

Minutes

DVD No. 237

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 Tuesday, July 6, 2010. Mayor Peggy Dunn presided.

Councilmembers present: Jim Rawlings, Julie Cain, Andrew Osman, Debra Filla, Mike Gill, and Gary Bussing

Mayor/Councilmembers absent: Councilmembers James Azeltine and Lou Rasmussen

Staff present: Scott Lambers, City Administrator
Patty Bennett, City Attorney
Joe Johnson, Public Works Director
Chris Claxton, P&R Director
Scott Smith, Web Master
Deb Harper, City Clerk

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn noted the following modifications to the agenda:

- Addition of Item No. 10 – Staff Report from City Administrator Scott Lambers
- Item No. 14A – Continued to the August 16, 2010, Governing Body meeting

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Gill. The motion carried following a unanimous vote of 6-0. (Councilmembers Azeltine and Rasmussen absent).

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.**

Alan “Butch” Petersen, 10421 Sagamore Road, represented nine neighboring homeowners, located in the area of 105th Street to Sagamore and Lee Boulevard. He expressed concern with flooding from the Indian Creek/Blue River basin. Approximately four years ago, there was a project to remove the area homes out of the flood zone; however, with the most recent FEMA maps, these homes remain. The water will continue to cause property damage if proactive modifications are not put into place. The City of Leawood has a responsibility to help taxpaying homeowners in representing their concerns to Johnson County and governing agencies.

If these agencies are not directly responsible for assisting with these issues, they asked that the City partner with them for a resolution. They wanted the water problems resolved at no additional cost to the homeowners. These families have suffered varying damages to their properties from the heavy rains on June 14th. He requested direction on how to proceed. In addition to these properties, areas on Lee Boulevard had storm sewer issues. They were given assurance when the berm was built that it would handle any water issues. He received 4' feet of water in his basement and thought the berm had only made it worse.

Mark Brummel, 10330 State Line Road, stated his business, Audio Mart, and 12 other businesses in the 103rd Street Business Park were also inundated with flooding from the June 14th rains. His building had 8" inches of standing water, the first time in 35 years. No other businesses received flooding prior to this; therefore, something is causing it from up stream. He wanted to know what progress the City had made over the last few weeks in resolving this.

Polly Wolbach, 8505 Lee Boulevard, stated the heavy rains caused the bridge at her home to be washed away. She received 18" inches of standing water in her finished basement. Her home was a mess and she requested City assistance.

Councilmember Rawlings stated in order to address these concerns in a more intimate detail; he recommended that this be referred to the Stormwater Management Committee for review; seconded by Councilmember Gill. The next stormwater meeting will be Wednesday, July 28th @ 7:30 A.M., at City Hall. He welcomed citizens to attend and share their concerns and any thoughts that could be pertinent for the committee to take under consideration.

Councilmember Gill asked if a representative from Johnson County could be present at the meeting to address sanitary sewer issues. Mr. Rawlings noted he planned to speak with Public Works Director Joe Johnson regarding this.

The motion carried following a unanimous vote of 6-0. (Councilmembers Azeltine and Rasmussen absent).

4. PROCLAMATIONS National Parks & Recreation Month, July, 2010
Mayor Dunn read and presented the proclamation to Parks and Recreation Director Chris Claxton.

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. 2010-24 and 2010-25

B. Accept minutes of the June 21, 2010 Governing Body meeting

- C. Accept minutes of the June 7, 2010 Governing Body Work Session
- D. Accept minutes of the April 22, 2010 Leawood Foundation meeting
- E. Approve renewal of Cereal Malt Beverage [CMB] license to Price Chopper #500, located at 13351 Mission Road
- F. Approve \$30,239.51 expenditure to the Johnson County Election Office pertaining to the April 6, 2010 General Election
- G. Approve \$137,374.00 purchase from Motorola Corporation for fire radios and associated equipment
- H. Approve 23rd & Final Payment in the amount of \$450.04 to HNTB Corporation, pertaining to the extension of Roe Avenue between 140th Street and 143rd Street [CIP # 80189]
- I. **Resolution No. 3418** approving and authorizing the Mayor to be delegated as the Program Administrator in conjunction with the Financial Service Agreement dated June 7, 2010, with Commerce Bank pertaining to the credit cards accounts, and authorizing certain related matters and actions
- J. **Resolution No. 3419** approving and authorizing the Mayor to execute Supplemental Agreement No. 4 to that certain Inter-local Agreement dated August 26, 2009, 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-0479-01] for the grading and surfacing of 103rd Street between State Line Road and Mission Road
- K. **Resolution No. 3420** approving a Final Site Plan for a Tenant Finish for One Nineteen – North Restaurant, located on the southeast corner of 119th Street and Roe Avenue (PC Case # 61-10) [*From the June 22, 2010 Planning Commission meeting*]
- L. **Resolution No. 3421** approving a Final Sign Plan for Camelot Court – Rose Nails, located at 11833 Roe Avenue (PC Case # 62-10) [*From the June 22, 2010 Planning Commission meeting*]
- M. **Resolution No. 3422** approving a Final Sign Plan for Building 133 – Cline Wood, located at 4300 W. 133rd Street. (PC Case # 51-10) [*From the June 22, 2010 Planning Commission meeting*]
- N. **Resolution No. 3423** approving a Final Sign Plan for Plaza Pointe – Crossfirst Bank Leawood, located at the southwest corner of Roe Avenue and 135th Street. (PC Case # 53-10) [*From the June 22, 2010 Planning Commission meeting*]
- O. **Resolution No. 3424** approving a Final Sign Plan for Bi-State/Centennial Park – Sign Criteria, located north of 144th Street and east of Kenneth Road. (PC Case # 55-10) [*From the June 22, 2010 Planning Commission meeting*]
- P. **Resolution No. 3425** approving a Final Sign Plan for Bi-State/Centennial Park – Dental Expressions, located at 14109 Overbrook. (PC Case # 56-10) [*From the June 22, 2010 Planning Commission meeting*]

Mayor Dunn requested to pull Item No. 7L for comment.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Rawlings; seconded by Councilmember Bussing. The motion carried following a unanimous vote of 6-0. (Councilmembers Azeltine and Rasmussen absent).

- 7L. **Resolution No. 3421** approving a Final Sign Plan for Camelot Court – Rose Nails, located at 11833 Roe Avenue (PC Case # 62-10) *[From the June 22, 2010 Planning Commission meeting]*

Mayor Dunn commented that she had patronized the Rose Nails business location in Prairie Village and expressed her appreciation to them for opening their second location in the City of Leawood. She congratulated them on their success.

A motion to approve Item No. 7L was made by Councilmember Gill; seconded by Councilmember Bussing. The motion carried following a unanimous vote of 6-0. (Councilmembers Azeltine and Rasmussen absent).

8. MAYOR'S REPORT

Annual Report: American Revolution Tricentennial CD Fund

Mayor Dunn remarked that the Leawood American Revolution Bicentennial Committee had presented the City with a CD in the amount of \$1,000 on July 6, 1976. They requested that a letter be read on an annual basis on the date closest to the 4th of July. The then elected Mayor, William Eddy, and City Council accepted the CD and it was intended to be kept on deposit earning the highest interest rate possible until 2076. Last year it earned \$123.87, bringing the current balance to \$8,307.16. This CD yielded an interest rate of 1.25%, and will mature on May 14, 2011.

- A. Mayor Dunn thanked everyone for their hard work with the July 4th festivities, including Parks and Recreation Director Chris Claxton and the Parks and Recreation, Police, Fire and Public Works Departments. Due to rain in the latter portion of the evening on July 4th, they had to return on July 5th to complete the festivities. A wonderful time was had by all.
- B. Mayor Dunn was joined by Councilmember Azeltine at a ribbon cutting ceremony sponsored by the Leawood Chamber of Commerce at Café Roux, a new Cajun restaurant, located in Park Place. She wished them much success.
- C. Mayor Dunn was joined by Councilmember Filla at the Mid-America Regional Council's [MARC] 14th Annual Assembly and Leadership Awards luncheon to hear keynote speaker Patrick Phillips, CEO, Urban Land Institute. City Administrator Scott Lambers, Community Development Director Richard Coleman and Planning Commission members were also in attendance.
- D. Police Chief John Meier and Fire Chief Ben Florance, along with members from their leadership teams, joined Mayor Dunn and City Administrator Scott Lambers at the All-American Celebration, presented by the Heartstrings Community Foundation. This is an annual event that honors Johnson County public safety personnel, veterans and those currently serving in the military. The event was very well organized by Leawood resident Anne Hull.

9. COUNCILMEMBERS' REPORT – None.

10. STAFF REPORT- Scott Lambers, City Administrator
*****2011 Budget Issues**

A. Omitting 10.5 staff positions [unfunded] from 2011 budget

Concern had been expressed in the recent June 28th Joint Governing Body/Budget and Finance Committee Work Session that there are 10.5 staff positions that have been approved by the Council, yet there is no funding for them. Some Councilmembers thought these positions should be eliminated from the budget and then added in the future if the need arises.

A motion to remove the 10.5 positions from the 2011 budget was made by Councilmember Gill; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 6-0. (Councilmembers Azeltine and Rasmussen absent).

B. Merit increases vs. lump sum payment

There was discussion regarding employee wages and salary increases for the 2011 budget. Consideration was given to consider a lump sum base payment instead of the traditional percentage. Research concluded that the percentage increase an employee receives would not be totally encompassed in the 2011 fiscal year. For example; if someone has an anniversary date in December, 2011, they would receive 1/12 payment in 2011 and 11/12 in 2012. If they choose the lump sum option, the current budget for merit increases would be insufficient by \$241,000. In addition, another \$34,000 in increased costs for benefits would be affected by the lump sum payment. These costs would not occur for 2012; therefore, if the Council proceeds with this payment method, they would draw from the 2011 ending cash reserves.

Councilmember Bussing stated he was completely satisfied with the overall compensation practices of the City. He was concerned because salary and benefits was the fastest growing and largest City expense. He recommended that they establish a group to evaluate how to better manage that curve so it doesn't continue to compound year after year.

Mr. Lambers stated prior to moving in that direction, he would gather historical data from 2000-2009 to evaluate the driving force behind it and they could review it during an already scheduled work session.

Mr. Bussing clarified his interest wasn't in compensation; however, he wanted to better control the expense. He requested that they review and strategize the top three City expense categories.

Mr. Lambers stated salaries represent 42% of the City's expenses. Other expenses may add growth; however, they are at a low rate in comparison to salaries.

Mr. Bussing thought it would also be beneficial to discuss the succession planning of certain employees, such as department heads.

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[From the March 24, 2009 Planning Commission meeting]

Ordinance approving a Revised Preliminary Site Plan for Town Center Business Park, Lots 4, 5 and 6, located on the northeast corner of 117th Street and Roe Avenue [MD ASSOCIATE #4, Inc., - Case # 04-09] [Roll Call Vote] ***CONTINUED FROM THE SEPTEMBER 8, 2009, MARCH 1, 2010, AND APRIL 5, 2010 GOVERNING BODY MEETINGS***

Staff Comment: Staff recommends a 2-month continuation; to be heard on Monday, September 20, 2010

A motion to continue this to the September 20, 2010, Governing Body meeting was made by Councilmember Gill; seconded by Councilmember Bussing. The motion carried following a unanimous vote of 6-0. (Councilmembers Azeltine and Rasmussen absent).

12. **OLD BUSINESS** – None.

13. **OTHER BUSINESS** – None.

14. NEW BUSINESS

A. Approval of installation of 13-land banked parking spaces for Tomahawk Pointe Development, located on the northwest corner of Tomahawk Creek Parkway & College Boulevard, pertaining to the Final Site Plan approved by Governing Body on November 7, 2005, by Resolution No. 2495- ***CONTINUED TO THE AUGUST 16, 2010 GOVERNING BODY MEETING

B. Schedule a Governing Body Work Session at 6:00 P.M. on Monday, November 1, 2010 to discuss the creation of a Stormwater Utility User Fee

A motion to approve the Work Session was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion carried following a vote of 5-1. Nay: Councilmember Gill. (Councilmembers Azeltine and Bussing absent).

ADJOURN

There being no further business, the meeting was adjourned at 8:00 P.M.

Debra Harper, CMC, City Clerk

Pam Gregory
Recording Deputy City Clerk