

Minutes

DVD No. 371

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, 7:30 P.M. on Monday, June 6, 2016. Mayor Peggy Dunn presided.

Councilmembers Present: Debra Filla, Andrew Osman, Jim Rawlings, James Azeltine, Chuck Sipple and Julie Cain

Councilmembers Absent: None

Staff Present: Scott Lambers, City Administrator
Richard Coleman, Comm. Dev. Director
Joe Johnson, Public Works Director
Nic Sanders, Human Resources Dir.
Mark Klein, Planning Official
Chris Claxton, Parks & Recreation Director
Debra Harper, City Clerk
Patty Bennett, City Attorney
Chief Dave Williams, Fire Department
Chief Troy Rettig, Police Department
Mark Andrasik, Info. Services Director
Dawn Long, Finance Director
Cindy Jacobus, Assistant City Clerk

Others Present: Kevin Jeffries, President, Chief Executive Officer and Director of Economic Development, Leawood Chamber of Commerce

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn noted the amended agenda to include a referral to the Public Works Committee by Councilmember Azeltine, Agenda Item 9. Councilmembers' Report.

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 6-0.

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

Asking Saves Kids – ASK Proclamation

Mayor Dunn read the proclamation into the record. She thanked Dr. Harold Koch for his advocacy, and bringing attention to the issue and supporters of this important initiative to the meeting. She asked him to come forward to accept the proclamation and provide his comments.

Dr. Koch thanked Mayor Dunn and the Council on behalf of the Kansas Chapter of the Brady Campaign to Prevent Gun Violence, the Heartland Coalition Against Violence and Grandparents Against Gun violence. Our nation's gun violence crisis draws worldwide attention for being a crime problem and as a source of political debate, but it is important for the public to know the ASK program is about preventing accidental shootings of nine children under the age of 15 every day; even toddlers are shooting one person a week. In each case, these children used inadequately secured guns. Today, one in three homes with children have guns. Three to four children age 4 to 15 know where guns are stored and sadly 80% of the firearms deaths of children under the age of 15 occur in the home. Programs that attempt to educate children are not sufficient as children are curious, impulsive and peer-influenced. ASK is non-political program dedicated to reducing the death toll of our children. The program was developed by American Academy of Pediatrics and the Brady Campaign, and is endorsed by the National Association of Parents and Teachers, Pediatric Association of Nurse Practitioners, Office of Head Start, American Academy of Pediatrics, National Parent-Teacher Association and American Public Health Association. In our area, the program is endorsed by local pediatricians at Children's Mercy Hospital, who has been very helpful over the past few years. The ASK program provides education on guns in the home and how they are stored by asking those simple questions. The program does not intend to create negative feelings about or discourage gun ownership. The ASK program and a City's goal should be to protect the safety and welfare of all citizens, including the youngest and most vulnerable. To save one life is to save the world.

5. PRESENTATIONS/RECOGNITIONS

Presentation on new Proposed Courthouse Plan by BOCC

Chairman of the Johnson County Board of County Commissioners [BOCC] Ed Eilert thanked the Council for the invitation to present and stated Commissioners Ron Shaffer and Steve Klika, District Attorney Stephen Howe and the Assistant to the County Manager Aaron Otto were also present.

BOCC Chairman Eilert presented breakdowns of the fiscal year 2016 published county budget and the projected fiscal year 2016 reserves. He reviewed the history, public safety and security problems, and infrastructure concerns of the Johnson County Courthouse. Graphics depictions of the design and layout of the current courthouse as well as the proposed layout, site plan and conceptual street view of the proposed new courthouse were displayed. District Attorney Howe presented background, public safety needs and information on the proposed new Coroner Facility.

Additional information provided in conjunction with the presentation:

Fiscal Year 2016 Budget

1. \$328 Million of \$924 Million total budget is for operations.
2. Wastewater is a fee-based utility and receives no tax dollars.
3. Park and Libraries have two separate taxing districts.
4. Parks & Recreation and the Airport have enterprise fund and are fee-based activities that do not receive tax dollars.
5. County reserve fund of \$185 Million meets Kansas statute requirement.

6. To maintain an AAa bond rating, the General Fund Reserve [\$62 Million] for the Operating Budget must be 21%.
7. County Operations Reserve Fund [\$17 Million] for Public Works, Developmental Support, Mental Health and Risk Management. Developmental Support and Mental Health rely on state reimbursements. In many cases, the County is self-insured.
8. General tax funds that are dedicated are shown on the bottom of Slide 3 and cannot be used for general expenditures. A \$5.5 Million reserve in 9-1-1 fund cannot be spent for any other purpose per state statute. The Wastewater reserve is the largest and is used for both operating reserves as well as capital reserves.
9. Double Entry Accounting is a requirement of the Government Accounting Standard Board.

Courthouse

1. 400,000 visitors each year; 100 jurors on jury day.
2. Building is 65 years old with three additions, the last in 1975.
3. County population in 1952 was approximately 63,000; current population is 500,000.
4. One hallway is used by prisoners, victims and general public.
5. An outside structural crack runs entire height of building and ceilings have water leaks.
6. ADA [Americans with Disabilities Act] accessibility issues include narrow doorways and limited space to add ramps.
7. Proposed building would include 28 courtrooms, five more than current building.
8. Twenty of the existing 23 courtrooms utilize outdated technology from the 1980s.
9. Current building site would be razed and become public space or further parking.
10. When Chairman Eilert was first elected to the BOCC in 2007, a new courthouse had been in discussion for six or 7 years at a cost estimate was \$300 Million. New building cost estimate is now \$182 Million, with a four-year build period.
11. Proposed 9-story, 280,000 sq. ft. building with 6 floors of courtrooms, one floor for the District Attorney and staff, one floor for court services and trustees, and one floor for visitors and juries.
12. Elevators would move prisoners from the lower level of the new building to the courtrooms. Secure holding areas for prisoners awaiting court appearance would need to be constructed.

Coroner Facility

1. All Johnson County autopsies conducted at privately-owned contract facility in Kansas City, Kansas.
2. Johnson County has used the metal-building facility for 20 years.
3. Autopsies for Wyandotte County are also conducted at the facility.
4. Facility outsources all toxicology laboratory testing.
5. Coroner performs about 250 criminal, accident, drug overdose and suicide autopsies per year. Johnson County is a customer of the current facility and must get in line for services. For an unidentified death, if a family member wishes an autopsy performed this could take two to three weeks.
6. The new Kansas City, Missouri, Coroner Facility is operating at full capacity and not available.
7. Based on volume and no on-site toxicology, results can take two to three weeks rather than a few days.
8. Safety concern for District Attorney staff and police officers who must come in close proximity to body; modern facilities utilize remote viewing cameras.

9. Concern for cross-contamination of sensitive testing/evidence. Technologies are continually improving at a rapid rate.
10. Recent expert opinion that an insufficient number of autopsies are being conducted because of lack of capacity at the facility to catch potential threats to the community.
11. Real-time data reporting for disease and synthetic drug compounds, such as a recent opiate eight times more powerful than morphine, is important to health and public safety.
12. The location of the proposed new facility would be very near the two largest users of coroner services, the Johnson County Crime Lab and the Johnson County Health Department.

Financing Options

1. Diverting project funding from existing resources may result in a reduction of services.
2. Expansion, renovation, update and continued use of existing courthouse would cost \$10 Million to ensure some ADA compliance by using the space of four of 23 courtrooms for ramps and to enlarge the remaining courtrooms. Another nine courtrooms would then need to be built at cost of approximately \$70 Million to \$80 Million, and prisoners would still be moving with the public. Remodel rather than new build would cost \$7 Million to \$7.5 Million a year in additional operating costs due to inefficient facility system equipment.
3. A 20-year property tax, 2 mill levy increase with \$80 Million in interest, or a one mill increase with a 1/8 cent sales tax.
4. After evaluation and with authority, a ¼ cent public safety sales tax for 10 years is proposed, of which approximately 23% would be paid by non-Johnson County residents.
5. No CID, TIF or special taxing districts are included in proposed ¼ cent sales tax graphics on Slides 24 and 25. In the absence of any CID, TIF or special taxing district, in Leawood total sales tax would be slightly less than 10%.
6. The proposed ¼ cent proposed sales tax on a \$30,000 vehicle purchase would add an additional \$75 in sales tax.
7. Kansas statutes require any sales tax levied by Counties to be shared among cities. The County would retain two-thirds and distribute one third to the cities per year.
8. The proposed ¼ cent sales tax would result in \$30 Million per year for Johnson County. The County would retain \$20 Million a year, which would pay \$240 Million in construction costs and interest.
9. Estimate that Leawood would receive about \$1 Million per year from the proposed sales tax.
10. If a ¼ cent sales tax cannot be used, a property sales tax over 12 to 15 years would be needed to renovate the existing courthouse.

The BOCC presentation concluded with a 5-minute video for Johnson County Government by photojournalist/reporter Eric Schultz focused on 1) safety and security, 2) decaying infrastructure with outdated technology, and 3) accessibility.

Mayor Dunn inquired if consideration had been given to discontinuation of the proposed sales tax when a certain dollar amount had been reached, whether that occurs in fewer or more than 10 years. Chairman Eilert confirmed this had been discussed, but it was concluded it would be tight to reach the amount needed in 10 years even with using a county-wide growth factor of 2% to 2.5%.

Councilmember Cain expressed appreciation of the growth in population since 1952. Chairman Eilert stated that results of a study conducted by Wichita State University estimates Johnson County population would grow to 1.2 Million from 575,000 to 580,000 in the next 50 years. Twenty counties in Kansas would see the bulk of this growth, with Johnson County being the largest, gaining the population of a city the size of Manhattan every six years.

Councilmember Sipple noted the new Coroner Facility could help make the community safer and expedite law enforcement activities.

Chairman Eilert stated information and discussion tonight was educational, and the BOCC cannot advocate for a yes or no vote on any particular issue. As BOCC Chairman he is not restricted in support. Between now and the November 8th election, an advocacy group will be working for a yes vote on the issue and those wishing to assist the effort should contact him.

Chairman Eilert stated although there is no statutory requirement as to what the City would plan to do with their share of the proposed sales tax, he noted it would be nice if cities would have a prepared statement to inform the public as to whether they would use their share for capital projects or public safety issues. Mayor Dunn stated Leawood had been diligent with use of other public safety funds and had not used these funds for operations.

Mayor Dunn stated the financing choice of a ¼ cent sales tax rather for new construction was the most palatable of the three funding options. She stated her wish for successful advocacy and work on the proposal.

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. 2016-19 and 2016-20
- B. Accept May 16, 2016 Governing Body minutes
- C. Accept April 14, 2016 Sustainability Advisory Board minutes
- D. Accept April 12, 2016 Parks & Recreation Advisory Board minutes
- E. Accept March 8, 2016 Historic Commission minutes
- F. Approve renewal of Cereal Malt Beverage [CMB] license for Price Chopper # 500, located at 13351 Mission Road
- G. Approve 3rd and Final Pay Request in the amount of \$22,233.01 to LanTel Communications, pertaining to the Mission Road Fiber Project [Project # 76046]
- H. Approve Change Order No. 1 in the amount of \$250,000 to Phoenix Concrete & Underground, LLC, pertaining to the 2016 Curb Program & Residential Mill & Overlay [Project Nos. 80253, 70020, 70516, & 77019]
- I. Approve Change Order No. 3 in the amount of \$25,000 to Freeman Concrete Construction, LLC, pertaining to the 2015 Curb Program & Mill & Overlay Design Build Project [Project No. 80252]
- J. Approve purchase in the amount of \$75,060.00 from Central Salt-Lyons Mine for the purchase of 1,500 tons of salt for snow removal operations at \$50.04 per ton

- K. **Resolution No. 4634**, determining it necessary and advisable and ordering the reconstruction and repair of certain residential streets or portions thereof within the City of Leawood, Kansas, pursuant to K.S.A. § 12-614 et seq., for the 2017 Residential Street Reconstruction Program [Project # 80217]
- L. **Resolution No. 4635**, approving and authorizing the Mayor to execute a Cooperative Memorandum of Understanding in an annual amount not to exceed \$34,452.44, by and between the City of Leawood and cities of Prairie Village, Merriam, Mission, Mission Hills, Mission Woods, Roeland Park, Fairway, Westwood, Westwood Hills, Board of Johnson County Commissioners and Johnson County Mental Health Center, pertaining to providing a Johnson County Mental Health Co-Responder [Johnson County Mental Health Co-Responder Project]
- M. **Resolution No. 4636**, accepting new GASB-34 public Infrastructure [streets, street lights, and storm sewers] in accordance with GASB-34 Guidelines of reporting Inventory of Assets, for property located within the Enclave at Cedar Point, 133rd & Overbrook
- N. **Resolution No. 4637**, approving and authorizing the Mayor to execute an Inter-local Agreement between the City and Board of Johnson County Commissioners pertaining to the design of Patrician Woods Stormwater Improvement Project, located at approximately 126th Terrace & Delmar [TM-04-006] [Project # 77018]
- O. **Resolution No. 4638**, approving and authorizing the Mayor to execute a State & Municipal Lease/Purchase Agreement between the City of Leawood, Kansas (“Lessee”) and Commerce Bank (“Lessor”), pertaining to the lease of a new ladder fire truck and appurtenant equipment and support systems in the original principal amount of \$1,112,198.27
- P. **Resolution No. 4639**, approving a Revised Final Plan for Leawood State Line Apartments – Exterior Painting, located south of 136th Street and east of Kenneth Road (PC Case 46-16) [*from the May 24, 2016 Planning Commission meeting*]
- Q. **Resolution No. 4640**, approving a Revised Final Sign Plan for Homestead Assisted Living – Monument Sign, located south of 127th Street and west of State Line Road (PC Case 52-16) [*from the May 24, 2016 Planning Commission meeting*]
- R. **Resolution No. 4641**, approving a Revised Final Plan for a Tenant Finish for Town Center Plaza – J.Jill (Women’s Apparel), located north of 119th Street and west of Roe Avenue (PC Case 45-16) [*from the May 24, 2016 Planning Commission meeting*]
- S. Declaration of Surplus Property: 2008 Ford F-450, last 4 VIN/2727; 2008 Ford F-450, last 4 VIN/2728; Ford F-450, last 4 VIN/2729; 2008 Ford F-450, last 4 VIN/0775, 2006 Ford Escape, last 4 VIN/0959; 2006 Ford Escape, last 4 VIN/0960; 2003 Ford Ranger, last 4 VIN/4802; 2003 Ford E-350, las 4 VIN/8523; 2005 Ford E-350, last 4 VIN/3277

Councilmember Filla requested Consent Agenda Item 7.L. be pulled.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Rawlings; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 6-0.

- L. **Resolution No. 4635**, approving and authorizing the Mayor to execute a Cooperative Memorandum of Understanding in an annual amount not to exceed \$34,452.44, by and between the City of Leawood and cities of Prairie Village, Merriam, Mission, Mission Hills, Mission Woods, Roeland Park, Fairway, Westwood, Westwood Hills, Board of Johnson County Commissioners and Johnson County Mental Health Center, pertaining to providing a Johnson County Mental Health Co-Responder [Johnson County Mental Health Co-Responder Project]

Councilmember Filla noted the City was the first to offer office space in regard to the project and she invited Chief Rettig to provide additional details.

Chief Rettig stated the project developed from routine discussions held at meetings of Johnson County police chiefs. Olathe and Overland Park each have enough call load to justify such a position. Lenexa and Shawnee began work on a cooperative. The cities in the proposed memorandum of understanding could not justify such a position separately, but are comfortable working in a collaborative manner. Challenges are expected and the project would continue to be assessed.

Chief Rettig stated in 2016 thus far, there have been 87 mental health related calls. Call officers are currently tasked with completing a mental health concern checkbox on their report forms. The officers receive Crisis Intervention Team Training, but many are uncomfortable in making a mental health determination for entry into a records management system. Based on availability, the proposed Johnson County Mental Health Co-Responder could be requested for a call. The co-responder would review all reports for all cities and make assessments, which is especially important in regard to substance abuse problems. The co-responder would be given further access and would be responsible for follow-up, as needed.

Councilmember Filla stated this would be a commendable safety net and she thanked Chief Rettig for his leadership; Mayor Dunn concurred. Councilmember Cain stated mental health resources are declining in the metropolitan area despite need, and she also thanked Chief Rettig for his effort.

A motion to approve Consent Agenda Item 7.L. was made by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 6-0.

8. Mayor's Report

- A. Attended a Johnson County Elephant Club luncheon held at Leawood's Hereford House restaurant where Lt. Governor Jeff Colyer was the speaker. His remarks focused primarily on the Kansas economy and the state budget.
- B. Police Chief Troy Rettig and members of his leadership team joined me at the Brookwood Elementary School Drug Abuse Resistance Education [D.A.R.E.] graduation. Officer Emily Craighead oversees this school's program as well as several other schools, and she does a great job.
- C. Attended a second lunch meeting at Leawood's Hereford House restaurant hosted by the Greater Kansas City Chamber of Commerce for the Kansas State Affairs Legislative Wrap Up. Senator Jim Denning and Representative Kathy Wolfe Moore provided overviews of the accomplishments of this year's session, along with views on unfinished business.
- D. Thank you to Councilmember Jim Rawlings for attending the Leawood Chamber of Commerce ribbon cutting for Digital Doc located in Camelot Court.

- E. Addressed the Johnson County Parks & Recreation 50 Plus Program’s “In Step In Shape” walk held at Antioch Park in Overland Park.
- F. Hosted the Johnson & Wyandotte Counties Council of Mayors Legislative Wrap Up dinner meeting in our Oak Room. We had very good attendance from the legislators in spite of it being held the evening of Sine Die. The discussion was lively with many diverse views regarding resolution to the school funding matter. Many thanks to City Administrator Scott Lambers and Director of Parks & Recreation Chris Claxton and her team for assisting in organizing the event.
- G. This past weekend I co-hosted, along with Kansas City Mayor Sly James, the Missouri and Kansas Municipal Summit titled “Strengthening Opportunities for Youth, Creating Opportunities for Cities.” Municipal and state leaders from across both states came together to discuss critical needs of our cities’ youth during the out-of-school time hours. Many thanks to Leawood Director of Parks & Recreation Chris Claxton for serving on the Planning Committee for the Summit. All attendees stated they came away with many creative ideas for their communities.
- H. Summer event reminders:
 1. “Grinnin’ & Groovin’” free event series for children every Tuesday in June, 9:30 A.M. to 10:30 A.M., at the Amphitheater or Lodge of Ironwoods Park.
 2. Duck Derby along with a concert by Jim Cosgrove on Saturday, June 18, 10:30 A.M., at Gezer Park, sponsored by the Leawood Arts Council.
- I. Congratulations to Reverend Adam Hamilton, founding pastor of the United Methodist Church of the Resurrection in Leawood, who will be honored by the Johnson County Community College Foundation as “Johnson Countian of the Year” later this Fall.

9. COUNCILMEMBERS’ REPORT

Councilmember Azeltine - Referral to Public Works Committee

Based on recent safety concern reports he has received, Councilmember Azeltine asked for a referral to the Public Works Committee for review and evaluation of vehicle parking, and the potential need for no parking signs, along portions of 133rd and 137th Streets with particular attention to 137th between Roe and Nall. Reports had been received prior to 2014 and decision made to defer until development of the 135th Corridor Study to address in a holistic manner. Councilmember Azeltine offered to share communications he had in this regard.

Mr. Johnson confirmed to Mayor Dunn the timeline for review by the Public Works Committee would be August or September. Mayor Dunn stated the Police Department should be represented at the Public Works Committee meeting.

A motion to approve the referral to the Public Works Committee was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 6-0.

10. STAFF REPORT - Community Development Director Richard Coleman

Referral to Planning Commission regarding Screening of Mechanical Equipment associated with swimming pools in Residential Districts

Mr. Coleman stated a complaint had been received about non-screened swimming pool equipment. Although most pool owners have privacy fences or house pool equipment underneath decking, in this case the pool owner had relocated the pool equipment to the far end of their property near neighbors. The City does not have an ordinance that specifically addresses screening of pool equipment.

Mayor Dunn stated she had viewed the communications in this regard and she thanked Mr. Coleman for bringing the item before the Council.

A motion to refer screening of mechanical equipment associated with swimming pools to the Planning Commission was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 6-0.

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION – None

12. OLD BUSINESS – None

13. OTHER BUSINESS – None

14. NEW BUSINESS

Mayor Dunn reminded the 2017 Budget Review Work Session was scheduled for tomorrow, Tuesday, June 7, 2016, beginning at 6:00 P.M.

ADJOURN

There being no further business, the meeting was adjourned at 8:29 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk