

**Minutes**

DVD No. 209

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 2, 2009. Mayor Peggy Dunn presided.

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

**Mayor/Councilmembers absent:** None.

**Staff present:**

Scott Lambers, City Administrator  
Chief John Meier, Police Department  
Chief Ben Florance, Fire Department  
Mark Andrasik, Info. Systems Director  
Joe Johnson, Public Works Director  
Deb Mansfield, City Clerk

Patty Bennett, City Attorney  
Richard Coleman, Comm. Dev. Director  
Chris Claxton, P&R Director  
Lovina Freeman, HR Director  
Pam Gregory, Deputy City Clerk

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

Mayor Dunn noted the following amendments to the Agenda:

- \* Addition of Item 10 – Staff Report by City Administrator Scott Lambers
- \* Addition of Item 13 – Other Business – Schedule two Executive Sessions immediately following the Governing Body meeting

A motion to approve the 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.

Suzanne Cruise, 9222 Belinder, stated she lives on a corner lot and her home faces mostly to the west. Her neighbors reside at 2907 West 92<sup>nd</sup> Terrace and have applied for a permit to add-on to their home.

She indicated they had added on approximately 15 years ago, and as a result, she has had water running into her basement. Ms. Cruise stated she built a berm to funnel the water into her driveway. She was concerned with stormwater run-off if they add-on to their home again and wanted assurance that a stormwater run-off survey would be done. She was also concerned the addition would negatively affect her property and its value and that she could lose some of her trees due to all of the water. Ms. Cruise asked that Council require they plant more landscaping to help obstruct her view of their home. She thanked Council for all of their efforts in ordinances they have passed regarding this issue.

Councilmember Filla asked if they could direct these issues to either the Stormwater Committee or the Planning Commission.

Mayor Dunn noted it was on the record and felt it would be more appropriate for staff to review.

City Administrator Scott Lambers stated staff would need to research this to determine the issues before they could answer any questions. He stated there are no regulations to require screening.

Ms. Filla asked if there was an "issue by issue" basis to compensate a neighbor by blocking their view with a structure of some sort. She also asked if there was a line of sight ordinance and if it would be appropriate to evaluate the City's ordinances as a consideration for remodeling or additions.

Mayor Dunn stated they have a review of homes associations of additions and remodels. They have been reviewing what is in their purview as long as it meets the City's conditions of stipulations and ordinances. If they wanted to augment their review, it would be between the homes association and the individual. She recommended it remain with the homes association.

Ms. Filla asked if there was a new stormwater run-off ordinance in place.

Mr. Lambers stated there were administrative regulations that have been enhanced with restrictions of what people can do with sump pump water and drainage pipes. He indicated he would be able to respond to Council once he determines Ms. Cruise's issues.

**4. PROCLAMATIONS – None.**

**5. PRESENTATIONS/RECOGNITIONS – None.**

**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. 2009-6 and 2009-7

B. Accept Minutes of the February 16, 2009 Governing Body meeting

- C. Accept Minutes of the January 15, 2009 Ironhorse Advisory Board meeting
- D. Accept Minutes of the November 18, 2008 Public Works Committee meeting
- E. Approve Change Order No. 2 in the amount of \$2,846.12, to Kevin Cowan Architects, pertaining to the Master Plan of Amphitheatre Area at Ironwoods Park, 14701 Mission Road
- F. Request approval to apply for a FEMA Fire Prevention & Safety Grant in the amount of \$30,000 for seven [7] handheld PC's
- G. Approve Co-op Bid for the purchase of City Equipment: Community Development \$19,831; Fire Dept. \$27,146.29; and Public Works \$116,952
- H. Approve Quote in the amount of \$69,061.00 to Professional Video Supply, Inc., for the installation of new video equipment and cabling in the Council Chambers
- I. **Resolution No. 3169** approving and authorizing the Mayor to execute a Purchase Agreement between the City and Maher Oil Company for the purchase of fuel
- J. **Resolution No. 3170** approving and authorizing the Mayor to execute a Regional Public Works Mutual Aid Agreement between the City and various Kansas City Metropolitan agencies [MARC as Administrator] to support one another during and immediately following large scale emergencies or disaster events
- K. **Resolution No. 3171** accepting a Permanent Utility Easement from Edward B. and Amy Tranin, for property located at 3649 W. 132 Terrace, specifically Tract 14A, Waterford, pertaining to Gezer Park, located at 133rd and Mission Road [Project # 76006]
- L. **Resolution No. 3172** approving an amended 2010-2014 Program Summary Sheet pertaining to the County Assistance Road Program [CARS] 2010-2014 Five Year Program, to include 135<sup>th</sup> Street between State Line and Nall Avenue
- M. **Resolution No. 3173** approving and authorizing the Mayor to execute a Professional Service Agreement between the City and Alvarez & Marshal, pertaining to the One Nineteen Transportation Development Sales Tax Analysis
- N. Approve Change Order No. 3 in the amount of \$22,000 to Mega Industries pertaining to the installation of lighting at Gezer Park located at 133rd and Mission Road [#76006]

Councilmember Bussing requested to pull Item No. 7N and Councilmember Azeltine requested to pull Item No. 7M for discussion.

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

- M. **Resolution No. 3173** approving and authorizing the Mayor to execute a Professional Service Agreement between the City and Alvarez & Marshal, pertaining to the One Nineteen Transportation Development Sales Tax Analysis

Councilmember Azeltine confirmed with Mr. Lambers that all of the Transportation Development Districts [TDD] require this type of study; however, noted this was the first one that had been sales tax based.

A motion to approve Item No. 7M was made by Councilmember Azeltine; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 8-0.

- N. Approve Change Order No. 3 in the amount of \$22,000 to Mega Industries pertaining to the installation of lighting at Gezer Park located at 133rd and Mission Road [#76006]

Councilmember Bussing couldn't recall that lighting had been included in the master plan for the parking lot and asked if this was an addition to the original plan.

Mr. Lambers indicated it was included in the original plan; however, was not included in his recommendation for funding because this contractors estimate for lighting was two times higher than that of the other contractors. Mr. Lambers felt they could proceed with the underground improvements to wire the parking lot and return later with either a re-bid from the contractor, another bid from someone else, or the City could do it themselves. The contractor has revised his bid, which was much more in line with the other bidders received at the time. Staff felt it would be better to proceed with the parking lot lighting for security purposes, and then defer acquisition of a portable generator. The balance would then come out of the proposed landscaping budget of the project, which is approximately \$150,000.

Mr. Bussing felt that the ambient lighting from the parking lots off of 133<sup>rd</sup> Street and the Price Chopper parking lot would have sufficient lighting to provide needed security.

Mr. Lambers indicated that at the work session he had proposed that it be put on hold because of the reasons Mr. Bussing had stated. Overall, it was his opinion to proceed in completing that portion of the project and deferring some landscaping that would, otherwise, take place.

Mr. Bussing asked if the cost would be approximately the same five years from now (inflation not considered) if they were to defer it.

Mr. Lambers stated they would need to tear out some of the parking lot and indicated some of the electric features that were stubbed out may need work. He reiterated that he felt it was better to complete this part of the project.

A motion to approve Item No. 7N was made by Councilmember Bussing; seconded by Councilmember Rawlings.

Councilmember Filla asked if it would be appropriate to do some candlelight readings of the parking lot to see if the ambient lighting would be sufficient.

Mr. Lambers indicated they make sure that the lighting meets City's standards at the property lines. This parking lot is quite a distance from that. The ambient lighting is present; however, is not as effective as having the low level lighting these fixtures would provide.

Mayor Dunn recalled that the plan was to eventually have the walkways with a low light. Mr. Lambers indicated the bollard lighting was a part of this phase; however, not a part of this change order. He felt the landscaping could be done at any time.

Mr. Bussing confirmed with Mr. Lambers that the lighting would be a low impact on the residential neighbors.

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

## **8. MAYOR'S REPORT**

- A. Attended a ribbon cutting ceremony with Councilmembers Azeltine and Rasmussen for Capitol Federal Nall Valley Bank, hosted by the Leawood Chamber of Commerce. The bank is located in the Nall Valley shops at 151<sup>st</sup> and Nall. Mayor Dunn thanked them for being Chamber members and noted the Capitol Federal Foundation gave a generous donation to the Blue Valley Education Foundation.
- B. Attended the 48<sup>th</sup> Annual Regional Mayors' Prayer Breakfast, along with 26 other area Mayors in the five-county Kansas City metropolitan area. Their mission is to emphasize ethics, morality, and spirituality in business, labor, the professions and government. Mayor Dunn indicated the keynote speaker was Woody Cozad and noted it was very well received by the audience.
- C. Attended the V.I.P. opening event for Blanc Burgers and Bottles, located at Mission Farms. Mayor Dunn wished them much success.
- D. Aubrey Ireland, Leawood, was recognized as one of the top youth volunteers in Kansas for 2009, in the 14<sup>th</sup> Annual Prudential Spirit of Community Awards. This is an extraordinary honor; nearly 20,000 young people across the country were considered for this recognition. Aubrey is an 18 year-old senior at Blue Valley North High School and led a three-year school and community effort to collect new and gently used band instruments, funds, and T-shirts for a Mississippi middle school band that lost everything during Hurricane Katrina. She made three trips to Ocean Springs, Mississippi, to deliver \$15,750 worth of musical instruments, 80 custom T-shirts, and \$570 to the Saint Martin Middle School Band. Mayor Dunn expressed her congratulations for Ms. Ireland receiving this recognition.
- E. Mayor Dunn complimented Police Chief John Meier for his 2008 Annual Report. She noted it was very good information and was very well done. 2008 was a year in which Part I crimes (homicide, robbery, rape, aggravated assault, burglary, theft, stolen auto and arson) were down 21% from the previous year. In addition, Part II crimes, those less serious, were down 19%; and the number of auto crashes was down 15% from 2007. The reported crimes were at the lowest level in five years.
- F. Mayor Dunn congratulated Public Works Director Joe Johnson and the Public Works Department for their great job over the weekend removing snow and indicated the streets of Leawood were among the few that were drivable in the metro area.

- G. Mayor Dunn noted the Monsignor at the Church of the Nativity complimented the Leawood Fire Department for their quick response to a water line break that did a lot of damage to their lower level on Saturday morning. Had it not been for the quick response of the Fire Department, there would have been far more significant damage.

**9. COUNCILMEMBERS REPORT – None.**

**10. STAFF REPORT**

Mr. Lambers reminded Council there is a contract to replace the City's video system and indicated it would be installed the week of March 16, 2009, and there would not be a Governing Body meeting held on Monday, March 16, 2009.

***COMMITTEE RECOMMENDATIONS***

**11. APPI COMMITTEE**

*[From the October 15, 2008 APPI meeting]*

- A. Approve recommendation of placement of "My Mind" art piece on northeast corner of College Boulevard and Mission Road

A motion was made by Councilmember Bussing to approve the location of the donated art piece "My Mind" to the northeast corner of College Boulevard and Tomahawk Creek Parkway as recommended by the Art in Public Places Committee; seconded by Councilmember Filla.

Mayor Dunn asked if it would be recommended to ever repair or restore the art piece, if needed.

Dr. Ann Kenney, Arts Council Committee, indicated the artist was going to touch it up before the City takes ownership. In general, it is meant to be outdoors and to age. She indicated it would be maintained with the maintenance fund currently in place.

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

*[From the February 24, 2009 APPI meeting]*

- B. **Resolution No. 3174** approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Jesse Small in the amount of \$2,500, pertaining to Art on Loan, to be placed in the foyer at City Hall, 4800 Town Center Drive

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

**12. OLD BUSINESS – None.**

**13. OTHER BUSINESS**

A motion to recess into executive session at 8:15 P.M. for a period of 40 minutes to discuss matters related to the acquisition of real property and matters subject to the attorney client privilege was made by Councilmember Rawlings; seconded by Councilmember Gill. The motion carried following a unanimous vote of 8-0.

The Governing Body reconvened into regular session at 8:55 P.M.

A motion was made by Councilmember Filla for the City to take no active role in the acquisition of the property in question; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 8-0.

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

There being no further business, the meeting was adjourned at 8:57 P.M.

**ADJOURN**

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Debra Mansfield, CMC, City Clerk

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Pam Gregory  
Recording Deputy City Clerk