

Minutes

DVD No. 196

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 18, 2008. Mayor Peggy Dunn presided.

Councilmembers present: Gregory Peppes, Gary Bussing, Jim Rawlings, Julie Cain, James Azeltine, Mike Gill, Debra Filla, and Lou Rasmussen.

Mayor/Councilmembers absent: None

Staff present:

Scott Lambers, City Administrator
Chief John Meier, Police Department
Chief Ben Florance, Fire Department
Karl Weinfurter, Info. Systems Specialist
David Ley, City Engineer
Deb Mansfield, City Clerk

Patty Bennett, City Attorney
Richard Coleman, Comm. Dev. Director
Lovina Freeman, HR Director
Chris Claxton, P&R Director
Pam Gregory, Deputy City Clerk

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn noted the *pink* Amended Agenda placed upon the dais and the addition of Item No. 14F. The following were modifications:

*Item Nos. 9A and 9B – Councilmembers Report would be given by Councilmembers Gill and Rasmussen.

A motion to approve the agenda was made by Councilmember Bussing; seconded by Councilmember Peppes. 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.

Albert Harris, 4814 W. 155th Terrace, stated he was a Triple Crown Member. Mr. Harris commented on changes he had seen regarding the Ironhorse Golf Course over the last two years:

- * Major drainage reconstruction
- * 18 greens replaced
- * Changes to some of the second cuts (rough)
- * Heavy truck and tractor traffic
- * Seeding many of the second cut areas
- * Unable to apply pre-emergent weed control
- * Laid sod in some areas
- * Had a bad spring with several floods, which washed away most of the seed, fertilizers, and much of the sod
- * City had to re-visit some of these areas a second time

Mr. Harris stated the golf course was difficult to maintain. The greens superintendent and crews were not at fault; they've done a good job, and need support. If the City gives the crews sufficient funding for time, labor, equipment, and material they will deliver the facility everyone wants.

Gene Johnson, Superintendent of schools for the Shawnee Mission School District, 7235 Antioch, Shawnee Mission, stated Leawood has always been in support of the entire school district, although there is only one Leawood school located in Shawnee Mission; Brookwood Elementary School. Dr. Johnson stated they were in the final two years of a \$189 Million Capital Bond Project in the district. This summer there have been upgrades completed to the Brookwood School, along with many other schools in the district. Dr. Johnson noted appreciation on behalf of him and other board members and thanked the Council and City for their ongoing support.

Mayor Dunn thanked Dr. Johnson and stated the City looked forward to working with them in the future.

Councilmember Rasmussen asked if there was any coordination with Prairie Village, in conjunction with the reconstruction of Mission Road and surrounding streets. Dr. Johnson stated these projects were scheduled by Prairie Village late in the summer due to funds they needed to expand, and understood this was an inconvenience for everyone. Mr. Rasmussen asked who was funding the officers that were directing traffic in this area. Dr. Johnson stated they had two officers employed by the school district, and other Prairie Village officers were providing additional support.

George Watermann, 4412 W. 150th Street, stated he loved living in the City of Leawood and has been a resident since 1995. He built his home next to Ironhorse Golf, which opened in 1995. Golf Digest listed Ironhorse as one of the best places to play in America. He has been a Triple Crown Member for several years and plays in tournaments. He was disappointed in what has happened with Ironhorse and felt the City was in a crisis situation. He felt the course was not worth the money and people weren't willing to pay for it. The greens are thin, there is crabgrass everywhere, and there has been no attention to detail. He wanted someone to take responsibility in getting this corrected.

Tim Orman, 11901 Pawnee Lane, stated he has lived in Leawood for over a decade and was also a Triple Crown Member. He asked that Council take his comments as observations, as opposed to criticisms. The golf course is a great design and located on a great piece of property. The bunkers have improved; however, the greens are in worse condition than before. This was one of the reasons, as well as water management, the course was closed. The management crew is terrific; however, felt someone unfamiliar with golf was making decisions that were not appropriate for the course. He noted there have been many courses that have renovated their greens marvelously, and was concerned as to why Ironhorse had not. The consensus among golfers was that the City had gotten 6 months worth of work done in approximately 18 months. If the problems aren't corrected, there will be a significant lack of play.

Frank Failoni, 4508 Ironhorse Drive, stated he has been a resident in Leawood for 15 years. He noted it was his first year as a Triple Crown Member. He anticipated joining the course after the renovations; however, when it opened he was disappointed, but felt he should be patient and give it some time. Mr. Failoni stated he had friends that own large businesses in and around the City of Leawood that were interested in participating in tournaments. He invited them to play; however, in the end, they stated they could not bring their staff there. As a resident, he felt embarrassed. There is a tremendous amount of competition in golf and took their business elsewhere.

Patrick Enderson, 15252 Sherwood Road, expressed his disappointment in the course. Mr. Enderson stated he was a former Class A, PGA golf professional. He was embarrassed of the situation and has been a patron of Ironhorse since it opened and brings his company's golf tournament there. He has spent over \$20,000 in their outings and has 144 golfers attending the course on September 5, 2008, with invitations that read: "The Newly Renovated Masterpiece of Leawood", which he stated was an embarrassment. As citizens of Leawood, he felt they deserve better and asked what the City had planned to correct the problems.

John Havens, 4813 W. 157th Street, Overland Park, concurred with the previous comments. He noted there used to be a nice bar area in the clubhouse; however, now it's similar to a "snack bar." Mr. Havens stated he wanted the best for Leawood.

Nels Lindgren, 13008 Birch, stated he was a golf course superintendent. The "California Greens" has been a problem with the course since the initial day, which he understood was one of the reasons for the renovation. He noted Pete Spratlin, Ironhorse Golf Superintendent, called him to take a look at the greens. Mr. Spratlin informed him he had dried out the greens and noted there was irrigation failure; therefore, lost some grass. He felt Mr. Spratlin was not responsible for irrigation failure; however, he was trying to meet member expectations, and cut the greens too close. Mr. Lindgren offered a few suggestions; however, felt he had a sound program in process. He noted Mr. Spratlin is working hard and seeing results. He felt that with a little seeding, by the end of September, the greens would be close to 100% and Mr. Spratlin didn't deserve the flack he had been getting.

Jim Dauer, 12103 Charlotte, Kansas City, Missouri, thanked the Council for visiting Ironhorse this past weekend. He noted the sand traps had six to eight inches of sand in them, the rough in certain areas is dirt and rocks, and they couldn't play in these conditions.

Mr. Dauer stated the only people that would play golf with him at Ironhorse were Triple Crown Members. He won't take clients there, and friends that have played there told him they wouldn't be back. Leawood is one of the best cities in the metro area, and felt they should have the best golf course.

Jim Mills, 6400 W. 143rd Terrace, Overland Park, stated he was a former resident of Leawood for 17 years. Mr. Mills stated he is a rules official for the United States Golf Association and rates courses. When a course is closed for renovations, before it opens the association has it re-rated, re-sloped, re-graded, etc. He has been in almost all courses in the area, and stated they were all in pristine condition. Mr. Mills stated Ironhorse was in worse condition currently, than when it had closed 18 months ago and the weed control had gotten out of hand. He stated the City needed an action plan.

Mike Lynd, 4004 W. 149th Street, stated he has lived in Leawood for 7 years. Mr. Lynd stated the management team at Ironhorse was excellent; however, the course was not worth going to at the present time. He felt there may be budget restraints; however, if the situation wasn't corrected, no one would continue to play. The greens and weeds are ridiculous. Mr. Lynd noted he didn't care for the renovated clubhouse and that it didn't have any "feel" to it any more. He plays there every Saturday and Sunday morning and noted there were fewer and fewer people coming back. He felt this was a city issue and they needed to make a commitment to correct it.

Mayor Dunn recognized Chairman Dick Fuller of the Ironhorse Golf Advisory Board.

Mr. Lambers discussed a "plan of action" and stated he was aware of three major complaints of the course; however, this was the first he had heard that the re-design of the clubhouse was "inadequate." There have been indications that the greens are not the same as they were; however they were installed by the same contractor used on other golf courses. He stated he would take this under advisement. He understood the problem with the weeds; however, the City was limited to how they could handle them this time of year. Mr. Spratlin has requested, and been approved, to hire ten additional part-time employees to manually address the weed situation. He anticipates that within 45 days, they will be able to correct the problem. Mr. Spratlin also indicated he would address the height of the roughs. One of the ponds doesn't have sufficient water circulation and they were in the process of treating this. They are considering installing some additional aeration to help in the circulation.

Councilmember Gill stated he has supported Ironhorse for 11 years. He noted appreciation to everyone attending the meeting. Mr. Gill stated he has been out at the golf course every week. The City lost at least \$500,000 when the greens burnt. Mr. Spratlin was hired at this time, and turned them around. Since then, he has also battled the "California Greens." Mr. Gill asked for patience and cooperation and stated it wasn't a matter of money. The City had not been "shortcutting" anything. There have been two 500-year floods in a flood plain and they have lost \$70,000 worth of sod, plus all of the sand and seed. He noted there were a couple of traps that have "soft sand" due to it washing away; when it gets replaced, it doesn't have time to compact. The crabgrass is located on the fringes, not on the greens. He noted he had puttied on the practice putting green and although it is thin, asked them to give it some time.

Mr. Gill witnessed two professional golfers earlier today on the course, 20 or more people on the practice tee, and 10 on the putting clock. He felt the rumors of Ironhorse's demise were grossly exceeded. Mr. Gill illustrated pictures he had taken of the course.

Mayor Dunn suggested that Council re-visit these issues after the 45-day time frame Mr. Lambers authorized with the additional employees. Mayor Dunn thanked everyone for their attendance, and understood their frustration. She noted appreciation to Mr. Spratlin and the crews for working diligently and stated the City would continue to work hard in correcting the issues. Mayor Dunn stated it had been an unusual year and noted appreciation of their patience and patronage.

4. PROCLAMATIONS – None.

5. PRESENTATIONS/RECOGNITIONS – None.

6. SPECIAL BUSINESS – None.

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. 1108C and 1109A
- B. Accept Minutes of the August 4, 2008 Governing Body meeting
- C. Accept Minutes of the July 17, 2008 Audit Selection Task Force
- D. Accept Minutes of the June 19, 2008 Green Initiative Citizen Task Force Committee
- E. Approve renewal of Microsoft Licensing coverage in the amount of \$35,008.70, between the City and Microsoft Corporation via Software House International, Inc., pertaining to the yearly license renewal
- F. Final Re-certification of Special Assessment Project Cost in the amount of \$5,483,839, for Parkway Plaza Improvement Project [CIP # 83195]
- G. Final Re-certification of General Obligation at-Large Project in the amount of \$1,571,393, for 2007 Residential Streets Improvement Project [CIP # 80206]
- H. Approve Change Order No. 1, in the amount of \$160,000 to Musselman & Hall Contractors pertaining to the 2008 Slurry Seal Program [135th Street between Nall and Pawnee]
- I. Approve 7th and Final Payment in the amount of \$12,341.13, to Phelps Engineering, Inc., pertaining to Park Place Improvement Project, Phase [CIP # 83196]
- J. Approve 7th and Final Payment in the amount of \$27,038.99 to Dennis Johnson Construction, pertaining to the Ironwoods Pond Renovation at Ironwoods Park; Project # 76002
- K. Approve Payment in the amount of \$28,750.00 to Challenger Teamwear pertaining to soccer uniforms for the Parks and Recreation Department

- L. Approve Change Order No. 6 in the amount of \$10,149.98 to Dennis Johnson Construction, pertaining to the Ironhorse Golf Course Improvement Project [Project # 76004]
- M. Approve 15th and Final Pay Request in the amount of \$51,814.07 to Dennis Johnson Construction, pertaining to the Ironhorse Golf Course Improvement Project [Projects # 76004; 76003; 80171; 73001]
- N. **Resolution No. 3092** adopting the Fiscal Year 2009 Budget for the City of Leawood
- O. **Resolution No. 3093** approving and authorizing the Mayor to execute a Service Agreement in the amount of \$33,450.00 between the City and C and C Group, pertaining to Invensys Controls at Ironwoods Lodge, 14701 Mission Road
- P. **Resolution No. 3094** accepting a Storm Sewer Easement from Christopher J. DeSalvo and Shannon N. Buhs located at 8308 Meadow Lane, Lot 194, in connection with Storm Sewer Maintenance Project # 76014
- Q. Police Department Monthly Report
- R. Fire Department Monthly Report
- S. Municipal Court Monthly Report

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

8. MAYOR'S REPORT

- A. Attended the Leawood Studio Art Show, co-hosted by the Leawood Arts Council and M&I Bank, and was joined by Councilmembers Rasmussen, Rawlings, and Bussing along with several hundred patrons of the arts. Artists included: Peggy Pate Dillon, Ramon Magee, Glen & Gayle Wans, and Kwan Hu.
- B. Attended a retirement reception at the Hallbrook Country Club for the "Gant Sisters," music educators for 46 years in the Leawood area. Mayor Dunn was joined by Congressman Dennis Moore and approximately 500 others in attendance. She noted the "Gant Sisters" were going to be spreading their music across America. Mayor Dunn wished them much success.
- C. Mayor Dunn met with some Israeli students from the Gezer Region of Israel, Leawood's Sister City and Ramla, Israel, Kansas City, Missouri's Sister City. She noted the students were here on an educational/cultural exchange with the Partnership 2000, sponsored by the Jewish Federation.
- D. Attended the VIP opening party for "soho 119" at the One Nineteen shopping center. They have opened their concept flagship store here, with others to follow.
- E. Attended the Lord of Life Lutheran Church service to honor Pastor Krause on his retirement after over 20 years. Mayor Dunn thanked him for his leadership and service over the years and noted he was the founding Pastor for this Leawood church.
- F. Attended the "Party in the Park" in conjunction with Leawood's 60th Anniversary, orchestrated by the Parks and Recreation Department and Director Chris Claxton. Mayor Dunn noted there were many people in attendance.

- G. The "Sundays in the Park" jazz concert series continues at Ironwoods Park at 6:00 P.M., and is sponsored by Town & Country Bank. Mayor Dunn noted the following groups will be performing: Grand Marquis on August 24, 2008, and David Basse with the OJT and Buketa Shoals on August 31, 2008.
- H. Congratulated Leawood resident and Barstow School senior Sydney Ayers for being one of four Johnson County students to receive the 2008 Congressional Gold Medal Award for contributions to her community and commitment to personal development. These students spend two years or more completing at least 400 hours of community service, 200 hours of personal development and physical fitness activities, and a four-night expedition or exploration.
- I. Leawood residents approved the Johnson County public safety sales tax by 53% and the Leawood infrastructure sales tax renewal was by 66%. Mayor Dunn noted appreciation to everyone who voted in the affirmative.

9. COUNCILMEMBERS REPORT

- A. Councilmember Gill's request to refer 133rd and Roe Avenue traffic signals to the August 19, 2008 Public Works Committee meeting

Councilmember Gill stated there was a Public Works Committee meeting tomorrow morning at 7:30 A.M., and wanted to discuss this issue then.

A motion to refer this to the Public Works Committee was made by Councilmember Bussing; seconded by Councilmember Peppes.

Councilmember Cain concurred with Mr. Gill's request and noted this was a very dangerous intersection.

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

- B. Councilmember Rasmussen's request to refer 11512 Cedar [eroding bank] to the September 12, 2008 Stormwater Committee meeting

Councilmember Rasmussen stated he had received a complaint from the property owner located at 11512 Cedar that the bank was eroding. Mr. Rasmussen stated the problem could be from gravel build-up.

Councilmember Rasmussen made a motion to direct this to the Stormwater Committee for review; seconded by Councilmember Azeltine. The motion carried following a vote of 7-0. (Councilmember Gill temporarily not seated for vote).

Councilmember Rawlings stated the next Stormwater Committee meeting was on September 12, 2008, and they could discuss this as an agenda item.

10. STAFF REPORT – None.

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[From the July 8, 2008 Planning Commission Meeting]

- A. Ordinance approving a Preliminary Site Plan, Final Plat and Final Site Plan for Leawood Public Library addition, located on the northwest corner of 117th Street and Roe Avenue (PC Case 35-08) – **CONTINUED TO THE SEPTEMBER 15, 2008 GOVERNING BODY MEETING**

[From the July 22, 2008 Planning Commission meeting]

- B. Ordinance approving a Preliminary Site Plan, Final Site Plan and Final Plat for Bi-State Centennial Park, Lots 10 & 11, located north of 141st Terrace and east of Overbrook [PC Case 58-08] [Roll Call Vote] – **CONTINUED TO THE SEPTEMBER 8, 2008 GOVERNING BODY MEETING**
- C. Ordinance approving a Special Use Permit for Molle Offsite Parking, located approximately at 104th Street and State Line Road [PC Case 47-08] [Roll Call Vote] **CONTINUED TO THE SEPTEMBER 8, 2008 GOVERNING BODY MEETING**
- D. Ordinance approving a Preliminary Site Plan and Final Site Plan for Mission Trail Elementary School, at 133rd Street and Mission Road [PC Case 61-08] [Roll Call Vote] – **CONTINUED TO THE SEPTEMBER 8, 2008 GOVERNING BODY MEETING**

12. OLD BUSINESS

- A. Resolution approving and authorizing the Mayor to execute an addendum to that certain Architectural Design Agreement dated September 4, 2007, for an amount not to exceed \$84,000, between the City and Ball Construction Services LLC [Dennis Reynolds] pertaining to the design of Gezer Park, located at 133rd and Mission Road [# 76006] – **CONTINUED FROM THE AUGUST 4, 2008 GOVERNING BODY MEETING**

City Administrator Scott Lambers requested that Council remove this item from the agenda on the advice of City Attorney Patty Bennett.

13. OTHER BUSINESS – None.

14. NEW BUSINESS

- A. **Ordinance No. 2334C** amending Code § 4-912 of the Code of the City of Leawood, 2000, entitled International Residential Code for One and Two Family Dwellings; Submittal Documents, and repealing existing section 4-912 and other sections in conflict herewith [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Bussing. The motion carried following a roll call vote of 7-0. Yea: Councilmembers Rasmussen, Bussing, Rawlings, Peppes, Azeltine, Filla, and Cain. Nay: None. (Councilmember Gill temporarily not seated for vote).

- B. **Ordinance No. 2335C** amending Chapter 4, Article 9 of the Code of the City of Leawood, 2000, by adding new Section 4-951A, entitled 'International Residential Code for One and Two Family Dwellings; Drainage' [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Rawlings. The motion carried following a roll call vote of 7-0. Yea: Councilmembers Rasmussen, Rawlings, Bussing, Peppes, Azeltine, Filla, and Cain. Nay: None. (Councilmember Gill temporarily not seated for vote).

- C. **Ordinance No. 2336C** amending Code § 8-519 of the Code of the City of Leawood, 2000, entitled "International Property Maintenance Code; Grading and Drainage" and repealing existing Section 8-519 and other sections in conflict herewith [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion carried following a roll call vote of 7-0. Yea: Councilmembers Azeltine, Rasmussen, Peppes, Filla, Rawlings, Bussing, and Cain. Nay: None. (Councilmember Gill temporarily not seated for vote).

- D. **Ordinance No. 2337** levying a one-eight of one percent [.125%] City Retailers' Sales Tax in addition to the one and four-tenths percent (1.4%) tax currently levied, within the City of Leawood, Kansas, for the purpose of funding an accelerated residential and thoroughfare street improvement program and for necessary stormwater improvements in certain instances; such additional tax to take effect July 1, 2010, and end on June 30, 2015 [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Filla; seconded by Councilmember Peppes. The motion carried following a roll call vote of 7-0. Yea: Councilmembers Azeltine, Rasmussen, Filla, Rawlings, Bussing, Cain, and Peppes. Nay: None. (Councilmember Gill temporarily not seated for vote).

Mayor Dunn confirmed with City Clerk Deb Mansfield that Council needed to sign a certificate from the County regarding the 2009 budget.

- E. Schedule a Joint Work Session on Monday, October 6, 2008, at 6:00 P.M., between the Governing Body and the Park and Recreation Board Members to further discuss results of Needs Assessment Study for Community Center, at the Leawood City Hall, 4800 Town Center Drive, Leawood, KS 66211, in the Oak Room located downstairs in the Community Center

A motion to approve the joint Work Session was made by Councilmember Peppes; seconded by Councilmember Filla.

Councilmember Bussing noted he would be out of town on this date and had an interest in this discussion. He asked if there was flexibility on the date of the meeting.

Mr. Lambers stated they could re-schedule this to a November 3, 2008, Work Session.

Councilmember Peppes amended his motion to approve the Work Session to November 3, 2008, at 6:00 P.M.; seconded by Councilmember Filla.

Mayor Dunn noted the Parks and Recreation Advisory Board would need to be informed of the schedule change.

The motion carried following a vote of 7-0. (Councilmember Gill temporarily not seated for vote).

- *F. Schedule a Governing Body Executive Session at 6:30 P.M., on Monday, September 15, 2008, to discuss a personnel matter; the City Administrator's 6-month review

A motion to approve the Governing Body Executive Session was made by Councilmember Rawlings; seconded by Councilmember Bussing.

Mayor Dunn noted this was an informal meeting. There will be no written evaluation; this would be done in the spring. No dinner will be provided at this meeting.

The motion carried following a vote of 7-0. (Councilmember Gill temporarily not seated for vote).

ADJOURN

There being no further business, Mayor Dunn adjourned the meeting at 8:45 P.M.

Debra Mansfield, CMC, City Clerk

Pam Gregory
Recording Deputy City Clerk