

► **Municipal Clerks Week, May 2-8, 2010**

Mayor Dunn read the proclamation into the record.

5. PRESENTATIONS/RECOGNITIONS Recognition of Essay & Art Contests Finalists from Green Initiative Task Force

The vision of the Green Initiative Task Force is to grow green together with a mission to lead, motivate and collaborate with Leawood citizens to increase recycling, encourage conservation and promote green mobility options in the City of Leawood. Councilmember Debra Filla, Chair of the Green Task Force Committee, recognized Councilmember and Vice-Chair Julie Cain, and committee members Paula Cornwell, Cindy Thesing and Camille Croteau. Ms. Filla also thanked the teachers from Cure of Ars, Nativity Parish, St. Michael The Arch Angel, Leawood Middle and Prairie Star Middle Schools for their help. The Essay Contest is designed for 7th grade students. A special thanks to Todd Peterson, Amy Sells and Kelli Alex at Nativity Parish, for expanding the Art Contest to 5th grade students.

Mayor Dunn recognized the following students that participated in the Art Contest demonstrating research and creativity:

Abby Smith	Emma Keefer
Morgan Ciocca	Paige Behnken
Maddie Marquardt	Tyler Brown
Meg Smith	Patrick Koeppen
Grayson Smith	Natalie Hagedorn

Mayor Dunn recognized the following students that participated in the Essay Contest demonstrating research, creativity and uniqueness of ideas:

Molly McCarthy	Abby Haake
Lauren Farrell	Olivia Wieger
Jamie Cohen	Maddie Parker

Finalists in the Essay Contest:

Mallory McKee -	First Place
Courtney Tushaus -	Second Place
Brad Emerson -	Third Place
Morgan Donnell -	Honorable Mention

6. SPECIAL BUSINESS

A. Presentation of 2009 Annual Audit

Chip Harris, Rubin Brown Partner, stated they issued an unqualified or clean opinion, on the City's financial statements, which is contained within the Financial Report. A management letter states there were no issues that were deemed material weaknesses in the internal control structure.

The financial statements are comprised of three sections; introductory, basic financial statements and statistical. They were engaged to only audit the basic financial statements and don't issue an opinion on the other two sections.

Management is responsible for the selection and proper application of the accounting policies. As auditors, they advise as to the appropriateness of these policies and whether or not they are being utilized correctly. They did not note any transactions that were not recorded in the correct period or any transactions that were undertaken by the City for which there was no authoritative accounting guidance.

As part of the preparation for any set of financial statements, management has to make certain accounting estimates. There were four estimates that were relatively significant for the City; 1) depreciable lives of property and equipment; 2) collectability of property taxes; 3) associated costs for pension and other post-employment benefits; and 4) contributing capital assets. All of these estimates were found to be reasonable in relation to the financial statements.

The financial statement disclosures are neutral, consistent and clear. Certain footnotes are more sensitive than others because of the nature of information and the dollar amounts associated. The most sensitive disclosures affecting the financial statements are:

- Disclosure 3 - Investment Policy and Portfolio Risks
- Disclosures 8 and 9 - Temporary Notes and Long-term Liabilities
- Disclosure 10 - Post-employment Benefits other than Pensions

Chester Moyer, Rubin Brown Engagement Team Manager, reported there were no difficulties or disagreements encountered with management related to the performance of the audit. There were no consultations from management with other accounting firms and no matters of significant discussion that affected their retention as the City's auditors.

The City's strengths included an experienced, competent Finance Department that is proactive in implementing new accounting standards. They received other strong departmental oversight as well. It was their opinion that the City is in a strong financial position.

Some opportunities they felt the City should consider were; implementing surprise cash counts at locations outside of City Hall, such as the pool and golf course; update procedural documentation regarding cash received as a part of the Police Department's "Cry Wolf" Program; update procedural documentation regarding recent staff changes in Municipal Court; and consider the Federal Trade Commission [FTC] Red Flags Rule as it relates to online payments to the Court. Management has responded to their recommendation to have the Collateral Agreement increased to verify compliance with City policy.

The City has implemented all prior year recommendations, including the EDEN disaster recovery software.

Michael Fox, Rubin Brown Engagement Team Member, stated the FTC rules require the City to formalize its policy regarding identity theft protection, prevention and detection. The FTC will begin enforcement of the rules on June 1, 2010. Rubin Brown has met with the Finance and IT Departments for discussion and is in the process of scheduling a meeting with their internal audit group that specializes in Red Flag implementation.

There have been several new GASB pronouncements during the year:

- GASB No. 51 – Relates to the capitalization of intangible assets; there does not appear to be a lot of exposure related to intangible asset capitalization.
- GASB No. 53 – Relates to the recognition and measurement of derivatives; the City does not currently use any derivative instruments and has a very conservative Investment Policy.
- GASB No. 54 – Relates to the reporting of fund balances and separates them into five categories based on restrictions. Additionally, this pronouncement alters the definition of special revenue funds.

The Finance Department has elected to early implement GASB No. 54 and a further meeting has been scheduled to discuss its impact.

Councilmember Gill asked if the City would be in compliance with the FTC Red Flags Rule by June 1, 2010. Mr. Harris indicated the City's exposure is fairly limited and the reason they included this comment was in relation to online Court payments. He didn't feel it would be a significant undertaking in getting the City into compliance.

Councilmember Gill requested that the Finance Department give an updated report on where the City stands after their meeting.

Mayor Dunn thanked the Engagement Team for their professionalism during the course of the audit.

- B. **Resolution No. 3390** accepting the 2009 Comprehensive Annual Financial Report [Audit] for the City of Leawood, Kansas

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

- C. **Public Hearing:** Proposed Assessments for 135th Street and Fontana Traffic Signalization Project [Project # 80403]

Mayor Dunn opened the Public Hearing for comment. With no one being present to speak, a motion to close the Public Hearing was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 8-0.

- D. **Ordinance No. 2442** levying assessments on lots, pieces and parcels of property located in the City of Leawood, Kansas for the purpose of paying for the cost for the 135th Street and Fontana Traffic Signalization Project [Project # 80403] [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Gill; seconded by Councilmember Bussing.

Councilmember Rasmussen confirmed with City Administrator Scott Lambers that some of these lots, pieces and parcels of property were currently in default of Special Benefit District [SBD] payments.

The motion carried with a unanimous roll call vote of 8-0. Nay: None.

- E. **Public Hearing:** Proposed Assessments for improvements to Villaggio Development Project [Project # 83197]

Mayor Dunn opened the Public Hearing for comment. With no one being present to speak, a motion to close the Public Hearing was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 8-0.

- F. **Ordinance No. 2443** levying assessments on lots, pieces and parcels of property located in the City of Leawood, Kansas for the purpose of paying for the cost for the improvements to Villaggio Development Project [Project # 83197] [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Filla; seconded by Councilmember Gill.

Councilmember Gill confirmed that the property owners listed on the assessment were aware of this.

Councilmember Cain noted the Leawood Meadows Homes Association members were concerned because the landscaping along the berm had not been completed.

The motion carried following a unanimous roll call vote of 8-0. Nay: 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. 2010-14, 2010-15, and 2010-16
- B. Accept minutes of the April 19, 2010 Governing Body meeting
- C. Accept minutes of the March 16, 2010 Historic Commission meeting
- D. Accept minutes of the February 4, 2010 Leawood Foundation meeting

- E. Accept minutes of the February 25, 2010 Leawood Foundation meeting
- F. Accept minutes of the February 25, 2010 Ironhorse Advisory Board meeting
- G. Accept minutes of the February 16, 2010 Public Works Committee meeting
- H. Mayoral Appointment for Governing Body Presiding Officers from May 2010 through April 2011
- I. Approval of Sustainability Advisory Board
- J. Mayoral Appointments of Council Liaisons and Volunteers for Committees, Commissions and Boards
- K. Approve renewal of Retail Liquor License for Wolff's Fine Wines & Spirits, located at 11841 Roe
- L. Approve purchase in the amount of \$45,010.51, from Heritage Tractor, for the purchase of Parks and Recreation maintenance equipment [11' rotary mower]
- M. Approve purchase in the amount of \$23,668.95, from Smitty's Lawn & Garden, for the purchase of Parks and Recreation maintenance equipment [3 72" zero turn rotary mowers]
- N. **Resolution No. 3391** approving and authorizing the Mayor to execute an Engineering Inspection Agreement, between the City and Secretary of Transportation of the State of Kansas, [KDOT] for American Recovery and Reinvestment Act of 2009 Project [ARRA – Agreement No. 181-09] [46N-0449-01] for the grading and surfacing of 103rd Street between State Line Road and Mission Road
- O. **Resolution No. 3392** approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$1,432,584.80 between the City and Miles Excavating, Inc., for American Recovery and Reinvestment Act of 2009 Project [ARRA – Agreement No. 181-09] [46N-0449-01] for the grading and surfacing of 103rd Street between State Line Road and Mission Road
- P. **Resolution No. 3393** approving and authorizing the Mayor to execute an Inter-local Agreement in the amount of \$2,000, between the City and Kansas City Metropolitan Crime Commission pertaining to the Crime Stoppers Program
- Q. **Resolution No. 3394** approving a Final Sign Plan for Mission Farms – Arvest Bank, located at the northeast corner of Mission Road and I-435 (PC Case # 34-10)
- R. **Resolution No. 3395** approving a Final Sign Plan for Nall Valley Shops – Zenail & Spa, located at 5321 W. 151st Street (PC Case # 36-10)
- S. **Resolution No. 3396** approving a Final Site Plan for Ranchmart North – O'Neills Restaurant & Bar, located at 9417 Mission Road (PC Case #37-10) (
- T. **Resolution No. 3397** approving a Final Sign Plan for Mission Farms – Julia Shapiro Photography + Art, located at 10517 Mission Road (PC Case # 39-10)
- U. **Resolution No. 3398** approving a Final Site Plan for a Tenant Finish for Wells Fargo, located at the northwest corner of 103rd Street and State Line Road (PC Case # 41-10)

Councilmember Osman requested to pull Item No. 7J for discussion and Councilmember Azeltine pulled Item No. 7U for recusal purposes.

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

7J. Mayoral Appointments of Council Liaisons and Volunteers for Committees, Commissions and Boards

Mayor Dunn thanked the Council Liaisons and all of the volunteers for their willingness to serve. She recognized audience member Skip Johnson, 9716 Manor Road, for volunteering to serve on the Stormwater Management Committee.

Councilmember Osman noted there were several committees the citizens of Ward 1 were involved in and thought it was important that they be active in other commissions as well. The Planning Commission, Parks and Recreation Advisory Board, Gezer and I-Lan Sister City Committees are all lacking volunteers from Ward 1. He encouraged all citizens to contact the Mayor or any City Councilmember to volunteer in future years. He felt it was important for all four wards to be actively involved to make it a community effort.

A motion to approve Item No. 7J was made by Councilmember Osman; seconded by Councilmember Gill.

Mayor Dunn noted there were certain committees and commissions that have member number limits that are set by the State Statute; Parks and Recreation and Planning Commission are among these. Sister City, Public Works and Stormwater Committees can be expanded. She clarified that Mr. Osman was welcome to nominate individuals for appointments in the future.

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

7U. **Resolution No. 3398** approving a Final Site Plan for a Tenant Finish for Wells Fargo, located at the northwest corner of 103rd Street and State Line Road (PC Case # 41-10)

A motion to approve Item No. 7U was made by Councilmember Rasmussen; seconded by Councilmember Gill. The motion carried following a vote of 7-0. (Councilmember Azeltine recused due to a conflict of interest).

8. MAYOR'S REPORT

- A. Take your child to work day was very successful, organized by the Human Resources Department and spearheaded by Karry Rood in the Finance Department. Mayor Dunn thanked everyone for their efforts in providing a very rewarding day for the youth of the City's professional staff.
- B. Attended the Civic Council of Greater Kansas City's Annual Dinner. Guest speaker Dr. Robert Glennon from the University of Arizona spoke regarding his new book, Unquenchable: America's Water Crises and What To Do About It, published in 2009.

- C. For the first time, the Leawood Stage Company hosted a production by The University of Missouri - Kansas City [UMKC] Conservatory of Music and Dance Musical Theater Programs. "Quilters" was performed in the round at the Lodge on April 27, 28 and 29. The Blue Valley Quilt Guild volunteered to bring quilts to hang in the production area. Cultural Arts Coordinator April Bishop indicated it was very well received with over 200 attendees, and they were looking forward to future collaborations.
- D. Reminder that the City Council meeting on May 17, 2010, has been cancelled due to lack of quorum.

9. COUNCILMEMBERS' REPORT – None.

10. STAFF REPORT – Update on potholes by Public Works Director Joe Johnson

Mr. Johnson reported they have a maintenance crew specifically designated to drive through the City once a week addressing potholes. To date, they have repaired approximately 1800 potholes with 20 tons of hot-mix and 2,100 pounds of cold-mix asphalt. In higher traffic areas, they mill the street and apply a 2" inch lift of asphalt and have used approximately 317 tons. There have been 25-30 calls regarding potholes over the last few months. The response time is generally 24-hours, with major repairs taking longer. The numbers of potholes have increased due to the last two years of rough winter weather.

Mayor Dunn confirmed there were no budget concerns to address the pothole issues.

Councilmember Cain asked how they address potholes on private property. She was concerned with the Price Chopper parking lot located at 135th and Mission Road. Mr. Johnson thought private property is handled by Codes Enforcement and agreed that the concrete was in need of repair. The City recently changed its construction requirements for parking lots to be built similar to street standards.

Councilmember Rasmussen asked why the stormwater work was excluded on the federally funded Mill & Overlay Project at 103rd and State Line. Mr. Johnson stated when they originally estimated the cost of the project, there were no storm sewer issues identified. While repairing a street issue, they discovered that the storm sewer was failing and added \$280,000 for repairs.

Councilmember Filla noted appreciation to Mr. Johnson for being proactive with street repairs.

Mayor Dunn agreed that the streets seemed to be in worse condition because of the harsh winter and thanked Mr. Johnson and the Public Works Department for their proactive approach as well.

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[From the April 27, 2010 Planning Commission meeting]

Resolution No. 3399 approving a Final Site Plan for a Tenant Finish for Market Square – Dog Days Pet Resort (Kennel), located north of 135th Street and east of Mission Road. (PC Case # 17-10)

Chris Sailors, R.H. Sailors and Company, gave a brief presentation of the Dog Days Pet Resort.

The building consists of 10,800 square feet with 90 kennels averaging a 50% occupancy rate per day with holiday peak times of 90%-100%. There is a play area inside with an additional play area outside on the east. They have added a 6' foot tall stucco wall that matches the building. All waste will be cleaned up, taken inside and placed in the sanitary sewer system. This has been approved through Johnson County Wastewater and the Kansas Health and Environment.

Councilmember Cain asked if they had notified adjacent property owners that the pet resort was going in. Mr. Sailors confirmed they had spoken with the bank owner and Price Chopper and they had no objections. Assistant Planning Director Mark Klein confirmed this with an email he had received from the bank owner.

Mayor Dunn confirmed their business hours will be 7:00 A.M. to 7:00 P.M., and the dogs will be allowed in the outside play area between the hours of 8:00 A.M. to 7:00 P.M. She was concerned that barking dogs could bother future occupants of the east vacant lot and asked if they would consider bringing them in by 6:00 P.M. Mr. Sailors confirmed that the outdoor play area would be located on the northeast corner approximately 150' feet from the proposed building site.

Mayor Dunn confirmed with Mr. Sailors there will be no off-site dog walking. They have a valet service designed for bringing the animals to and from the facility. When the owners bring them in, they are required to be on a leash at all times outside the kennel.

Councilmember Gill confirmed with Mr. Klein that they could add a stipulation to incorporate all of the project information and performance criteria. Mr. Gill felt 7:00 P.M. may be too late for the animals to be in the play area because of the possibility of future outdoor dining. Mr. Sailors clarified they wouldn't be having outdoor play time after 6:00 P.M.; however, they needed this flexibility for the dogs to relieve themselves.

Mr. Klein confirmed this area was zoned for multi-tenant retail; therefore, future restaurants were a possibility.

Councilmember Bussing was less concerned over the hypothetical of future applicants since they currently have a business owner willing to occupy this empty retail space. In the future, if a tenant moves in and has an issue, staff could re-evaluate it.

Councilmember Osman confirmed with Mr. Klein that the building would have a setback of 144' feet from the street. Mr. Osman thought any noise from the animals should travel up because of the 6' foot barrier fence. Mr. Sailors was open to reviewing this with City staff, should there become an issue.

A motion to approve the resolution was made by Councilmember Gill with the following additional stipulations; to add the performance criteria as stated on Pages 2 and 3 of the Staff Report; and in the future, should issues occur with noise or odor, the applicant will work with staff to mitigate the problem; seconded by Councilmember Azeltine.

Mayor Dunn noted this would be an override of the Planning Commission's recommendation and would require six votes for approval.

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

12. OLD BUSINESS – None.

13. OTHER BUSINESS – None.

14. NEW BUSINESS

- A. **Ordinance No. 2444** granting to **tw telecom of kansas city llc**, (formerly, Xspedius Management Co. of Kansas City, LLC D/B/A Xspedius Communications), a Contract Franchise to construct, operate, and maintain a telecommunications system in the City of Leawood, Kansas [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion carried following a unanimous roll call vote of 8-0. Nay: None.

- B. Schedule a Governing Body Work Session at 6:00 P.M. on Monday, August 2, 2010 to discuss future use of current Police Facility and former City Hall buildings

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

- C. Schedule a Governing Body Work Session at 6:00 P.M. on Monday, August 16, 2010 to discuss future use of current Police Facility and former City Hall buildings

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

- D. Schedule a Governing Body Work Session at 6:00 P.M. on Monday, September 20, 2010 to discuss revisions to Leawood Development Ordinance [LDO] pertaining to height and massing

A motion to approve the Work Session was made by Councilmember Bussing; seconded by Councilmember Rawlings.

Councilmember Osman asked if it was possible to move the date of this Work Session up because of the building cycles for commercial and residential construction.

Mr. Lambers reported it is anticipated the Planning Commission will be done reviewing this at their August meeting and will come before the City Council on September 20th. If the Council then wants to move forward, it will be adopted at the second meeting in October.

Mr. Coleman added they have a Planning Commission Work Session on height and massing and it should be scheduled for action at a June or July meeting. This is a complicated issue; therefore, there could be an additional Work Session that could push this into August.

Mr. Lambers confirmed for Councilmember Rasmussen that a draft copy of the Planning Commission minutes with their suggested changes to the Leawood Development Ordinance [LDO] would be included in the Council packet.

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

***E. Direct staff to suspend enforcement of the City's anti-scavenger provisions [Code §11-102] commencing June 4th and ending at midnight on June 6th 2010 for properties located north of 95th Street and within the City of Leawood for large item trash pickup purposes**

A motion to approve the suspended enforcement of the City's anti-scavenger provisions on June 4, 2010, through midnight on June 6, 2010, was made by Councilmember Filla; seconded by Councilmember Gill.

Councilmember Filla noted this would be "Circulation Day" and encouraged everyone to leave items out for pick up. This will be advertised in the paper and homes associations will be notified electronically as well as with a hard copy flyer.

Police Chief John Meier didn't have any concerns as long as people in the neighborhood are notified.

Ms. Filla noted other cities have done this in the past and they are experimenting to see what costs will be associated in picking up the remaining items.

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

ADJOURN

There being no further business, the meeting was adjourned at 9:25 P.M.

Debra Harper, CMC, City Clerk

Pam Gregory
Recording Deputy City Clerk