

Regular Meeting

THE LEAWOOD CITY COUNCIL

September 16, 2013

Minutes

DVD No. 310

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 Tuesday, September 16, 2013. Mayor Peggy Dunn presided.

Councilmembers present: Jim Rawlings, Carrie Rezac, James Azeltine, Lou Rasmussen, Julie Cain, Andrew Osman, and Debra Filla via teleconference.

Councilmembers absent: None

Staff present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
John Meier, Police Chief	Dawn Long, Finance Director
Wayne Harder, Deputy Fire Chief	Chris Claxton, P&R Director
Mark Andrasik, Info Systems Director	Lovina Freeman, HR Director
Richard Coleman, Comm. Dev. Director	Deb Harper, City Clerk
Mark Klein, Planning Official	Pam Gregory, Assistant City Clerk
Joe Johnson, Public Works Director	

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn noted the following amendment to the agenda:

- Addition of Item No. 11C – Report from Councilmember Azeltine

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Cain. The motion carried following a unanimous vote of 8-0.

3. OATH OF OFFICE ADMINISTERED TO THOMAS ROBINETT, AS WARD THREE COUNCILMEMBER TO FILL COUNCILMEMBER BUSSING'S UNEXPIRED TERM UNTIL APRIL 2014

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 **Fire Prevention Week, October 6-12, 2013**
Mayor Dunn read the proclamation into the record.

7. PRESENTATIONS/RECOGNITIONS - None

8. SPECIAL BUSINESS

- A. Acceptance of a Benefit District Petition for Traffic Calming to be located along 85th Terrace between State Line Road and Lee Boulevard

Public Works Director Joe Johnson stated the residents along 85th Terrace have gone through the City's process for traffic calming. The Public Works Committee recommended moving forward with the creation of a Benefit District, recommending the construction of raised intersections for traffic calming along 85th Terrace, between Lee Boulevard and State Line Road. If approved, staff will move forward with the petition to complete this project in conjunction with the overlay of 85th Terrace programmed for 2014. The cost is estimated at \$77,000, which would be assessed evenly over 10-15 years to each abutting property.

Ryan Lorei, 2319 W. 85th Terrace, stated neighbors have expressed continued interest in this effort due to increased traffic at higher speeds. A traffic study showed 85% exceeding the speed limit of 25 mph. He expressed safety concerns for the children and families in the neighborhood.

Councilmember Azeltine asked why one-third of the property owners had not signed the petition. Mr. Lorei replied 65% were in favor of traffic calming with only one homeowner against it due to the cost. Numerous attempts have failed in attempting to contact the remaining property owners; however, flyers were left at their homes to ensure awareness of the project.

Councilmember Osman noted he had received calls from area neighbors requesting speed bumps be installed. Of the options discussed, the construction of raised intersections seemed the most palatable to the residents and committee. It may be problematic for those who park along the street since the street will become narrower.

Councilmember Filla felt the raised intersections were a great solution and the cost would be less since it would be done in conjunction with the overlay.

Mayor Dunn agreed this was the best solution to achieve traffic calming.

City Clerk Deb Harper confirmed a resolution for approval of the Benefit District should be presented at the next Governing Body meeting.

A motion to accept the Benefit District Petition for Traffic Calming to be located along 85th Terrace between State Line Road and Lee Boulevard was made by Councilmember Azeltine; seconded by Councilmember Osman. The motion carried following a unanimous vote of 8-0.

- B. Approve recommendation of Design Build Team for the Ironhorse Golf Clubhouse Expansion [Project # 49132]

Parks and Recreation Director Chris Claxton recommended that the Design/Build Team be approved to begin, with the contract coming back for approval at the October 21, 2013, Governing Body meeting. Those that submitted bids were required to attend a pre-bid presentation meeting. The company that was awarded the bid, Nearing Staats Prelogar Jones/Gene Fritzal Construction, is a very reputable company. This expansion will consist of an additional 4,500 square feet.

A motion to approve the recommendation of the Design/Build Team for the Ironhorse Golf Clubhouse Expansion Project was made by Councilmember Rasmussen; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 8-0.

Councilmember Rasmussen confirmed with Mayor Dunn that the Design/Build Team would remain in place throughout the duration of the project.

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. 2013-33, and 2013-34
- B. Accept minutes of the September 3, 2013 Governing Body meeting
- C. Accept minutes of the June 25, 2013 Arts Council meeting
- D. Approve Mayoral Appointments of Councilmember Tom Robinett to the Budget and Finance Committee, Stormwater Management Committee (Vice Chair), Arts Council and Public Building Commission
- E. Approve Change Order No.11 in the credit amount of \$7,471.00, to Titan Built Construction, pertaining to construction changes, for the Leawood Justice Center Project to be located at Town Center Drive & Tomahawk Creek Parkway [Project # 76008]
- F. Approve purchase in the amount of \$57,557.00 from Pretech for the purchase of a storm sewer pipe for the Public Work Facility, located at 14303 Overbrook Road
- G. Approve 2015 Budget Finance Calendar
- H. **Resolution No. 4130** approving a Final Sign Plan for United Methodist Church of the Resurrection - Campus Signage, located south of 137th Street and east of Nall Avenue (PC Case 56-12) [from the August 27, 2013 Planning Commission meeting]

- I. **Resolution No. 4131** approving a Revised Final Plan for Leawood Elementary School – Canopy, located north of 123rd Street and east of Norwood Street (PC Case 103-13) [*from the August 27, 2013 Planning Commission meeting*]
- J. Fire Department Monthly Report
- K. Police Department Monthly Report
- L. Municipal Court Monthly Report
- M. Declaration of Surplus Property; 2007 Ford Crown Victoria last 6 VIN/10375]

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

10. MAYOR'S REPORT

- A. Kansas City, Kansas, Mayor Mark Holland hosted the Johnson and Wyandotte Counties Council of Mayors' meeting along with Mayors from the Missouri, Kansas City Region at the Hollywood Casino in Kansas City, Kansas. Topics of discussion included those of broad-based, mutual-interest to all attendees. They are hopeful that this larger group will meet on an annual or semi-annual basis in the future.
- B. Attended a welcome reception for Johnson County Community College new CEO, Dr. Joseph Sopcich. Congratulations to him on his new role at JCCC.
- C. Mayor Dunn was joined by Councilmember Julie Cain at the City of Leawood's Annual Police and Fire Open House. Much appreciation to Police Chief John Meier and Fire Chief Dave Williams, Master Patrol Officer Phil Goff, and the Parks and Recreation Department for all of the hard work. There were hundreds in attendance. Everyone had a great time.
- D. Mayor Dunn was joined by Councilmember James Azeltine at a Leawood Chamber of Commerce ribbon cutting ceremony for "Drunken Fish," located in the Town Center Crossing Development. This is their second location in the metro region, with three others in the St. Louis, Missouri, area. Mayor Dunn wished them much success.
- E. Participated in the World Atrial Fibrillation Awareness Day that was held at Town Center Plaza. This is the second year for this annual event that hopes to educate and create greater awareness for the prevention and treatment of atrial fibrillation.
- F. Condolences to the families of two long-time Leawood supporters; the first is for the family of Thomas Gault. Tom was a Leawood Lion Club member for over 50 years and created the recipe for the Lion's famous pancakes. He owned Joe's Restaurant and Bar BQ in Kansas City, and then opened Joe's Barn Restaurant in Stanley, Kansas. The second is for the family of Donald Deuvall. His wife, Chloe Deuvall, is the head of the "Leawood Singers" and a member of the Leawood Woman's Club. On behalf of the City of Leawood, Mayor Dunn expressed sympathies to the wives, children, grandchildren and great grandchildren of both families.

11. COUNCILMEMBERS' REPORT

- A. Councilmember Rasmussen – Request for a Work Session to discuss Governing Body base salary remuneration

Councilmember Rasmussen stated when Governing Body salaries were established 17 years ago, they were established in relationship with some of the adjoining cities. In 2006, these salaries were adjusted for inflation with the same principals established. Upon calculating the inflation rate at 2% since that time frame, he recommended their annual salaries be increased to \$12,000 for the Mayor and \$6,000 for City Council members. He felt this was more than reasonable considering the amount of time and effort given to these positions.

A motion to increase Governing Body salaries as stated above was made by Councilmember Rasmussen; seconded by Councilmember Cain.

Councilmember Osman felt being on the City Council has given him an opportunity to give back to the community and listen to his constituents and commented if he wanted a higher salary, he would run for higher office. He was uncomfortable with an increase in pay, considering the opportunities they are given and was not in favor of this recommendation.

Councilmember Rawlings concurred with Councilmember Osman. He felt it was a privilege and honor to be on the City Council and that the salary and car allowance they currently receive was adequate. He too, was not in favor of the recommendation.

The motion failed with a vote of 2-5. Nay: Councilmembers Osman, Rezac, Rawlings, Azeltine, and Robinett. (Councilmember Filla – No vote due to lost connection via teleconference).

- B. Councilmember Rasmussen - Request for referral to Public Works Committee regarding 108th & State Line traffic signal

Councilmember Rasmussen reported that the traffic signal at this location has never been warranted and suggested it be removed.

A motion to recommend City staff work with Kansas City, Missouri, on the removal of the traffic signal located at 108th Street and State Line Road was made by Councilmember Rasmussen; seconded by Councilmember Rawlings.

Mr. Johnson confirmed after speaking with a City Engineer with Kansas City, Missouri, he had indicated there was never a warrant for this signal. Kansas City had installed the signal anticipating future development, which never occurred. With approval this evening, staff will send a letter to the City of Kansas City for review requesting removal of the traffic signal.

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

- C. Councilmember Azeltine – Authorizing the Design/Build method for the 2014 Curb and Gutter Replacement Project

Councilmember Azeltine reported that the Council had requested that the Public Works Committee consider the feasibility of using Design/Build as a method to select a team to construct the 2014 Curb and Gutter Replacement and Mill and Overlay Project. If approved, City staff will be incorporating a team selection process and determine the amount of curb that can be replaced, given the 2014 budget.

A motion to authorize the use of a Design/Build method to select a team to construct the 2014 Curb and Gutter Replacement and Mill and Overlay Project was made by Councilmember Azeltine; seconded by Councilmember Osman. The motion carried following a unanimous vote of 8-0.

12. STAFF REPORT - None

COMMITTEE RECOMMENDATIONS

13. PLANNING COMMISSION

[from the July 23, 2013 Planning Commission meeting]

- A. Ordinance approving a Revised Preliminary Plan for Ranch Mart – Renovation, located north of 95th Street and east of Mission Road (PC Case # 61-13) [Roll Call Vote] – ***CONTINUED TO THE OCTOBER 21, 2013, GOVERNING BODY MEETING***

[from the August 27, 2013 Planning Commission meeting]

- B. **Resolution No. 4132** approving a Final Plan for a Tenant Finish for Ranch Mart – Care Spot Urgent Care Facility, located north 95th Street and east of Mission Road (PC Case 106-13)

Jon Waynick, Klover Architects, gave a presentation requesting approval for renovations within the vacated Leawood Post Office building, located within Ranch Mart Shopping Center. The building will be converted into two lease spaces for the applicant, Care Spot Urgent Care, and a future tenant. The existing windows and front door will be replaced and an additional door will be installed for the future tenant. An exit door with a metal stairway will be installed on the back of the building with substantial landscaping for screening.

Councilmember Rasmussen expressed concern of ongoing landscape maintenance. Community Development Director Richard Coleman replied they should have sufficient documentation to enforce maintenance.

Councilmember Osman confirmed with Mr. Waynick that this facility will not require a backup generator.

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

- C. **Ordinance No. 2638** approving a Rezoning from RP-2 (Planned Cluster Detached Residential District) to RP-3 (Planned Cluster Attached Residential District), Revised Preliminary Plan and Revised Preliminary Plat for Tuscan Reserve Village, located north of 137th Street and west of Chadwick (PC Case 104-13) **[Roll Call Vote]**

Brick Owns, NSPJ Architects, gave a presentation requesting approval of a Rezoning from RP-2 to RP-3 for a portion of the site, a Revised Preliminary Plan, and Revised Preliminary Plat for the eastern half of the Tuscan Reserve Village Development. He proposed two, three-unit townhomes with basements and more than 50% open space. The lake and current amenities will remain in place. All areas will be irrigated as required. The roofing will be tiled to match the existing tiles. There will be adequate parking for residents, as well as guests.

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

14. **OLD BUSINESS** - None
15. **OTHER BUSINESS** - None
16. **NEW BUSINESS** - None

ADJOURN

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

Debra Harper, CMC, City Clerk

Pam Gregory, Assistant City Clerk