

Minutes

DVD No. 275

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, March 5, 2012. Mayor Peggy Dunn presided.

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

Mayor/Councilmembers absent: None

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

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

- Addition of Item No. 9 – Two Reports from Councilmember Debra Filla

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Azeltine. 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 **Resolution No. 3765, Recognition of Fire Chief Ben C. Florance upon his retirement from the Fire Department; 36 years of fire service**

Mayor Dunn congratulated Fire Chief Ben Florance on his upcoming retirement in April, 2012, from the Fire Department with 36 years of fire service. A retirement celebration will be held at the Lodge in Ironwoods Park on Friday, March 9th from 3:00 – 5:00 P.M.

Chief Florance stated he appreciates the opportunities the City of Leawood has afforded him and his family. The firefighters of Leawood, along with other public service employees, are well-trained, dedicated and selfless people who give up time from their families. He recognized the dedication of some of the long-term elected officials thanking them for their time in service and wished the City well.

Mayor Dunn thanked Chief Florance for his exceptional leadership and expressed great appreciation to his outstanding department.

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. 2012-6 and 2012-7
- B. Accept minutes of the February 20, 2012 Governing Body meeting
- C. Accept minutes of the January 12, 2012 Sustainability Advisory Board meeting
- D. Accept minutes of the January 10, 2012 Parks and Recreation Advisory Board meeting
- E. Accept minutes of the December 8, 2011 Sustainability Advisory Board meeting
- F. Accept minutes of the October 27, 2011 Ironhorse Advisory Board meeting
- G. Approval of 2012 Governing Body Goals & Objectives
- H. Approve purchase in the amount of \$23,183.67 from Vulcan Signs, for street signs in connection with Federal Transportation Mandate, retro-reflectivity compliance
- I. Approve co-op Bid in the amount of \$226,027.00 from Shawnee Mission Ford for the purchase of 8 police vehicles; \$83,964.00 from Roberts Auto Plaza for 3 police vehicles; and \$21,356.00 from Landmark Dodge for one police vehicle
- J. Approve co-op Bid in the amount of \$74,936.00 from Murphy Tractor & Equipment Company for the purchase of a wheel loader
- K. Resolution approving amendment to the City of Leawood's Debt Management Policy, previously adopted on March 7, 2011, and repealing Resolution No. 3553
- L. **Resolution No. 3761** amending the City Special Benefit District Assessment Policy, previously adopted on September 8, 2009, and repealing Resolution No. 3257
- M. **Resolution No. 3762** approving and authorizing the Mayor to execute Amendment No. 2 to that certain Professional Architectural Service Agreement, dated December 20, 2010, for an amount not to exceed \$9,600.00, between the City and Hoefler Wysocki Architects, LLC [HWA], pertaining to the R56 grounding for the construction of the Leawood Justice Center to be located at 117th & Tomahawk Creek Parkway [Project # 76008]

- N. **Resolution No. 3763** approving a Final Sign Plan for Park Place – Regus (Business Office), located north of 117th Street and east of Nall Avenue (PC Case # 15-12) *[from the February 28, 2012 Planning Commission meeting]*
- O. **Resolution No. 3764** approving a Revised Final Plat for Centennial Park – Building 23 – 2nd Plat, located at the northeast corner of W. 143rd Street and Overbrook Road (PC Case # 27-12) *[from the February 28, 2012 Planning Commission meeting]*
- P. **Resolution No. 3766** approving a Final Sign Plan for Tomahawk Creek Business Park – American Academy of Family Physicians (AAFP), located south of 114th Street and west of Tomahawk Creek Parkway *[from the February 28, 2012 Planning Commission meeting]*
- Q. **Resolution No. 3767** approving a Final Plan for a tenant finish for Park Place – Space G35 (no tenant specified), located at the northeast corner of 117th Street and Nall Avenue (PC Case # 29-12) *[from the February 28, 2012 Planning Commission meeting]*
- R. **Resolution No. 3768** approving a Revised Final Plan for a tenant finish for Town Center Plaza – Express (Women’s Apparel), located at 5016 W. 119th Street (PC Case # 12-12) *[from the February 28, 2012 Planning Commission meeting]*
- S. **Resolution No. 3769** approving a Final Sign Plan for Village of Seville-Sammy’s Pizza & Pub, located on the northwest corner of 133rd Street and State Line Road (PC Case # 16-12)

Councilmember Rasmussen requested to pull Consent Agenda Item No. 7L and Councilmember Azeltine pulled Item No. 7K for discussion.

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

- 7K. Resolution approving amendment to the City of Leawood’s Debt Management Policy, previously adopted on March 7, 2011, and repealing Resolution No. 3553

A motion to continue Item No. 7K to a date yet to be determined in conjunction with the prospect of having a new Community Improvement District [CID] Policy was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion carried following a unanimous vote of 8-0.

- 7L. **Resolution No. 3761** amending the City Special Benefit District Assessment Policy, previously adopted on September 8, 2009, and repealing Resolution No. 3257

Councilmember Rasmussen suggested they add ‘estimated’ to the language under the provisions of the Special Benefit District [SBD] Assessment Policy since it is often challenging to know the total cost. This should read: “The issuance of SBD debt will be considered only for projects when the ‘estimated’ cost of improvements totals \$1.0 Million or more.”

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

8. MAYOR'S REPORT

- A. Mayor Dunn, City Administrator Scott Lambers, Finance Director Dawn Long and Budget Coordinator Kathy Byard met with Johnson County Appraiser Paul Welcome to review the County-wide appraisals, Leawood in particular. The complete report has been previously distributed. In general, a decrease was realized for 56% of Leawood properties, 10% will have no change while 34% will increase. In total and prior to appeals, Leawood's market values increased by 0.46% over last year. There were two areas in all of Johnson County that experienced increases; Northern Leawood and Prairie Village.
- B. Congratulations to Leawood Foundation Chair Alice Hawk and the Foundation members for the great job on the "Arti Gras" Juried Art Show. Councilmembers Jim Rawlings, Carrie Rezac, Julie Cain and James Azeltine joined Mayor Dunn along with 285 attendees for a most enjoyable and successful fundraiser for the Foundation. There were 53 artists who displayed 104 works of art. Special thanks to Arts Council Chair Mary Tearney, Cultural Arts Coordinator April Bishop, Dick Fuller, John Murphy, and Parks and Recreation Director Chris Claxton and her terrific team for all of their hard work and assistance.
- C. The Kansas City Star Column by Steve Rose regarding a Johnson County survey conducted by nationally renowned pollster Neil Newhouse reported in a broad-based scientific sampling of all registered voters in Johnson County that 67% say they would vote to increase their taxes for roads and highways, while 70% would vote to increase them for aging sewer and stormwater infrastructure. The survey finds Johnson County residents "cherish their quality of life and are willing to pay for it."
- D. The Leawood Stage Company presents "The Long Christmas Dinner," a seniors "Actors Choice" production, on Sunday, March 11th at 2:00 P.M. in the Oak Room at City Hall.

9. COUNCILMEMBERS' REPORT – COUNCILMEMBER FILLA

- 1. Recommendation to Stormwater Committee to Consider a Pilot of Green Streets for Feasibility**

Councilmember Filla reported that the benefits of green streets are to improve the aesthetics of the neighborhood and to help clean the water before it goes into the stormwater system. Considering they have incorporated the \$20 Million Curb and Gutter Program into the Capital Improvement Program [CIP] over the next 5 years, now would be the time to pilot this for cost savings.

A motion to refer consideration of a pilot of green streets to determine feasibility to the Stormwater Committee was made by Councilmember Filla; seconded by Councilmember Cain. The motion carried following a unanimous vote of 8-0.

- 2. Approve Councilmember Filla to Speak on Behalf of the City at Legislative Hearing in Opposition of House Bill, which Restricts any County from Prohibiting Yard Waste in Landfill**

Councilmember Filla reminded the Council of the concern from the Sustainability Advisory Board of the pressure applied not to implement the new ordinance passed by Johnson County that would restrict yard waste from being deposited into landfills. Mayor Dunn had written a letter to the County Commissioners in support of their existing ordinance. Since that time, a house bill has been introduced, which would restrict any county from prohibiting yard waste in a landfill. Ms. Filla wanted to represent the City of Leawood at an upcoming hearing joining Shawnee, Mission and Prairie Village in speaking against this house bill restricting the County from implementing this ordinance. County Commissioners are helping to solicit people to speak at the hearing.

Mr. Lambers clarified Deffenbaugh wanted the ability to bring in yard waste from outside of Johnson County. The County wants to pass an ordinance that would restrict Deffenbaugh from accepting yard waste from anyone outside the County in order to save the capacity of the landfill for traditional uses.

A motion to designate Councilmember Filla to speak at the hearing on behalf of the City of Leawood was made by Councilmember Filla; seconded by Councilmember Cain. The motion carried following a unanimous vote of 8-0.

10. STAFF REPORT – CITY ADMINISTRATOR SCOTT LAMBERS

Mr. Lambers reported the financial model had called for a mill levy tax increase of .95 in 2017, 2018 and 2019; however, as a result of additional unanticipated fund balances being carried over, this is being pushed back to 2019, 2020 and 2021. This resulted from a combination of sales tax revenue and less expenditures. The \$20 Million Curb and Gutter Program will still be funded as a part of that model.

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[From the October 25, 2011 Planning Commission meeting]

- A. Ordinance amending Section 16-4-9 of the Leawood Development Ordinance [LDO], Fences and Walls, pertaining to fences constructed on top of a deck (PC Case # 119-11)
Continued From The November 21, 2011 Governing Body Meeting -- CONTINUED TO THE MARCH 19, 2012 GOVERNING BODY MEETING [Roll Call Vote]

[From the January 25, 2011 Planning Commission meeting]

- B. Resolution approving the Planning Commission's recommendation for a Final Sign Plan for Town Center Plaza – AMC 20 IMAX, located at 11701 Nall Avenue (PC Case # 01-11) –
Continued From The February 21, 2011 and August 15, 2011, Governing Body Meetings -CONTINUED TO THE MARCH 19, 2012 GOVERNING BODY MEETING

[From the February 22, 2011 Planning Commission meeting]

- C. Resolution approving a Final Sign Plan for Ranchmart – U.S. Bank, located north of 95th Street and east of Mission Road (PC Case #18-11) ***Continued From The March 21, 2011 Governing Body Meeting -- CONTINUED TO THE MARCH 19, 2012 GOVERNING BODY MEETING***

[From the January 24, 2012 Planning Commission meeting]

- * D. **Resolution No. 3770** approving a Final Plat and Final Plan for Park Place – Building M (AMC), and Park Place 9th Plat, located south of Town Center Drive and east of Nall Avenue (PC Case # 11-12) ****Parking Garage ‘C’ continued to March 19, 2012 Governing Body meeting-- CONTINUED FROM THE FEBRUARY 20, 2012 GOVERNING BODY MEETING**

Trevor Hoiland, 360 Architecture, presented a 3D animation of the new world headquarters for AMC Theatres. Building M is a 4-story building predominately constructed of glass with a silk screen pattern. The parking garage has been changed to include a combination of the same wood as the office building with colored glass on the west façade. The entry to the building and the detail of the 3 terraces are made of Brazilian oil finished hardwood. The metal panels will be white. Depending how long the wood holds its natural color is based upon the amount of sun exposure. It does not absorb water and is very dense and heavy. The west façade will have the most sun intensity. In order to minimize this, they included a significant amount of glass on the parking garage with a double row of trees.

Evan Fox, 360 Architects stated an exterior diesel generator is proposed between Building M and Garage C, north of the loading dock and would be used for emergencies. The generator has a secondary containment and a 4-inch curb around the perimeter in case of a leak, which meets the Code requirements. It will be located at a lower grade out of sight and they are still evaluating the proper size.

Mr. Hoiland confirmed they intend to keep the hardwood a natural finish, which will require ongoing maintenance.

Planning Official Mark Klein confirmed the painted metal panels are in conformance with the Leawood Development Ordinance [LDO].

Mr. Hoiland confirmed the west façade of the parking garage will be set down inside a retaining wall due to the slope in elevation. The grading differential allows them to add 1 ½ levels below grade without actually having the garage below grade. The far north corner is potentially a 15-foot slope, which will have guardrails with landscaping. The height of the garage at the corner of Town Center Drive and Nall is 35-40 feet. The height of the building is 35 feet with the office building 36 feet. Concrete will be used at the loading dock on the west façade and 2 ½ feet above the base of the building on the east façade. The south façade will have a concrete planter and a precast entry. Depending upon the slope, the west façade will expose 3 feet of concrete; however, all of these areas will be screened with landscaping.

Judd Claussen, Phelps Engineering, confirmed the asphalt trail currently in the development will be reconstructed to be consistent along Town Center Drive.

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

[From the January 24, 2012 Planning Commission meeting]

- * E. Resolution approving a Final Plan for Ranchmart – Slab N Pickle, located north of 95th Street and east of Mission Road (PC Case # 109-11) –***Continued From The February 20, 2012 Governing Body Meeting – CONTINUED TO THE MARCH 19, 2012 GOVERNING BODY MEETING***

12. **OLD BUSINESS** - None

13. **OTHER BUSINESS** - None

14. **NEW BUSINESS** - None

ADJOURN

There being no further business, the meeting was adjourned at 8:40 P.M.

Debra Harper, CMC, City Clerk

Pam Gregory
Recording Assistant City Clerk