

Minutes

DVD No. 226

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, December 7, 2009. Mayor Peggy Dunn presided.

Councilmembers present: Jim Rawlings, James Azeltine, Gary Bussing, Lou Rasmussen, Debra Filla, Julie Cain, Greg Peppes, and Mike Gill [via teleconference]

Mayor/Councilmembers absent: None.

Staff present:

Scott Lambers, City Administrator
Major Troy Rettig, Police Department
Chief Ben Florance, Fire Department
Lovina Freeman, HR Director
Karl Weinfurter, Info. Systems Specialist
Kathy Rogers, Finance Director

Patty Bennett, City Attorney
Joe Johnson, Public Works Director
Richard Coleman, Comm. Dev. Director
Chris Claxton, P&R Director
Deb Harper, City Clerk
Pam Gregory, Assistant City Clerk

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

A motion to approve the agenda was made by Councilmember Rasmussen; seconded by Councilmember Rawlings. 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.**

4. PROCLAMATIONS – None.

5. PRESENTATIONS/RECOGNITIONS - None.

6. SPECIAL BUSINESS

A. Public Hearing: Amendments to the 2009 Fiscal Budget

Curt Davis, 12606 Cherokee Lane, asked what measures the City was taking to cut and control costs due to the economy.

Mayor Dunn thought Mr. Davis would like to hear the budget presentation, and then express his comments or concerns.

A motion to close the public hearing was made by Councilmember Azeltine; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 8-0.

- B. **Resolution No. 3298** adopting amendments to the 2009 Fiscal Budget for the City of Leawood

Finance Director Kathy Rogers stated the City's fiscal year runs January 1, 2009, through December 31, 2009. The budget can be amended if there are additional revenues during the year that were not anticipated in order to allocate the funds.

Councilmember Rasmussen confirmed with Ms. Rogers that any funds expended by the City for the Transportation Development District [TDD] of One Nineteen and Park Place were being recovered from taxes on these properties.

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

Ms. Rogers noted with the implementation of software, departments are able keep a tighter control of spending by tracking it online.

Mayor Dunn indicated staff would begin working on the 2011 Budget after the first of the year. The 2010 Budget process began in January, 2009, and concluded with Budget and Finance Committee meetings during the summer. The 2010 budget was adopted in August, 2009. There were significant reductions in Stormwater Management and Street Infrastructure Projects, as well as no new staff additions.

Mayor Dunn informed Mr. Davis that the City's budget is a public record and he could request a copy. It is also available on the City's website.

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. 2009-45, 2009-46, and 2009-47
- B. Accept Minutes of the November 2, 2009 Governing Body Work Session
- C. Accept Minutes of the November 16, 2009 Governing Body meeting
- D. Accept Minutes of the October 27, 2009 Arts Council meeting
- E. Accept Minutes of the October 22, 2008 Ironhorse Advisory Board meeting
- F. Accept Minutes of the August 13, 2009 Leawood Foundation meeting

- G. Approve Mayoral Appointment of K.O. Strohbehn to the Green Initiative Task Force
- H. Approve renewal of Cereal Malt Beverage [CMB] License to Cosentino Price Chopper, located at 370 W. 95th Street
- I. Approve Change Order No. 1 in the amount of \$4,000.00 to D & D Masonry, Inc., pertaining to the repairs to steps and retaining wall [Fire & Police Depts.]
- J. Approve 2nd and Final Pay Request in the amount of \$2,000.00 to Black & McDonald [f/n/a Custom Lighting Services (CLS)] pertaining to the 2009 Opticom Signal improvement Project
- K. **Resolution No. 3300** adopting the 2010 Fee Schedule for fees not specifically provided for in the Code of the City of Leawood, 2000, and rescinding Resolution Nos. 3130, 3164, and 3182, in accordance with § 1-701 of the Code of the City of Leawood, 2000
- L. **Resolution No. 3299** accepting the Revised Certified Cost Summary in the amount of \$3,415,000, in accordance with that certain Development Agreement dated September 18, 2008 between the City and 119th Street Development, LLC, pertaining to the One Nineteen Development Project, Transportation Development District [TDD] located at 119th Street and Roe Avenue [Project # 80456]
- M. **Resolution No. 3301** accepting Public Infrastructure constructed through Private Development at Centennial Park; Cambridge cul-de-sac north of 141st Street, extension of Overbrook Street, north of 141st Street, in accordance with the GASB-34 Guidelines of reporting inventory of Assets
- N. **Resolution No. 3302** approving and authorizing the Mayor to execute an Engineering Service Agreement in the amount of \$91,000, between the City and Continental Consulting Engineers, Inc., pertaining to the Amphitheater Project, Phase I [Project # 80118]

Mayor Dunn congratulated Black and McDonald for their perfect scores on the contract performance evaluation.

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

8. MAYOR'S REPORT

- A. Attended a forum and conversation regarding the arts in Kansas City. Michael Kaiser, President of the John F. Kennedy Center for the Performing Arts, discussed how the arts can energize a community. He is an internationally-recognized leader. There were hundreds of people present to raise awareness about the vital role of the arts in the present and future Kansas City metro-region. Mayor Dunn was proud of what the Leawood community does for the arts.

- B. The City of Leawood had a grand Holiday Lighting Ceremony with performances by the Cure' of Ars Church High School Handbell Choir, Cure' of Ars School Honors Choir, Leawood Singers and Corinth Elementary School Choir. A reception was sponsored by Commerce Bank. Mayor Dunn thanked Lindsay Hart, of the Parks and Recreation Department and Parks and Recreation Director Chris Claxton, for their assistance. Councilmembers Filla, Rasmussen, Rawlings, Bussing, Cain and Azeltine were in attendance, along with hundreds of other people.
- C. Attended the Leawood Chamber of Commerce 2009 Annual luncheon, honoring Hall of Fame recipients Nan Kanter, for her work with the Special Olympics through the Blue Valley Recreation Commission and Dr. James Spigarelli, who recently retired as head of the Midwest Research Institute. Most of the Councilmembers were in attendance, along with some of the City's professional staff.
- D. Attended the Council of Mayors Annual Holiday Social dinner, held at the Lodge, located at Ironwoods Park in Leawood. Mayor Dunn thanked City Administrator Scott Lambers, Parks and Recreation Director Chris Claxton and many others, for their assistance in making this event very successful. She also expressed her appreciation to the Councilmembers who helped host and make everyone feel welcome.
- E. Attended the United Community Services [UCS] Annual meeting and Community Awards Ceremony. Mayor Dunn congratulated Leawood resident Senator John Vratil for receiving the Distinguished Public Service Award.
- F. The Kansas City Star had a nice article regarding the opening of "The Ice," on November 21, 2009, located at Park Place. There were 400 skaters in attendance on opening day. Mayor Dunn wished them another successful season.
- G. Senator David Wysong will be resigning on December 13, 2009. He has represented Leawood and other northeast Johnson County cities. He said that his only regret to stepping down was the failure to complete the statewide smoking ban. Mayor Dunn thanked him for his tremendous service to not only the Leawood Community, but to Johnson County and the State of Kansas, and wished him much success in the future.
- H. Attended the United Way of Greater Kansas City's Victory luncheon with City Administrator Scott Lambers. Mayor Dunn thanked the City of Leawood employees who participated and indicated they had a very successful campaign. Directly after this campaign, City employees began the Have a Heart campaign, led by Budget Coordinator Kathy Byard. They benefited the Temporary Lodging for Children and Families [TLC], Johnson County Human Services Holiday Program and the Evergreen Nursing Home. It was very successful for these non-profit organizations with tremendous support from City employees. Mayor Dunn expressed her appreciation to everyone.
- I. Reminder of the City of Leawood's employee appreciation luncheon on December 8, 2009, at 11:30 A.M., located at the Lodge at Ironwoods Park. Certificates for years of service will be presented. Mayor Dunn noted Councilmembers Peppes and Filla would not be in attendance and presented them with certificates in recognition of their 5 years of service.

- J. Cancellation of the December 21, 2009, Governing Body Work Session. There will be a Work Session on January 4, 2010, for a continuance of the Park Place discussion that took place this evening.

A motion was made by Councilmember Rasmussen to schedule a Work Session on January 4, 2010; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 8-0.

Mayor Dunn confirmed they will hold the City Council meeting as scheduled at 7:30 P.M., on December 21, 2009.

9. COUNCILMEMBERS' REPORT – None.

10. STAFF REPORT – None.

COMMITTEE RECOMMENDATIONS

11. IRONHORSE RFP REVIEW GROUP

- A. Accept recommendation of Troon Golf, for the management of Ironhorse Golf Course and authorize staff to negotiate agreement

Mayor Dunn recognized members who served on the selection task force; Councilmembers Rasmussen, Gill and Azeltine, Ironhorse Golf Course Advisory Board members Dick Fuller and Chuck Sipple, City Administrator Scott Lambers, City Attorney Patty Bennett and Parks and Recreation Director Chris Claxton. After many hours of deliberation, they came to a unanimous recommendation to accept Troon Golf for the management of Ironhorse.

A motion to accept the recommendation of Troon Golf, for the management of Ironhorse Golf Course and authorize staff to negotiate an agreement was made by Councilmember Rasmussen; seconded by Councilmember Azeltine.

Councilmember Azeltine also noted recognition to Ironhorse Advisory members Tom Davidson and Leo Morton. The Council had authorized a Request for Proposal [RFP] and interviewed seven applicants over a 10-day period. They were impressed with the knowledge and experience expressed from Troon Golf representatives with courses similar to Ironhorse. They have a low employee turnover and realize that the customer is central to their success. Troon gives the City of Leawood a turn-key solution for all aspects of operation; management, maintenance and marketing. They operate only four and five star daily fee resort and private golf facilities. Thirty-nine of their courses have been recipients of a top 100 ranking by national or international golf publications. Mr. Azeltine felt Troon could do what is required to make Ironwoods a market leader without losing the personal touch.

The motion to accept the recommendation carried following a unanimous vote of 8-0.

- B. **Resolution No. 3303** approving and authorizing the Mayor to execute an Interim Letter Agreement between the City and Troon Golf, LLC, pertaining to the management of Ironhorse Golf Club, located at 15400 Mission Road

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

12. OLD BUSINESS – None.

13. OTHER BUSINESS

Resolution No. 3327 approving and authorizing the Mayor to execute an Inter-local Agreement between the City and WaterOne, pertaining to the construction of facilities located at 146th & Nall Avenue

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Bussing.

City Attorney Patty Bennett stated this was a draft agreement that would allow WaterOne to proceed with seeking approval from the Planning Commission and the Council of their plans without filing an application for a Special Use Permit [SUP]. This will go in front of the WaterOne Board to move forward and the Council will see the plans as they come through the process. There will also be a request for an amendment to the Leawood Development Ordinance [LDO] to allow them to proceed without an SUP, provided they have an approved agreement with the City.

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

14. NEW BUSINESS – None.

There being no further business, the meeting was adjourned at 8:05 P.M.

ADJOURN

Debra Harper, CMC, City Clerk

Pam Gregory
Recording Deputy City Clerk