

Minutes

DVD No. 288

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, September 17, 2012. Mayor Peggy Dunn presided.

Councilmembers present: Jim Rawlings, Julie Cain, Gary Bussing, Lou Rasmussen, Debra Filla and Carrie Rezac

Mayor/Councilmembers absent: James Azeltine and Andrew Osman

Staff present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
Chief Dave Williams, Fire Dept.	Chris Claxton, P&R Director
Chief John Meier, Police Dept.	Lovina Freeman, HR Director
Jack Reece, Info Systems Specialist	Dawn Long, Finance 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

A motion to approve the agenda was made by Councilmember Bussing; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 6-0. (Councilmembers Azeltine and Osman absent).

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.**

Randy Bradshaw, 2001 W. 86th Street, presented material regarding the Google fiber-to-the-home network. He suggested Leawood initiate notification to residents if this network comes to their community to determine area interest and suggested that the Mayor email Google Corporation requesting they be included in the project. Mayor Dunn replied that the City's Information Services Director has been in communication with Google regarding this information.

4. PROCLAMATIONS - None

5. **PRESENTATIONS/RECOGNITIONS** – None

6. **SPECIAL BUSINESS**

- A. Public Hearing related to improvements located within One Nineteen Street Development District, located at 119th Street and Roe Avenue [Project # 80456]

Seeing no one present to speak, a motion to close the public hearing was made by Councilmember Rasmussen; seconded by Councilmember Rezac. The motion carried following a unanimous vote of 6-0. (Councilmembers Azeltine and Osman absent).

- **B.** **Ordinance No. 2569**, levying assessments on lots, pieces, and parcels of ground in the City of Leawood, Kansas, for the purpose of paying for the construction of certain public and private road and parking lot related improvements and other such transportation related improvements for the One Nineteen Transportation Development District [TDD] located at 119th Street and Roe Avenue, located within the City of Leawood, Kansas, [One Nineteen] [CIP # 80456]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Rawlings. The motion carried following a unanimous roll call vote of 6-0. Nay: None. (Councilmembers Azeltine and Osman absent).

- **C.** **Resolution No. 3904**, providing for the offering for sale by the City of Leawood, Kansas of Taxable Transportation Development District Special Obligation Bonds [119th Street Transportation Development District Project), Series 2012, in an amount not to exceed \$1,615,000.00 to provide funds to finance a Transportation Development District Project at the southeast corner of 119th Street and Roe Avenue in the City; authorizing the placement agent to offer the Bonds for sale by private placement; and authorizing certain related matters and actions

A motion to approve the resolution was made by Councilmember Rezac; seconded by Councilmember Filla. The motion carried following a unanimous vote of 6-0. (Councilmembers Azeltine and Osman absent).

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. 2012-34 and 2012-35
B. Accept minutes of the September 4, 2012 Governing Body meeting
C. Accept minutes of the September 4, 2012 Governing Body Work Session
D. Accept minutes of the August 14, 2012 Parks & Recreation Advisory Board meeting
E. Approve 2014 Budget Finance Calendar
F. Approve renewal of Retail Liquor License for Lancaster Liquor, located at 3731 W. 133rd Street
G. Approve renewal of Retail Liquor License for Camelot Court Wine & Spirits, located at 11841 Roe Avenue

- H. Approve renewal of Retail Liquor License for Ranchmart Wine & Spirits, LLC, located at 3748 W. 95th Street
- I. Approve purchase in the amount of \$18,075.91 to Ka-Comm, for the purchase of patrol vehicle equipment
- J. Approve Change Order No. 2 in the amount of \$11,371.00 to Titan Built Construction, pertaining to the Leawood Justice Center to be located at Town Center Drive & Tomahawk Creek Parkway [Project # 76008]
- K. **Resolution No. 3905** approving and authorizing the Mayor to execute an Amendment to that certain Service Agreement dated October 17, 2011 between the City and BMO Financial Group, successor in interest to Marshall & Illsley [M&I] pertaining to the City's Flexible Spending Plan
- L. **Resolution No. 3906** approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$17,646,00, between the City and Creative Displays of Kansas City, Inc., pertaining to the Holiday Lighting located at City Hall, 4800 Town Center Drive
- M. **Resolution No. 3907** approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$50,765.00, between the City and Bazan Painting Company, pertaining to the painting of pools at the Aquatic Center, located at 10601 Lee Boulevard
- N. **Resolution No. 3908** accepting a Permanent Storm Sewer Easement from Park Place Investors, LLC, located approximately 117th & Town Center Drive
- O. **Resolution No. 3909** approving and authorizing the Mayor to execute a Professional Engineering Service Agreement in the amount of \$93,542.00, between the City and Phelps Engineering, Inc., pertaining to the Trail Improvement Project, on 119th Street at City Park South to 123rd Street & Mission Road [Project # 71012]
- P. **Resolution No. 3910** approving a Final Plan for a Tenant Finish for Park Place – Pig & Finch Gastropub, located at the northeast corner of 117th Street and Nall Avenue (PC Case 106-12) [*from the August 28, 2012 Planning Commission meeting*]
- Q. Declaration of surplus property [Parks & Recreation Community Center Tables]
- R. Declaration of surplus property [Public Works Units 9146, 9161 and 9164; Police Vehicles Units 9146, 9173, 9174, 9161, 9164, and 9195]
- S. Fire Department Monthly Report
- T. Police Department Monthly Report
- U. Municipal Court Monthly Report

Councilmember Cain requested to pull Item Nos. 7I and 7P and Councilmember Rasmussen pulled Item No. 7O for discussion.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Filla; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 6-0. Councilmembers Azeltine and Osman absent).

- 7I. Approve purchase in the amount of \$18,075.91 to Ka-Comm, for the purchase of patrol vehicle equipment

Police Chief John Meier stated Ford Motor Company informed law enforcement agencies in 2009 that they would stop producing the Crown Victoria vehicle in 2011, which has been used by several cities for many years as marked police vehicles. Leawood has begun switching to new police vehicles this year and will be working in conjunction with the Public Works Department to determine which models operate most efficiently. The City tries to replace half its fleet each year.

City Administrator Scott Lambers noted because auto companies are forcing cities to change from eight to six cylinder engines, the City's maintenance costs will increase because these engines are not designed for continual operation.

A motion to approve Item No. 7I was made by Councilmember Cain; seconded by Councilmember Bussing. The motion carried following a unanimous vote of 6-0. (Councilmembers Azeltine and Osman absent).

70. **Resolution No. 3909** approving and authorizing the Mayor to execute a Professional Engineering Service Agreement in the amount of \$93,542.00, between the City and Phelps Engineering, Inc., pertaining to the Trail Improvement Project, on 119th Street at City Park South to 123rd Street & Mission Road [Project # 71012]

Parks and Recreation Director Chris Claxton confirmed some temporary re-stabilization work was done to the existing trail. Staff was directed to maintain the existing trail and continue to research stabilizing the slope and plan for long-term maintenance issues. Funds are budgeted over the next two years to move forward with reconstructing the slopes along either side of the trail.

Judd Claussen, Phelps Engineering, confirmed they had planned to complete this project all at once to obtain a cost savings. This approval will implement the recommendations from their geotech to stop the trail from sliding and complete the drainage repair identified with this project.

A motion to approve Item No. 7O was made by Councilmember Filla; seconded by Councilmember Cain.

Councilmember Rezac asked how the project scope would include public involvement. Parks Superintendent Brian Anderson replied some stabilization may require easements or access with cooperation from neighbors. Of the ten areas identified, some may be minor enough for City staff to repair.

Mr. Claussen confirmed construction would begin in the spring of 2013, anticipating the bid documents ready by February 15th.

The motion carried following a vote of 5-1. Nay: Councilmember Rasmussen felt this was premature. (Councilmembers Azeltine and Osman absent).

Mr. Lambers stated a work session was held regarding budgeting this project for two years; however, planning to complete it in one year with the cost savings unknown. They were projecting a savings of \$100-000-\$200,000; however, they were still budgeting \$1.4 Million to ensure funding. This is scheduled in the Capital Improvement Program [CIP] as noted.

- 7P. **Resolution No. 3910** approving a Final Plan for a Tenant Finish for Park Place – Pig & Finch Gastropub, located at the northeast corner of 117th Street and Nall Avenue (PC Case 106-12) *[from the August 28, 2012 Planning Commission meeting]*

Community Development Director Richard Coleman confirmed there was nothing controversial with this application.

A motion to approve Item No. 7P was made by Councilmember Cain; seconded by Councilmember Bussing.

Jeff Hall, H2B Architects, stated they hoped to open within a couple of months.

The motion carried following a unanimous vote of 6-0. (Councilmembers Azeltine and Osman absent).

8. **MAYOR'S REPORT**

- A. On behalf of the City of Leawood, Mayor Dunn extended her sincere sympathies to the family of Leawood's former Fire Chief Jourdan A. Toman, Sr. She and City Administrator Scott Lambers attended the funeral celebrating his life along with Fire Chief Dave Williams and current and former members of the Leawood Fire Department. Chief Toman was also a founding member of the Johnson County, Kansas, Med-Act.
- B. The Johnson & Wyandotte Counties Council of Mayors meeting was hosted by Gardner Mayor Dave Drovetta, in which he took the gavel from Prairie Village Mayor Ron Shaffer as the Chair of the Council of Mayors. Secretary of Revenue Nick Jordan and Secretary of Commerce Pat George attended the meeting, along with a surprise visit from Governor Sam Brownback. Secretary Jordan discussed the motor vehicle issues and the attempts to remedy this. Secretary George discussed a number of initiatives he has been working on. Governor Brownback talked about a variety of things, but particularly the budget that was recently signed into place. He mentioned 2014 was going to be a very tight State budget year. He has promised to hold harmless K-12 education, Medicaid and public safety, although he has asked for a 10% cut in all State departments. It is anticipated there will be a .6% reduction in State sales tax as of July 1, 2013.
- C. Reminder of the Council of Mayors Holiday Social to be held at the Overland Park Convention Center on December 5, 2012.
- D. Attended a luncheon and press conference in Leawood hosted by AMC Entertainment CEO Gerry Lopez with Dalian Wanda Group Chairman Wang Jianlin, visiting from Beijing, China. A donation of \$1.3 Million in supplies and movie tickets was given to Kansas City-area schools. The company provided arts and educational supplies to a dozen schools in Kansas City and Kansas City, Kansas, as well as movie screenings teachers can use as part of their curriculum. Chairman Wang said he looks forward to returning to Leawood to attend the ribbon cutting ceremony for the new AMC Headquarters in 2013.

- E. Attended the United Way of Greater Kansas City's 2012 Campaign Kickoff with City Administrator Scott Lambers, Councilmembers Debra Filla and Jim Rawlings, and other department heads. The City of Leawood's United Way Campaign Kickoff will be held on October 5th in the Oak Room at City Hall. Breakfast will be available starting at 7:30 A.M.
- F. Participated in a Leawood Chamber of Commerce ribbon cutting ceremony for Tavern at Mission Farms Restaurant, located at 105th and Mission Road. This is the 2nd Tavern location in the Johnson County area. Mayor Dunn wished them much success.
- G. Police Chief John Meier and Fire Chief Dave Williams, along with their Police and Fire Departments, hosted another very successful community open house. Councilmembers Lou Rasmussen and Jim Rawlings joined Mayor Dunn with over 500 people in attendance.
- H. Served as a BBQ Judge with former Representative Dennis Moore for the nine communities in the Kansas City area of Brookdale Senior Living. The contest was held in Leawood's Town Village with an array of delicious BBQ.

9. COUNCILMEMBERS' REPORT - None

10. STAFF REPORT - None

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[from the August 28, 2012 Planning Commission meeting]

- A. **Ordinance No. 2570** approving a Special Use Permit for wireless communication antennae and associated equipment for City Park – Sprint Wireless Antennae, located south of I-435 and east of Mission Road. (PC Case 75-12) [Roll Call Vote]

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

Pete Akers, representing Sprint, stated they are a co-locator on the tower and are not responsible for the landscaping. Mr. Coleman confirmed the tower owner is responsible for the landscaping and staff would ensure all dead landscaping is replaced by fall, 2012.

The motion carried following a unanimous roll call vote of 6-0. Nay: None. (Councilmembers Azeltine and Osman absent).

- B. **Ordinance No. 2571** approving a Special Use Permit for a wireless communication alternative tower structure and associated equipment for Leawood South Country Club – Monopine, located north of Sagamore and west of Pembroke Circle (PC Case 102-12) [Roll Call Vote]

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 6-0. Nay: None. (Councilmembers Azeltine and Osman absent).

- C. **Ordinance No. 2572** approving a Special Use Permit for wireless communication antennae and associated equipment for Leawood South Country Club – Monopine – Sprint Wireless Antennae, located north of Sagamore and west of Pembroke Circle (PC Case 78-12) [Roll Call Vote]

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 6-0. Nay: None. (Councilmembers Azeltine and Osman absent).

- D. **Ordinance No. 2573** approving a Special Use Permit and Final Plan for ground mounted utility boxes for Siena – Utility Boxes, located approximately at the southeast corner of 137th Street and Mission Road (Case 99-12) [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion carried following a unanimous roll call vote of 6-0. Nay: None. (Councilmembers Azeltine and Osman absent).

- E. **Ordinance No. 2574** approving a Special Use Permit for wireless communication antennae and associated equipment for Town Center – Macy’s – Sprint Wireless Antennae, located south of 117th Street and east of Nall Avenue on top of the Macy’s building, within the Town Center Plaza development (PC Case104-12) [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion carried following a unanimous roll call vote of 6-0. Nay: None. (Councilmembers Azeltine and Osman absent).

[from the January 25, 2011 Planning Commission meeting]

- F. Resolution approving a Final Site Plan for a new restroom at Ironwoods Park, located at 3141 Ironwoods Court [PC Case # 17-11] – ***[CONTINUED FROM THE MARCH 7, 2011, JUNE 20, 2011, AUGUST 1, 2011, AND SEPTEMBER 19, 2011 GOVERNING BODY MEETINGS]***

A motion to continue this item to the March 18, 2013, Governing Body meeting to determine how to proceed with the amphitheatre was made by Councilmember Filla; seconded by Councilmember Rawlings.

Councilmember Cain was in favor of the restrooms and voiced concern that this continuance could delay the project even longer than six months. She suggested they remand it to the Planning Commission to revisit the scale of the project and noted the Council had agreed in previous meetings to construct the restrooms, as opposed to additional parking. Funds are still earmarked for this project.

Councilmember Rawlings was in favor of the restrooms; however, was not in favor of this particular plan and scale of the project. He suggested they place small satellite restrooms along the trail throughout the park.

Mr. Lambers replied if the Council decides to change the scale and design of the project, it would be appropriate to withdraw this application and begin again. He suggested they reduce the scale by 50%.

Councilmember Filla withdrew her motion to continue this item to the March 18, 2013, Governing Body meeting. Councilmember Rawlings withdrew his second.

Kerry Phillips, 14616 Chadwick, was concerned that the plan had grown more elaborate since the idea was first presented in the 1998 park bond. This project began as a \$100,000 community stage, which is now a large scale professional facility at over \$6 Million. The restrooms in discussion are Phase I of the large scale amphitheatre. The residents have repeatedly voiced their concerns regarding the scope, cost, and impact of the amphitheatre for more than a decade and feel they have not been included in finding an agreeable solution. The site at Ironwoods Park is inappropriate for an amphitheatre at only 1,200 feet wide from north to south and is located mostly in a floodplain. An amphitheatre at this site would have a negative impact to the residents who live near the park. Residents agree restrooms are needed at Ironwoods Park; however, they are opposed to restrooms that have been specifically designed to serve an amphitheatre they do not want. She requested that the Governing Body decline this plan and begin with a fresh new design.

Brian St. Denis, 14620 Mohawk, stated the proposed \$7 Million amphitheatre project would be utilized several nights a year. The restrooms have been designed to support that grand scale. He requested they redesign the restrooms to be congruent with the current amphitheatre and park.

David Stewart, 14753 Fairway, agreed smaller satellite restrooms could be installed along the trail as opposed to a large cluster of restrooms at one location.

City Attorney Patty Bennett confirmed they would need a simple majority of five votes if they decide to withdraw the current application.

A motion to withdraw the Final Site Plan for restrooms at Ironwoods Park and direct staff to work in collaboration with the Leawood Stage Company and neighbors to revisit the restroom design plan and consider reducing the scale of the project to be congruent with the current facilities was made by Councilmember Cain; seconded by Councilmember Filla.

Mr. Lambers stated they would go through the interact process and specifically notify these entities to give them the opportunity to have a committee meeting and provide comments to staff prior to going before the Planning Commission.

The motion carried following a vote of 5-1. Nay: Councilmember Rasmussen. He felt the design of the restroom facility would not dictate its adequate use. (Councilmembers Azeltine and Osman absent).

12. **OLD BUSINESS** - None

13. **OTHER BUSINESS** - None

14. **NEW BUSINESS**

- A. Schedule a Governing Body Work Session at 6:00 P.M., on Monday, March 25, 2013 for an Executive Session; Personnel Matter; City Administrator's Annual Review

A motion to approve the work session was made by Councilmember Bussing; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 6-0. (Councilmembers Azeltine and Osman absent).

- B. Schedule a Governing Body Work Session at 6:00 P.M., on Monday, October 15, 2013, to Review Community Improvement Development [CID] Application for Ranchmart North

A motion to approve the work session was made by Councilmember Rawlings; seconded by Councilmember Cain.

Mr. Lambers noted this work session is scheduled to review the application. The meeting for public input will go before the Governing Body so the public can have the opportunity to be heard.

The motion carried following a unanimous vote of 6-0. (Councilmembers Azeltine and Osman absent).

- C. Schedule a Governing Body Work Session at 6:00 P.M., on Monday, December 17, 2012 to Discuss Justice Center Art Pieces

A motion to approve the work session was made by Councilmember Rezac; seconded by Councilmember Filla. The motion carried following a unanimous vote of 6-0. (Councilmembers Azeltine and Osman absent).

ADJOURN

There being no further business, the meeting was adjourned at 9:00 P.M.

Debra Harper, CMC, City Clerk

Pam Gregory
Recording Assistant City Clerk