfill was made by Councilmember Filla; seconded by Councilmember Cain.

Ms. Filla confirmed that the suggestion to reduce the volume of trash allowed from 95 gallons to 65 gallons would be removed.

The motion carried following a unanimous vote of 8-0.

B. Councilmember Rawlings

Request to refer Leawood Heritage storm drainage study to Stormwater Committee; potential SMAC project

Councilmember Rawlings reported that Somerset Lake, located behind the homes at 89th and Mission Road, has a creek and property below the dam that is located in the floodplain. The City has done a study to consider the long-term possibility of a Stormwater Management Advisory Council [SMAC] project that would allow the stream to be lowered, thus taking the property out of the floodplain. A letter has been distributed to the City Council and Stormwater Committee from residents Don and Miriam Thompson stating their opposition to the project.

Mayor Dunn noted that Stormwater meetings are open to the public and residents are welcome to attend.

Cynthia Pitts, 8701 Ensley Lane, stated she and her husband have lived in their home since 1984 and the property has never flooded. Any of their options would require at least 40' feet of permanent easement and would eliminate the trees, privacy, wildlife, and beauty of their property. The 40' foot easement would come within 2' feet of their dining room and would cut into part of their deck. Ms. Pitts encouraged the City Council to visit their home to see the charm and value they would be losing by allowing this project to proceed. The huge rainfall that activated this project created a lot of water running through the creek and several people received sewer water backup in their basements, not stormwater.

Richard Mason, 8701 Ensley Lane, declined to speak.

Mayor Dunn clarified that a referral to the Stormwater Management Committee is intended for further review and they do not vote. They make recommendations to the Governing Body, which would then have further deliberation.

David Ley, City Engineer, stated the FEMA floodplain maps developed in 2009 show eight structures within that area that had a potential for flooding. The Public Works Department was also concerned with significant roadway flooding. They were currently working on a project to extend the storm sewer from 87th Street to the creek, and as part of this, the City hired Phelps Engineering to review the impact on those structures and consider options to lower the water surface elevation.

Councilmember Rasmussen confirmed with Mr. Ley that the City staff was the protagonist in this project, rather than the residents that live along that creek. Mr. Ley confirmed that the SMAC project at 87th and Ensley did not impact this area. Mr. Rasmussen was concerned that Somerset Lake may not have adequate retention. Mr. Ley clarified this is a private lake; therefore, the City does not have any requirements on retention.

A motion to refer the Leawood Heritage storm drainage study to the Stormwater Management Committee for review at their August 25, 2010, meeting at 7:30 A.M. was made by Councilmember Rasmussen; seconded by Councilmember Filla.

Mr. Ley confirmed that if they don't have significant support for the project, the City would not purchase the easements. Other than the concern of roadway flooding, the Public Works Department did not have a position on this.

Mayor Dunn thought it was important to note that if something has been identified as an issue, it is important for everyone to be educated and this was the purpose for the Stormwater Committee review.

Councilmember Filla confirmed with Mr. Ley that the residents with sewer water backup issues were given the Johnson County Wastewater contact information for help.

The motion carried following a unanimous vote of 8-0.

10. STAFF REPORT – None.

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[from the July 27, 2010 Planning Commission meeting]

- A. **Ordinance No. 2457** approving a Special Use Permit for a Temporary Sales Trailer for Estates of Old Leawood, located at 8901 Sagamore Road (PC Case # 40-10) [Roll Call Vote]

Bill Whitaker, EOL Development Company, gave a presentation of how the sales trailer would layout on the existing parking lot.

Mr. Whitaker stated they have increased the amount of landscaping as recommended by the staff. The Planning Commission was concerned with their construction/storage trailer and it has since been moved and placed by Lot No. 2.

Mayor Dunn confirmed with Mr. Whitaker that any debris and unsightly items around the trailer had been removed.

Community Development Director Richard Coleman confirmed that the power line located behind the trailer is required to be placed underground when the first homeowner receives their occupancy permit.

Councilmember Cain confirmed that to date, none of the lots had been sold. Mr. Whitaker stated the model home would be built on Lot No. 2 and the large rocks would be removed before construction. A portable restroom will be placed on this lot when construction begins.

Councilmember Cain confirmed with Mr. Whitaker that this trailer would only be used for sales. Once construction begins, they will hold their meetings in a trailer with an office area, which will replace the construction/storage trailer.

Mr. Whitaker noted the model home will cost an approximate \$1.2 Million.

Mayor Dunn clarified with Mr. Klein that building permits for no more than 5 houses shall be issued prior to the completion of the amenities within Tracts A and B. Mr. Klein also confirmed that all power lines, utility lines, etc. are required to be placed underground and must be done prior to final occupancy of any home within the project.

Councilmember Filla was concerned there could be an expectation to have the Special Use Permit [SUP] extended beyond a year. Mr. Coleman stated generally, after the first model home is sold, the sales office is moved into the next model and this continues on until the development is built out.

A motion to pass the ordinance was made by Councilmember Bussing; seconded by Councilmember Rawlings. The motion carried following a unanimous roll call vote of 8-0. Nay: None.

B. Ordinance approving a Revised Preliminary Site Plan, Revised Final Site Plan and Revised Final Plat for Mission Farms – First Replat, located at 10342 Mohawk Road (PC Case # 46-10) [Roll Call Vote] – ***CONTINUED TO THE SEPTEMBER 7, 2010 GOVERNING BODY MEETING***

*C. **Resolution approving the Planning Commission’s recommendation to deny a request for a Rezoning, Preliminary Site Plan, and Preliminary Plat for Reed’s Addition, located at 146th Terrace and Mission Road (PC Case #70-10) -*CONTINUED TO THE SEPTEMBER 7, 2010 GOVERNING BODY MEETING***

12. **OLD BUSINESS** – None

13. **OTHER BUSINESS**

Discussion and determination of Park Improvements to Ironwoods Park, located at 14701 Mission Road [Restrooms or parking lot] [***FROM THE JULY 6, 2010 GOVERNING BODY WORK SESSION***]

Mr. Lambers stated a Work Session was held to discuss Park Improvements to Ironwoods Park utilizing the remaining funds from the \$12.5 Million bond issue. Due to the costs associated, the Council was informed they had to choose one option; the restrooms or the parking lot. The Council consensus was split. Mr. Lambers had recommended they proceed with the parking lot; however, the Council felt it would be appropriate to get a consensus from the Parks and Recreation Advisory Board.

Mayor Dunn noted there were comments in the July 13th Advisory Board meeting minutes that she was identified in the Work Session minutes as being in favor of the restrooms. She stated she remained neutral at the Council Work Session and had not stated a preference.

Councilmember Cain indicated the discussion at the Advisory Board meeting was centered on people that attend the theatre performances. Whatever may or may not occur with the theatre in the future, the Advisory Board voted unanimously to recommend construction of the restrooms.

Chris Szczulinski, 3409 W. 147th Street, voiced concern of the decrease in the City’s tax revenues and stated the Council should consider allocating funds from the budget to address the legal challenges that will be emanating from the proposed expansion of the park. In addition, the increase in traffic will cause costly repairs to the entrance and street that access the park. This was not constructed to handle equipment being hauled in and out and will create an increase in expenditures in a declining economy. Given the scope of the project, he was concerned of fire and rescue accessibility along the Mission Road corridor and where the City would get the funds for overflow parking repairs and clean-up after a performance.

If the expansion proceeds, it could compromise the ability of the general public to utilize the park, grassland, and parking at the Ironwoods Lodge. In addition, the City will increase its expenses in liability, personal injury and casualty insurance to ensure proper protection for its investment. He suggested that the Council focus on delivering more efficient services using less tax dollars, emphasizing police, fire and road improvements. He didn't want the City to commit to funding what some would consider a special interest and be obligated to future ongoing increases in maintenance and repair budgetary pressures.

Mayor Dunn clarified this evening's discussion did not concern amphitheatre improvements or expansion. There is \$500,000 remaining on a \$12.5 Million, 1998 voter approved park bond issue. The Governing Body is deciding whether to use the remaining funds for the needed parking expansion or additional restrooms, which would eliminate the need for the portable restrooms.

Mr. Lambers further clarified these funds are restricted to only be used for park improvements throughout the City and cannot go into the general fund for police, fire, etc.

Susan Szczulinski, 3409 W. 147th Street, had discussed these remaining funds with the neighborhood and they preferred it be used to increase parking. They do not want people parking in their neighborhood and walking through their yards to get to the park. There are other restrooms located in the park, not just the portable ones. Several of the households have been affected by not having adequate parking.

Kerry Phillips, 14616 Chadwick, stated there is currently a lot of Lodge usage with inadequate parking. She reiterated comments of people parking in their neighborhood, walking through yards and leaving trash behind. If the \$500,000 is used wisely, it should be used for additional parking.

Leann Wiggins, 14405 Windsor Street, asked if they could use the funds for park maintenance, such as trimming the grass along the fence rows, trail flooding, or for the cabins and restrooms that are already in place, versus building something new. If the money must be used for one of the two options, then use it for additional parking. Parking in the grass "overflow" area is in violation of a City ordinance. She gave a list of items to the City Clerk that the neighborhood wanted done before any expansion should take place.

Debra Shull Scaramucci, 3113 W. 147th Street, stated she was a new resident to Steeplechase and from past experience attending events at the Lodge, there is a significant shortage in parking.

Sharon Ervin, 3201 W. 147th Street, requested that the funds be utilized for safety, rather than convenience. Emergency vehicles must have easy access to the Lodge. If they must use the funds for one of the two options, she listed several reasons to choose the additional parking: There would be no destruction of property during wet periods. There are currently three restroom facilities located within the park, including the Lodge. Staff could use a golf cart to shuttle people to and from the restrooms. Parking occurs within 38' feet of her home and it is un-nerving having a lack of privacy. The Lodge is utilized more often than the amphitheater.

Mike Scaramucci, 3113 W. 147th Street, complained that the weeds were 2' feet high along the split-rail fence and requested that the Parks and Recreation Department take care of it. He was in favor of the parking lot.

Ms. Ervin commented she had tried to rent the Ironwoods Lodge from June through July, on Sundays through Thursdays, and was told it was booked by the Leawood Stage Company.

Paul Anderson, Chairman Leawood Stage Company, stated traditionally, they have held rehearsals from Sunday through Thursday in the Lodge for the 5 weeks prior to the production. This is anticipated to continue; however, if the Parks and Recreation Department notifies them in the future that someone is interested in renting it for such a long period of time, they could possibly find another location to rehearse.

Mr. Lambers clarified that the bond issue was presented to the voters to be used for capital improvements, not maintenance.

Councilmember Filla confirmed with Parks and Recreation Director Chris Claxton that the parking option would include 65 additional spaces and would be located on the north and south end of the current lot. Typically, there are 100 vehicles parked in the overflow area on a Friday or Saturday evening. From a staffing standpoint, it would be difficult to shuttle people to and from the restrooms.

Councilmember Gill noted there was a clear consensus from the residents to expand the parking and he agreed for all of the reasons stated.

Councilmember Rasmussen noted when the park was considered, comments were made that this is a public park and people wanted unfettered access. People preferred that split-rail fencing separate Steeplechase from the park. He had recently visited the area during a theatre event and didn't notice anyone parking on their streets. When the overflow parking is used, the headlights are facing south, not facing the subdivision. The proposed parking will not eliminate the parking requirements. The conditions that were assigned to the amphitheatre several years ago have not changed. There is no change in the number of people they are planning to accommodate. Mr. Rasmussen stated he was in favor of the restrooms because some people need facilities that are readily available.

Councilmember Rawlings confirmed with Ms. Claxton there are over 100 days per year booked at the Lodge and each event houses 75-300 people. There are 25-30 amphitheatre events per year.

Councilmember Azeltine confirmed with Ms. Claxton that before the bond issue in 1998, there was a Master Plan showing all of the potential amenities of the park. There were some additional restrooms proposed as part of the amphitheatre. These plans were available to the public then and are still available. They were presented to the community at least twice at the Lodge.

Councilmember Bussing thought they should address mitigation efforts between the park and the north neighbors. The most current amphitheatre plan envisions a lengthy berm with significant plantings to help shield the neighbors from the lights and sound. He thought this could be a third option for the remaining funds. Mr. Lambers confirmed there is a plan for berming and landscaping adjacent to the north property and this would constitute as capital improvements. The landscaping was anticipated to be coordinated with the parking for the north end. If they do the berming and landscaping prior to this, it could result in having to redo some of it when the parking is designed. They wanted to design the berms to maximize their efforts to control headlights shining toward the neighborhood. He could not ensure that the berms would be effective for sound mitigation. Mr. Bussing felt they needed to include the concerns of the neighbors while addressing the highest priority needs. Mr. Lambers noted the additional 65 parking spaces would make it much closer for people using the facility, rather than having to walk up the road to utilize the north parking lot, especially during the winter.

Mayor Dunn confirmed with Mr. Lambers there was very little cost difference between the two projects. Mr. Lambers clarified the berming would be expensive because of the need to haul in dirt and the landscaping would need to be irrigated to ensure the plantings remain alive.

Councilmember Bussing wanted this to be considered as a third alternative, not as part of another option. He understood the expenses incurred; however, the neighbors had expressed these concerns and at some point in the park budgetary process it bears consideration. Mr. Lambers stated if the parking moves forward, they could reduce and redirect the overflow of 30-40 vehicles; therefore, it wouldn't have the effect that is currently going on. Mr. Bussing confirmed this was why he was in favor of the parking; however, he reiterated they should consider the neighbors priorities.

Councilmember Osman confirmed with Ms. Claxton that they always fill the lots before utilizing the overflow area. The stalls closest to the amphitheatre are reserved for handicapped. The overflow area is never used for Lodge events.

Mr. Lambers clarified there is currently no funding source for whichever option the Council does not select either in the C.I.P. or the budget.

A motion to choose the parking lot expansion option at Ironwoods Park was made by Councilmember Gill; seconded by Councilmember Bussing. The motion failed with a vote of 3-5. Yea: Councilmembers Gill, Bussing and Rawlings. Nay: Councilmembers Rasmussen, Azeltine, Filla, Cain, and Osman.

A motion to authorize staff to move forward with the design and construction of the restrooms at Ironwoods Park was made by Councilmember Rasmussen; seconded by Councilmember Cain.

Councilmember Gill personally thought the parking lot was a better choice; however, he would support the restrooms because they were both meritorious for the park.

Councilmember Bussing confirmed with Mr. Lambers that the restroom project would not exceed \$500,000.

Councilmember Rawlings stated he would also support the motion to move forward with the restrooms.

The motion carried following a unanimous vote of 8-0.

14. NEW BUSINESS

- A. **Ordinance No. 2458C** amending Chapter 5 of the Code of the City of Leawood, 2000, by adding a new Article 1B, entitled ‘Pawnbrokers and Precious Metals Dealers’ [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Bussing; seconded by Councilmember Filla.

Ms. Bennett stated the City currently does not have this ordinance; however, most cities in the area do. The ordinance tracks the definition from the Kansas Statute. It allows the Police Department to have an oversight of pawnbrokers and precious metal dealers, should they move into Leawood.

Councilmember Osman confirmed with Ms. Bennett that this could also pertain to coin dealers. The intent was to regulate the “we buy gold” dealers.

Councilmember Gill stated a pawnbroker should act at their own peril by definition of the business they are in that they are potentially buying stolen goods and if proven to be stolen, the victim should be able to have that property returned at no cost to them.

Councilmember Osman confirmed with Police Chief John Meier there is a 10-day holding period on inventory after it has been reported to the Police Department before the pawnbroker can sell the goods. Chief Meier confirmed that 10 days was an adequate amount of time.

Councilmember Cain confirmed with Ms. Bennett that this was not an allowed home-based business. Chief Meier noted it wasn’t uncommon for brokers to rent a hotel room to purchase items.

Mayor Dunn indicated the goal was to give them some legislative rights that will help protect the City and its citizens.

The motion carried following a unanimous roll call vote of 8-0. Nay: None.

B. Councilmember Mike Gill Resignation Announcement

Councilmember Gill stated due to the selling of his home in Ward 3, he would no longer be able to be a Councilmember for the City of Leawood, effective September 7, 2010.

Mayor Dunn stated Mr. Gill will be missed and he has been a tremendous asset to the City of Leawood.

Mr. Lambers stated they would begin the selection process for the replacement of Councilmember Gill.

ADJOURN

There being no further business, the meeting was adjourned at 10:00 P.M.

Debra Harper, CMC, City Clerk

Pam Gregory
Recording Deputy City Clerk