

Minutes

The City Council of the City of Leawood, Kansas, met for a Special Call Meeting at City Hall, 4800 Town Center Drive, at 6:00 P.M., on Monday, June 15, 2009. Mayor Peggy Dunn presided.

Councilmembers present: Gary Bussing, Jim Rawlings, James Azeltine, Lou Rasmussen, Gregory Peppes, Debra Filla, Mike Gill and Julie Cain.

Councilmembers absent: None.

Staff present:

Scott Lambers, City Administrator	Joe Johnson, PW Director
Patty Bennett, City Attorney	Lovina Freeman, HR Director
Chief John Meier, Police Department	Chris Claxton, P&R Director
Chief Ben Florance, Fire Department	Kathy Rogers, Finance Director
Brian Anderson, Parks Superintendent	Kathy Byard, Budget Manager
Richard Coleman, Comm. Dev. Director	Pam Gregory, Deputy City Clerk
Deb Harper, City Clerk	

Others Present: Alicia Jennings, Green Initiative Citizens Task Force Committee
Camille Croteau, Green Initiative Citizens Task Force Committee

1. Discuss 2010-2014 Capital Improvement Projects [C.I.P.]

Mayor Dunn called the meeting to order at 6:10 P.M. Introductions were made by those present.

Opening Remarks

Finance Director Kathy Rogers gave a presentation of the five-year financial plan and Capital Improvement Program [C.I.P].

This plan has previously been approved. The main sources of revenue are sales tax, assessed valuation and property tax rate, and other revenues. Since March, the Finance Department has provided Council specific reports on sales tax and assessed valuation. There have been changes in directives of the operating budget, maintenance and capital expenditures.

Sales tax is projected at 0.5% for 2010. Currently, they have received two months of data for 2009 and were being conservative projecting -2.0%. The sales tax has been closely evaluated in preparation for the work session with the One Nineteen Development. With the enactment of some special taxes, there have been remittance issues and the City hasn't received the funds.

Staff has been working with the Department of Revenue to ensure that all money due to the City is received. The City's main source of sales tax revenue is from grocery stores.

For assessed valuation, they received final figures for the 2010 budget; a 1% increase for 2009. Many communities had negative figures. Staff included increased employee positions in the assumptions, along with new operating expenditures for the Justice Center.

Adjustments were made on the maintenance expenditures (rolling stock and minor/major improvements).

For Capital Expenditures, they delayed the 143rd Street Improvement Project to 2015; reduced the Accelerated Stormwater Program from \$1 Million annually to \$600,000 every other year, beginning in 2011; reduced the Accelerated Street Program from \$10.5 Million to \$9 Million over the five-year planning period; \$2.5 Million every other year, beginning in 2010. The City received \$1.3 Million in federal stimulus funds for the 103rd Street between Mission Road and State Line Improvement Project. There is currently \$500,000 for park improvements (amphitheater amenities) that was bonded in November, 2008.

Over the five-year planning projection, they are working to maintain structural balance. Funding sources for Pay-As-You-Go [PAYG] are large; however, not as large as in previous years.

In conclusion, they intend to focus on completing the identified projects and the Transportation Development District [TDD] for the One Nineteen Development and the Park Place Parking Garage. They will continue to evaluate the changing global and local economy, the debt refinancing opportunities and the City's debt amortization policy.

Councilmember Rasmussen asked about the concerns of property tax collection for the Special Benefit District [SBD]. Ms. Rogers stated the deadline for their second payment was on May 20, 2009. Some commercial properties have not paid their first and/or second payment and staff is in the process of drafting a report on this.

Councilmember Rasmussen asked who was responsible for enforcing that the SBD tax gets paid. Ms. Rogers stated they provide the County the SBD tax information.

City Attorney Patty Bennett stated the County is responsible for collecting both the SBD portion and the regular property taxes and could take 3-4 years. There's a new statutory process and the County could collect in 1 year; however, they generally don't enforce it.

Councilmember Rasmussen asked how extreme this was getting for the City. Ms. Rogers stated there's a debt service policy in the operating budget that the City maintains 20% of the current payment. Staff had previously recommended to increase this from 25%-35% and is currently operating with this scenario to provide a buffer due to not knowing when the money will be received.

Councilmember Gill asked Ms. Bennett if she could get more information regarding the 1 year collection option, versus 3-4 years. Mr. Gill didn't want the City to serve as a "bank" for people that weren't paying.

Councilmember Azeltine confirmed with Ms. Rogers that sales tax disbursements from the State had been an issue for approximately 8 months. The State recently updated their accounting system; however, when the City includes the additional TDD sales tax, it creates an operational problem for them.

Councilmember Filla joined the meeting at 6:25 P.M.

Mr. Lambers indicated Leawood was the only City that had implemented the TDD sales tax.

Councilmember Bussing asked if the pace varied when sales tax is remitted to the City. Ms. Rogers stated it depended upon how the holidays fall and if they are weekly or monthly remitters. One month doesn't indicate a trend.

Councilmember Bussing confirmed with staff they expect an increase of assessed valuation for 2009 of 4.2% and thought it was 4.7% for 2008.

Councilmember Bussing referred to the \$500,000 for park improvements and confirmed this wasn't programmed for something specific. Ms. Rogers stated this money was restricted for park improvements.

Mayor Dunn confirmed with Ms. Rogers they were forecasting a 5.0% drop in the City's projected sales tax and this was based upon figures from January and February, 2009.

Councilmember Bussing asked if the State, Mid-America Regional Council [MARC], or the Federal Reserve Bank had current data on gross collections. Ms. Rogers stated they all use the County resource economic composite data. Staff uses the Department of Revenue's figures and they run two months behind. By the end of June the City will receive figures for March.

Mayor Dunn confirmed with Ms. Rogers that the City's sales tax revenue was higher than the County's.

Mr. Lambers noted there were fluctuations that could only be explained by retailers not paying their sales tax and thought they were using this money as cash flow.

Councilmember Bussing confirmed that these were the same forecasts that were in the budget.

2. Bicycle Friendly Community

Opening Remarks

Parks and Recreation Director Chris Claxton gave a presentation on Leawood becoming bicycle friendly.

The Green Initiative Task Force Committee came before the Parks and Recreation Advisory Board in October, 2008, with their presentation in an attempt to move forward. They want to promote a healthier lifestyle, environmental stewardship, and leadership in the community by providing safe routes and educating people on sharing the road.

1 out of every 5 children is considered obese. The average person loses 13 pounds their first year of cycling and 3 hours per week can reduce the risk of heart attack or stroke by 50%. 28% of all trips are made within a mile of the home and 67% are made by car. 50% of the working population commutes 5 miles or less to work. The biggest factor is saving fuel and many people ride their bike due to their economic situation. 1/3 of the general population doesn't own a car.

There are grants that can help with some of the designation. The League of American Bicyclists gives ideas of what should be done in order to move forward with the application process.

The Green Task Force Committee wants this to be a sub-factor of growing green together and making this part of their mission to promote green mobility.

The process begins with the two-part application; Part I – The General Community Profile; once this is completed, the league will evaluate it and determine if the community has met some of the basic criteria. Technical assistance is available for completing Part II of the application. A committee reviews and scores the application and an award of platinum, gold, silver, or bronze status is designated. Two cities have received the platinum status; Boulder, Colorado, and Davis, California.

Communities are judged in five categories; the “Five E’s” (Engineering, Education, Encouragement, Enforcement, and Evaluation & Planning). Staff plans to speak with other municipalities to see what they've done and the benefits received.

Currently, Leawood has a bike lane on 123rd Street that leads to the trail entrance at Tomahawk Park. There is currently 8 miles of multi-use trails in Leawood and there are plans to increase this once some of the streets are refurbished.

They have established safe routes to school and provided bicycle officers for enforcement. The Police and Parks and Recreation Departments are currently selling bike helmets at cost.

Councilmember Azeltine wanted clarification on the safe routes to school.

Alicia Jennings, Green Initiative Citizens Task Force Committee, stated they had asked some Police Officers what the safest routes to school were, in conjunction of working with the “Virtual School Bus” (a safe walk/safe ride to school).

The following are some of the things they plan to work on in the future:

1. Work with developers to provide bicycle parking and install racks at all parks and City facilities
2. Provide bicycle safety classes to first-time riders

3. Develop strategies to measure cycling activities and crash rates in the community
4. Provide more designated safe routes
5. Work with the Police Department to establish signage and speed limits as necessary

Councilmember Gill confirmed with Ms. Claxton that there are safety and minimum width requirements for streets to have a bike lane. She confirmed there was also a minimum width for multi-use trails; Leawood's trails met these requirements.

Ms. Claxton felt they should develop a Master Plan and brought Council copies of plans from Shawnee and Lawrence Kansas, both of which have a bronze status. This will be a progressive process while working with the Public Works, Planning, and Police Departments.

Applications can be submitted twice a year; May and August. Submitting the application doesn't require the City to move forward and there is no cost involved.

Councilmember Gill asked what streets would be considered for becoming bicycle friendly. Ms. Claxton thought it would depend upon what neighboring communities were doing because they needed the connectivity.

Councilmember Rawlings asked if there were a required number of lineal feet in order to receive a bronze status. Mayor Dunn thought with the 8 miles of multi-use trails, Leawood may already be considered as "honorable mention."

Councilmember Bussing asked if there would be a liability for the City if the bike lanes weren't maintained. Ms. Bennett stated there would be no more liability than that of a regular street.

Councilmember Gill confirmed with Ms. Claxton that bicyclists could not travel in opposite directions on a bike lane and should all travel the same direction as traffic.

Public Works Director Joe Johnson stated in order to add bike lanes; they need to stripe a four-lane street with 11' feet inside lanes and 13' feet outside lanes. There would be 2' feet on both sides of the street for bike lanes. They would also need to install "Share the Road" signage.

Councilmember Cain asked if they planned to form a Bicycle Advisory Committee and noted her son was a bike enthusiast and could be a resource.

Mayor Dunn asked if they needed to have the Master Plan completed before the August application deadline. Ms. Claxton thought it may not be attainable due to the time frame.

Councilmember Azeltine noted the Parks District and MARC has mapped routes of all the inter-connecting trails for the metro area.

Councilmember Rasmussen thought they may want to coordinate this with them.

Councilmember Filla noted once the City was designated as a bicycle friendly community, they could apply for grants.

Mayor Dunn noted they had received some federal money for their trail systems. Ms. Claxton stated it cost \$717,000 for the trail to go from City Park to Kansas City, Missouri. The Greenway Trail, which goes from City Park to Roe, cost \$822,000. Johnson County participated in these; therefore, the City was only required to pay a minimal amount. Since 1997, the City has spent \$599,000 on low water crossing bridges connecting the trails and \$534,000 for trail extensions and repairs. Trail maintenance is budgeted at \$50,000 per year.

Ms. Claxton thought the Master Plan would help them prioritize things.

Councilmember Rawlings confirmed with Ms. Claxton that the trails are all multi-use.

Councilmember Filla felt they should complete the application and wait for the league to respond with comments and suggestions for improvements.

Mayor Dunn concurred and thought they should submit the application by the August deadline.

Councilmember Gill stated he was in favor of becoming bicycle friendly; however, was opposed to submitting the application without careful planning.

Brian Anderson, Superintendent of Parks, stated the City wasn't required to be strong in all of the "Five E's" to receive a bronze status; however, they do require action in all five to receive a silver status.

Mayor Dunn received a majority consensus from Council to submit Phase I of the application; Councilmembers Cain, Filla, Azeltine, and Peppes expressed their support. Councilmember Rasmussen was also in favor, but wanted to hear comments from users. Councilmember Rawlings noted his support as long as there wasn't a commitment. Councilmember Gill was opposed to moving forward until they knew exactly what they were applying for. Councilmember Bussing was opposed and didn't understand the rush.

Mayor Dunn clarified there wasn't any commitment involved with submitting the application. She noted there would be a lot of staff time involved and there wasn't going to be any new staff positions in 2010.

Councilmember Azeltine asked if this would be coordinated through the Parks and Recreation Advisory Board.

Mr. Lambers stated the City of Shawnee's Parks and Recreation Advisory Board serves a dual function as the Task Force and Advisory Committee for bicycle friendly.

Mayor Dunn thought this may be the preferred way to coordinate and felt they should seek trail users for additional input.

Councilmember Gill confirmed that the league would inform them if they were eligible for Phase II of the application.

Mayor Dunn stated they would have a future meeting for discussion of Phase II.

There being no further business, the meeting was adjourned at 7:29 P.M.

Pam Gregory, Recording Deputy City Clerk