

**Minutes**

Audio Tape No. 685

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, November 19, 2007. Mayor Peggy Dunn presided.

**Councilmembers present:** Lou Rasmussen, Debra Filla, Jim Rawlings, Gary Bussing, Gregory Peppes, and James Azeltine.

**Mayor/Councilmembers absent:** Mike Gill and Scott Gullede.

**Staff present:** Scott Lambers, City Administrator  
Patty Bennett, City Attorney  
Joe Johnson, Public Works Director  
Chris Claxton, Parks & Recreation Director  
Deb Harper, City Clerk

**Others present:** Leigh Smith, 8401 Belinder Road  
Alicia Jennings, 9015 High Drive  
Camille Crôteau, 2006 W. 91<sup>st</sup> Street  
Philip Batson, reporter for *The Johnson County Sun*

**1. Opening Remarks**

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

City Administrator Scott Lambers reviewed that the Work Session is in response to requests made by citizens. The objective of the meeting is to identify his proposal to the goal set by the Governing Body of procuring green initiatives as City policy and to hold dialogue regarding directives for the Climate Protection Agreement. In terms of the established goal, he reported that hybrid vehicle purchases will be included as a line item in the 2009 Budget in accordance with the City's vehicle replacement policy. The vehicles will either be acquired through the purchasing group with the Mid-America Regional Council or individually if appropriate. If the latter is an option, bids will be taken for traditional and hybrid vehicles with an administrative decision made regarding the purchase. The Governing Body will be provided with an annual report of the cost differentials for any hybrid vehicles that are acquired. Mr. Lambers furthered that he does not plan to monitor the usage of the vehicles in terms of emissions. A similar process will be used for the purchase of biodiesel in 2009.

Additionally, the existing recycling program has been expanded under the direction of City Attorney Patty Bennett. Receptacles for plastic bottles and aluminum cans have been placed throughout City facilities.

**2. Discuss Climate Protection Agreement; Climate Protection Campaign**

Councilmember Bussing noted that although he hasn't reviewed any material recently regarding hybrids, he recalls reading that the increased costs of the vehicles is oftentimes not sufficiently offset by the savings in fuel. The economic payback tends to be longer than the life of the vehicle. Mr. Lambers stated agreement that the hybrids would more than likely create an expense due to the fact that the City has a quicker vehicle turnover than other entities. No more than fifty vehicles are expected to be purchased as they do not lend themselves to certain types of activities. There are certain types of hybrids with a history of problems that may be bid upon but would not be desirable if there are maintenance issues. Converting existing vehicle engines to perform with biodiesel fuel would be a more expensive alternative.

If the assumptions are accurate in that it is not cost efficient to purchase a hybrid versus a standard vehicle, Mr. Lambers confirmed for Councilmember Bussing that the City must make a policy decision of whether to incur additional expenses for the perceived benefits. As fuel efficiencies of the vehicles will be tracked, comparisons can be made with other entities. Mr. Lambers reiterated that he does not plan to log the environmental aspects of the hybrids unless otherwise directed to do so. Councilmember Bussing determined that the increased costs of the vehicles will be a tax upon the residents of Leawood for environmental health.

Councilmember Peppes arrived at 6:22 P.M.

Councilmember Azeltine asked if an analysis has been performed to determine how high gasoline prices must reach in order for the hybrids to be cost effective. Mr. Lambers informed that gasoline and biodiesel prices are equal at this time, however the latter is usually much more expensive. In terms of fuel efficiency, a truer comparison can be made once the hybrids are purchased as the industry average is not representative of individual vehicles.

Mayor Dunn reported attending a recent seminar by the Greater Kansas City Chamber of Commerce where it was reported that General Motors will have hydrogen fuel celled automobiles by 2011. Public Works Director Joe Johnson stated that these types of vehicles would be similar to the existing hybrids and would also be geared toward administrative vehicles rather than larger construction equipment uses.

Calling attention to the proposed Climate Protection Agreement, Mayor Dunn stated there are some spirits of intent that are very appropriate. She noted that Section 3(c)(1) promotes compact, mixed-use, and walkable urban communities. The denser mixed-use developments are being built in Leawood with the pedestrian pathways delineated with brick pavers. The use of all around sidewalks is being contemplated.

The residents, however, do not appreciate the increased density as is evidenced with the approval of such plans. The Leadership in Energy & Environmental Design [LEED] program, referenced in Section 3(c)(6), will be analyzed during the design process of the Justice Center.

Councilmember Bussing concurred with Mayor Dunn in that the spirit of the resolution is compelling; however, particularly as it relates to Section 3, the document appears to mandate activities that may or may not be prudent, fiscally responsible, or lawful for the City of Leawood. At the City level, there is a sense that we have an increased level of awareness regarding climate change and energy related issues with specific objectives pertaining to fuel efficiency and vehicles. Much of the execution of the activities described in Section 3 are still unproven statements. He stated favor with a listing acknowledging that Leawood will seek to promote the spirit of the document and adopt activities consistent with City policies and practices, but the proposed resolution references items beyond the scope of comfort. For example, Section 3(c)(5) requires the purchase of only Energy Star equipment and appliances for city use. Councilmember Bussing stated he is not interested in an across the board mandate of this nature.

Mr. Lambers commented that Section 3(c)(5) also caused him angst as public entities cannot eliminate vendor competition unless there is no other provider for the needed service. He informed Councilmember Peppes that he is not sure whether Energy Star goods are supplied by a particular distributor. Research would be needed to determine the reduction affect upon vendors who could bid on City purchases.

Citizen Leigh Smith informed that Energy Star is an efficiency rating for appliances that are offered by many manufacturers rather than a single vendor.

Councilmember Filla expressed support for the intent of the document as well as for the creation of a one-year citizen task force, as suggested by Alicia Jennings at the November 5<sup>th</sup> Governing Body meeting, to study and review environmental issues. The committee would help to further the intent of the proposed agreement within the community and make the adoption more widespread.

Mayor Dunn noted that the Girl Scouts at Overland Trail Elementary have participated in a project of making and erecting "No Idling" signs. The Blue Valley School District has now adopted the initiative and has obtained sponsorship for the costs of the signs from the Mid-America Regional Council.

Mr. Lambers commented that Section 3(c)(4), "Make energy efficiency a priority through building code improvements, retrofitting city facilities with energy efficient lighting and urging employees to conserve energy and save money," are two separate issues as the building community would argue that they are in a better position to make decisions regarding building code requirements. The initiatives described under this section should be divided. Mayor Dunn remarked that as awareness increases, more developers will begin to practice energy efficiency measures.

Councilmember Rawlings asked if some of the items under Section 3 could be amended or deleted as it would not be possible to adopt all of them. Mayor Dunn stated the only options are to agree with the entirety of the agreement or not sign at all. She noted that there are a number of things in the proposal that are being practiced by the City such as the tree planting program, the use of pervious concrete, bioengineering technology for stormwater projects, and the trail systems.

It was pointed out by Councilmember Rawlings that Section 3(c)(8) pertaining to the recovery methods of wastewater treatment methane for energy production will never be applicable to the City as it is a county function. Councilmember Azeltine agreed that some of the items would not be under Leawood's jurisdiction while others are cost prohibitive. He also agreed with Councilmember Filla in that a citizen task force should be created to review the proposed initiatives including cost benefit analyses. Mayor Dunn stated that the agreement and the task force are two separate issues. If the City decides to not sign the agreement, there would be no reason for the task force to provide input on the document.

Mr. Lambers remarked that Section 3(a), "Conduct a global warming emissions inventory in City operations and in the community," would require a fairly expensive external audit. Ms. Smith noted that Johnson County performs the audits for all of the cities. Additionally, the Northeast Johnson County Environmental Protection Committee would also provide tools and aid to the endorsing cities. She offered to provide contact information regarding membership costs to ICLEI – Local Governments for Sustainability.

Aside from the mission of the agreement, Mayor Dunn noted that it was signed by the Mayor of Seattle and Kansas City Mayor Mark Funkhouser. The City of Seattle has no height limitations on buildings with density encouraged. Referring to Section 3(c)(1), she asked if building denser communities in Leawood would be desirable as it is currently against ordinance.

Councilmember Filla commented that the density issue is almost a moot point since Leawood is landlocked with existing development plans. She does question, however, the requirement of being in the position of conducting inventories and establishing targets. The more important objective would be to change day-to-day behaviors.

Mayor Dunn stated that setting standards on emissions and having them monitored by Staff would make sense at the City level [Section 3(b)]. She reiterated that the spirit of the agreement should be embraced but agreed that some of the initiatives are cost prohibitive.

Noting general consensus that more research is needed regarding the cost entailments of the agreement, Mayor Dunn suggested moving on to the topic of the proposed citizen task force. She stated that she is more in favor with the idea of reviewing best practices versus mandates.

Councilmember Filla said the task force would be a practical way to make the intent of the Climate Protection Agreement applicable to Leawood.

Citizen Alicia Jennings informed Councilmember Azeltine that the task force would either disband or renew after the one year time frame.

Councilmember Bussing stated that he struggles with the fact that in order for the task force to be effective, they will call upon the City for funding at some point in time. With education listed as the first outlined goal of the committee, another question is why it is the City's responsibility to educate given that Leawood students attend two of the finest school districts in the country. He would not be comfortable spending taxpayer dollars on activities that aren't generally perceived to be within the domain of City functions, which would include broad based education regarding the issues. The practical implementation of the committee is also a concern. It is also not the role of the City to enact personal responsibility issues, such as recycling, upon the citizens. If it is decided to create such a committee, cautionary measures should be taken as it pertains to role and scope, specific objectives, and a timetable.

Councilmember Peppes concurred that it will be essential to assign specific tasks to the committee, if formed, with disbandment upon completion of the duties. If it is necessary to monitor the initiatives following disbandment, he suggested hiring additional Staff or researching other options as opposed to an ongoing committee.

To Councilmember Bussing's point regarding education, Councilmember Filla stated that topics such as weatherization would not be appropriate at the school level. The important aspect of the committee would be linking the City into many available resources. The three goals of education, citizen action, and community cooperation that are outlined in Ms. Jennings' proposal are specific enough to begin the committee. The only risky action would be for the City to do nothing and fail to take the opportunity to provide a forum for the citizens to participate, lead, and collaborate.

Further discussion ensued regarding the proposed objectives of the committee.

Ms. Jennings voiced that the best source of energy is conservation. At this time, there is no central resource for all of the information that is available. She doesn't feel that the City has provided the citizens the opportunity to learn about these issues.

Based upon the great amount of interest in environmental issues that he has observed, Councilmember Azeltine stated the City has an incredible opportunity to act as a conduit and exercise leadership in terms of education. He noted that the Public Works Department currently provides a link to stormwater issue information. The City should become more engaged in the area of environmental awareness.

Councilmember Rasmussen stated that the task force would be duplicative and is not necessary. The Federal Government is more than willing to disburse information on energy conservation as would the Water District be pleased to assess individuals' water consumptions levels and offer water reduction suggestions. There are many entities that currently provide educational programs such as Great Plains Energy and homes associations. Transportation issues are being dealt with by Johnson County. He does not feel that the creation of another committee is warranted.

Councilmember Rawlings stated that the suggestion of the task force by citizens who wish to help the community is commendable. However, the statement listed under the first goal of "the task force would engage the resources of the City" needs clarification. He echoed Councilmember Bussing's concern of whether education is the responsibility of the City. The second goal of engaging citizens in a greener lifestyle is a credible effort and recommendations could be made through a task force for a certain period of time. He also posed questions regarding the responsibilities of the committee's liaison role with other groups as mentioned in the third goal. Councilmember Rawlings expressed general favor with the task force if there are clear-cut objectives, but he doesn't feel that the one-year timeframe will be necessary.

Councilmember Filla stated that a period of one year is reasonable in order to process and accomplish any assigned duties. Another responsibility of the task force would be to apply for grants, which could potentially create revenue for green projects.

Councilmember Peppes stated as a citizen, he wants to do a better job in protecting the environment and would like to have the steps spelled out for him in order to do so. The responsible thing for the City to do would be to appoint the task force and review their recommendations.

Councilmember Azeltine agreed with Councilmember Peppes' statement. He would also like for the task force to review the Climate Protection Agreement for elements that can perhaps be encompassed into the City's own resolution.

It was confirmed for Councilmember Peppes that fourteen cities within Johnson County have signed the agreement. Ms. Jennings added that Overland Park has a very active task force committee working on environmental initiatives and have not yet signed the resolution.

Mayor Dunn noted that one of the things being done by Leawood and not by some of the endorsing cities is the implementation of a smoking ordinance, which will take effect on January 2, 2008. Regarding the role and scope of the task force, she stated this would be better defined as candidates are chosen for the committee. She asked Mr. Lambers for his assistance in the matter.

Mr. Lambers reported that he intends to evaluate the items within the Climate Protection Agreement in terms of applicability to Leawood. If it is ultimately determined that the City will not sign the agreement, he would like to prepare a Staff response spelling out the reasons for the decision. Information regarding the Federal Government's refusal to sign the Kyoto Protocol will also be provided to the Governing Body.

In terms of the creation of an environmental committee, Mr. Lambers stated the City Council will need to provide direction for what they expect to be accomplished.

Given that a Council-liaison will be required to attend the meetings and the fact that there are already many committees, Councilmember Rasmussen commented that he will not be in favor of any task force unless they are given very specific directives. Councilmembers Filla and Azeltine both volunteered to serve as liaisons if the committee is approved.

Further discussion ensued regarding the possibility of creating an environmental task force. It was determined that Mr. Lambers will provide recommendations regarding role and scope as well as a timetable for Governing Body review.

There being no further business, Mayor Dunn adjourned the Work Session at 7:25 P.M.

---

Christy Wise, Recording Deputy City Clerk