

**Minutes**

DVD No. 246

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, December 6, 2010. Mayor Peggy Dunn presided.

**Councilmembers present:** Julie Cain, Andrew Osman, James Azeltine, Debra Filla, Jim Rawlings, Gary Bussing, Lou Rasmussen, and Carrie Rezac

**Mayor/Councilmembers absent:** None

<b>Staff present:</b> City Administrator Scott Lambers	Patty Bennett, City Attorney
Chief John Meier, Police Department	Joe Johnson, Public Works Director
Chief Ben Florance, Fire Department	Lovina Freeman, HR Director
Richard Coleman, Comm. Dev. Director	Chris Claxton, P&R Director
Mark Klein, Assistant Planning Director	Deb Harper, City Clerk
Karl Weinfurter, Info. Systems Specialist	Pam Gregory, Assistant City Clerk

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

Mayor Dunn noted the following modifications to the amended agenda:

- Pulled Item No. 7L - Consent Agenda
- Replacement Pages Item No. 14B – New Business

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Bussing. 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.**

**4. PROCLAMATIONS**

**Leawood Woman’s Club 50<sup>th</sup> Anniversary, 12-01-2010**

Mayor Dunn read and presented the proclamation to Alice Hawk, member and former President of the Leawood Woman’s Club.

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. 2010-45 and 2010-46
- B. Accept minutes of the November 15, 2010 Governing Body meeting
- C. Accept minutes of the November 15, 2010 Governing Body Work Session
- D. Accept minutes of the October 26, 2010 Arts Council meeting
- E. Accept minutes of the October 14, 2010 Sustainability Advisory Board meeting
- F. Accept minutes of the September 30, 2010 Leawood Foundation meeting
- G. Accept minutes of the September 21, 2010 Leawood Historic meeting
- H. Accept minutes of the August 26, 2010 Ironhorse Advisory Board meeting
- I. Approve renewal of Cereal Malt Beverage [CMB] License to Walgreen's Pharmacy, located at 5230 W. 151 Street
- J. Approve purchase in the amount of \$14,295 from Total Fire Group for the purchase of firefighting/rescue gear
- K. Approve purchase in the amount of \$23,710 from Turn-Key Mobile, Inc., for the purchase of five replacement mobile data terminals [MDT]
- \*L. Accept bid in the amount of \$237,764.00 from EZ Go, Inc., pertaining to Golf Cars at Ironhorse Golf Course and authorize staff to negotiate a lease agreement—*THIS ITEM HAS BEEN PULLED***
- M. Approve Change Order No. 1 in the amount of \$3,395.00 to MTS Contracting, Inc., pertaining to the City Hall Exterior Concrete Replacement Project
- N. Approve Change Order No. 4, in the amount of \$41,000.00, to O'Donnell & Sons Construction Co., Inc., pertaining to the 2010 Residential Street Mill & Overlay Program [Project # 70008]
- O. Approve Change Order No. 3 in the reduced amount of \$4,923.08 to Miles Excavating, Inc., pertaining to the 103rd Street Mill & Overlay Project between Mission Road and State Line Road [Project # 72014] [46N-0479-01; Agreement No. 181-09]
- P. Approve 7<sup>th</sup> and Final Pay Request in the amount \$1,000.00 to Miles Excavating, Inc., pertaining to the 103rd Street Mill & Overlay Project between Mission Road and State Line Road [Project # 72014] [46N-0479-01; Agreement No. 181-09]
- Q. Approve Change Order No. 3, in the amount of \$1,875.99 to Miles Excavating, Inc., pertaining to the 2010 Parking Lot Improvement Project
- R. **Resolution No. 3509** adopting the 2011 Fee Schedule for fees not specifically provided for in the Code of the City of Leawood, 2000, and rescinding Resolution Nos. 3300, 3344, and 3381, in accordance with § 1-701 of the Code of the City of Leawood, 2000

- S. Resolution approving and authorizing the Mayor to execute a Service Agreement in the amount of \$33,000.00 between the City and The Fagan Company, for the installation of an HVAC unit at Ironhorse Golf Course Clubhouse, located at 15400 Mission Road
- T. **Resolution No. 3510** approving the recommended distribution of alcohol taxes by Johnson County Drug and Alcoholism Council [DAC] for allocations of the 2011 alcohol tax fund for an amount not to exceed \$110,000
- U. **Resolution No. 3511** approving a Final Plat for Village of Camden Woods 94<sup>th</sup> Plat, located south of 143<sup>rd</sup> Street and west of Kenneth Road. (PC # 106-10) *[from the November 23, 2010 Planning Commission meeting]*
- V. **Resolution No. 3512** approving a Final Sign Plan for Market Square Center – Edward Jones, located at 13350 Pawnee Lane. (PC # 108-10) *[from the November 23, 2010 Planning Commission meeting]*
- W. **Resolution No. 3513** approving a Revised Final Plan for Town Center Business Park – Discover O Vision Center, located south of 115<sup>th</sup> Street and east of Roe Ave. (PC Case 109-10) *[from the November 23, 2010 Planning Commission meeting]*
- X. **Resolution No. 3514** approving a Final Sign Plan for Camelot Court – Great Clips, located at 4256 W. 119<sup>th</sup> Street. (PC Case 113-10) *[from the November 23, 2010 Planning Commission meeting]*
- Y. **Resolution No. 3515** approving a Revised Final Plan for Maxus Properties, Leawood At State Line Apartments, located at 2140 W. 137<sup>th</sup> Terrace (Case 111-10) *[from the November 23, 2010 Planning Commission meeting]*

Mayor Dunn requested to pull Item No. 7T and Councilmember Osman pulled Item Nos. 7R and 7S for discussion.

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

- 7R. **Resolution No. 3509** adopting the 2011 Fee Schedule for fees not specifically provided for in the Code of the City of Leawood, 2000, and rescinding Resolution Nos. 3300, 3344, and 3381, in accordance with § 1-701 of the Code of the City of Leawood, 2000

Councilmember Osman confirmed with City Clerk Deb Harper that a fee study was done for comparison of other cities fees. City Administrator Scott Lambers indicated some of the cities' fees were very vague and it was difficult to get comparisons; however, for the ones they could determine, the City was well within a reasonable range.

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

- 7S. Resolution approving and authorizing the Mayor to execute a Service Agreement in the amount of \$33,000.00 between the City and The Fagan Company, for the installation of an HVAC unit at Ironhorse Golf Course Clubhouse, located at 15400 Mission Road

Councilmember Osman confirmed with Public Works Director Joe Johnson that this item had not been placed up for bids. They had already been working with The Fagan Company on other upgrades to the building and asked them to provide a proposal since they were familiar with the system and layout of the building. There are currently not enough units to cool the building in extreme heat conditions. Mr. Osman asked if they had done an analysis of an engineering study for the overall building and how many tons of HVAC were being disbursed throughout. Mr. Johnson thought they had performed this process. Fleet and Facilities Manager Howard Mann is well versed in HVAC units and was comfortable with the price, considering the amount of work needing to be done. The length of the duct work would be approximately 125' feet. Mr. Osman was concerned with the \$33,000 proposal without having bids for comparison.

Mayor Dunn noted the proposal from The Fagan Company stated the price was valid for 30 days. Mr. Johnson clarified they had confirmed this price would remain valid beyond this 30-day timeframe. Mayor Dunn noted generally in the past when a proposal is presented without a competitive bid, it is done with the belief the City is saving money for their citizenry. She assumed since they had already provided work to the building and were familiar with the existing mechanical system, there would be some economies to utilizing this contractor. Mr. Johnson confirmed they had installed all of the new units and staff had been working with them over the last two years.

Councilmember Rasmussen confirmed with Mr. Johnson they would need to draw specs and then this could be placed up for bids within 2-3 months.

Councilmember Osman clarified he was not opposed to installing the HVAC system; he simply wanted competitive bids for price comparison.

A motion to remand Item No. 7S to the Public Works Department for specs to be completed and then placed up for competitive bids and return with a recommendation to the Governing Body was made by Councilmember Osman; seconded by Councilmember Rasmussen.

Mr. Johnson noted to save time drawing specs; they would have a few contractors that have previously worked with the City submit proposals.

Councilmember Rasmussen confirmed with Mr. Johnson they had spent a lot of money trying to solve the air conditioning problem. Mr. Rasmussen wanted a performance guarantee included in the contract in terms of maintaining a comfortable temperature during extreme heat.

The motion carried following a vote of 7-1. Nay: Councilmember Rezac. Ms. Rezac felt since this contractor was already familiar with the building, efficiencies could be lost by bringing in someone new.

- 7T. **Resolution No. 3510** approving the recommended distribution of alcohol taxes by Johnson County Drug and Alcoholism Council [DAC] for allocations of the 2011 alcohol tax fund for an amount not to exceed \$110,000

Mayor Dunn recognized Kimberly Reene, City of Leawood Drug and Alcohol Council representative, overseen by United Community Services [UCS]. Ms. Reene stated this was her third year serving as Leawood's representative. The Drug and Alcohol Council makes recommendation for \$1.2 Million in grants in the community to serve in education, prevention and treatment in Johnson County. The City is contributing \$110,000, which will be divided between two school districts within Leawood, as well as 23 other programs serving Johnson County citizens.

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

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

- A. The Leawood Chamber of Commerce Board of Directors voted and adopted their 2011 State Legislative Priorities. They also acknowledged the Johnson County Public Policy Council's 2011 State Legislative Platform.
- B. Attended the graduation celebration of our Citizen's Police Academy with Councilmember Andrew Osman. Police Chief John Meier, Major Troy Rettig and other members of the department do a wonderful job providing both educational and enjoyable learning opportunities and experience for all participants. Councilman Osman is a former graduate of the academy, as well as Councilman Jim Rawlings.
- C. Attended the United Way of Greater Kansas City's campaign wrap-up. The community pledged over \$35 Million for the 2010 campaign with 16,000 new donors. It was considered a huge success. Mayor Dunn thanked the City of Leawood employees and Councilmembers for their participation.
- D. Attended a Leawood Chamber of Commerce ribbon cutting ceremony with Councilmember James Azeltine for Dental Expressions, located in the Centennial Business Park. Dr. Sonal Bhoot practices family and cosmetic dentistry and opened this site in Leawood, her second location in the metro region. Mayor Dunn wished them much success.
- E. The holiday lighting ceremony, once again, was terrific. Nearly all department heads were in attendance, as well as Councilmembers Rasmussen, Rawlings, Rezac, Azeltine and Bussing. Mayor Dunn thanked Events Supervisor Lindsay Hart and others from the Parks and Recreation Department for organizing this great community event. Commerce Bank sponsored the reception once again. Participants this year included the Church of the Resurrection Inspiration Singers, Mission Trail Elementary School Choir and the Leawood Singers.
- F. Participated in Head Start of Shawnee Mission's 45<sup>th</sup> Birthday Celebration as a guest reader. Mayor Dunn congratulated them on the great job they do providing early childhood education and comprehensive family services to low income families residing in Johnson County. They are now serving 218 families and have a long waiting list as well.
- G. Attended United Community Services [UCS] of Johnson County's annual meeting and the Community Awards Program. Leawood resident Bob Sigman received the "UCS Citizen of the Year" award. The "UCS Excellence in Community Service" award went to Kansas Action for Children. The "UCS Distinguished Public Service" award went to Sheriff Frank Denning. Congratulations to all on receiving this recognition.

- H. Attended "Breakfast with Santa," hosted by the Parks and Recreation Department. Mayor Dunn extended her appreciation and congratulated Parks and Recreation Director Chris Claxton and the Parks Department for a fabulous job. The Leawood Lions Club assisted by providing an all-you-can-eat pancake breakfast. There were two shifts with hundreds in attendance and a great time was had by all.
- I. Attended the Johnson County Community College Foundation's "Some Enchanted Evening" fundraiser. They honored former Senator David Wysong as the "2010 Johnson Countian of the Year." Congratulations to Mr. Wysong on receiving this recognition.
- J. The Metropolitan Police Chiefs and Sheriffs Association, which currently has Police Chief John Meier serving as their President, presented the "Silver Award for Valor" to Officers Nick Rothwell and Greg Turney for their actions in the arrest of the suspect in the rape of the elderly woman at 103<sup>rd</sup> and Overbrook this summer.
- K. The Annual Guns & Hoses Boxing Event was recently held to raise funds for the Surviving Spouse and Family Endowment Fund [SAFE], which benefits members of the firefighters, police officers, EMS Personnel and first responders who are killed in the line of duty. Two firefighters, Rick Schulze and Geoff Gladish, represented the Leawood Fire Department. Congratulations to Mr. Gladish for winning his bout and to both firefighters for their efforts.
- L. Leawood resident and Blue Valley North High School Senior Charles Wolock had perfect scores on both the ACT and SAT college entrance exams. There are possibly only two other students in the United States this year who have had perfect scores. He also has a 4.0 grade-point average and is interested in science. Congratulations and best wishes to Mr. Wolock for a very successful future.
- M. Blue Valley School District Superintendent Tom Trigg was honored by the Kansas Association of School Administrators as the "2011 Kansas Superintendent of the Year." Congratulations to Mr. Trigg on receiving this honor.

**9. COUNCILMEMBERS' REPORT - None.**

**10. STAFF REPORT – None.**

**COMMITTEE RECOMMENDATIONS**

**11. PLANNING COMMISSION – None.**

**12. OLD BUSINESS – None.**

**13. OTHER BUSINESS**

Discussion regarding moratorium on building permit extension fees

Community Development Director Richard Coleman reported some cities have sliding scales for their permit fees and are based on the amount of construction remaining. He recommended Leawood incorporate this same type of fee structure. If a contractor has only 10% construction remaining, it seems unfair to charge 50% for the permit fee. By implementing this, they would only be charged 10% for an extension.

Mayor Dunn confirmed with Mr. Coleman that the City's construction fees had been reduced by 40%-50% last year. They used the International Code Council's method to calculate these fees.

Councilmember Filla confirmed with Mr. Coleman that the first six month extension would remain in place at no cost.

Mayor Dunn was surprised at the dollar amount to which the moratorium equated and thought it was close to 10% of all permit fees. Mr. Coleman clarified that was based on last year's fees. They feel the economy is beginning to improve and there has been an increase of approximately 50% valuation this year.

Councilmember Rasmussen thought they had issued the moratorium for a specific timeframe. He was in favor of eliminating it since it was no longer applicable. Mr. Coleman concurred.

A motion to remove the moratorium and amend the fee schedule to incorporate a sliding scale as recommended by Community Development Director Richard Coleman was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion carried following a unanimous vote of 8-0.

#### 14. NEW BUSINESS

- A. **Ordinance No. 2473** appropriating the amounts set up in each fund in the budget for fiscal year 2011, providing for the payment of all claims and charges against the accounts provided for therein; and approving and ratifying the payment of all claims against the accounts [Roll Call Vote]

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

- B. **Resolution No. 3516** authorizing the acquisition, construction and installation of improvements to public buildings and facilities of the City of Leawood, Kansas; providing for the issuance of \$780,000 General Obligation Bonds of the City, pursuant to K.S.A. § 12-1737 to provide funds to pay the costs thereof, and for the issuance of Temporary Notes of the City pending the issuance of said Bonds; expressing the intent to reimburse costs of the project so incurred from proceeds of such Temporary Notes and General Obligation Bonds; and authorizing and approving certain related matters and actions

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Filla.

Public Works Director Joe Johnson stated a contractor through the State's Energy Program conducted a study, which identified several areas of City facilities needing improvements. These improvements included interior lighting, mechanical, controls upgrades, etc. The roof replacement and HVAC units are in the 2011 budget and staff felt since they were already making those two expenditures; it would be in the City's best interest to look for other energy savings.

The \$780,000 will be debt financed. The savings to the City would be in lower utility payments, which would offset that debt cost.

Councilmember Bussing confirmed with Mr. Lambers that in the future, when some of the employees at City Hall are moved to the Justice Center, any reconstruction to City Hall would not affect this energy work. His intention was to move the Parks and Recreation Department from the basement up to the west side of the main level. There will be open cubicles since the internal secure area for court will no longer be needed.

Councilmember Rezac asked what the Finance/Administration line item cost of \$19,000 would cover. Mr. Lambers clarified this was for the issuance costs of the bonds. Mr. Johnson noted there was also \$100,000 included for contingencies.

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

- C. **Resolution No. 3517** waiving the bidding process in accordance with Charter Ordinance No. 32, pertaining to energy updates for city owned facilities [City Hall; Ironhorse Golf Maintenance Facility; Parks & Rec Maintenance Facility; Aquatic Center; Ironhorse Golf Club; and The Lodge [Project # 80165]

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

- D. **Resolution No. 3518** approving and authorizing the Mayor to execute a Design Build Contract in the amount of \$ 1,962,138.00, between the City and Burns & McDonnell to conduct energy updates on city owned facilities [City Hall; Ironhorse Golf Maintenance Facility; Parks & Rec Maintenance Facility; Aquatic Center; Ironhorse Golf Club; and The Lodge [Project # 80165]

Mayor Dunn noted the roof replacement cost of approximately \$1.2 Million was included in this figure.

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

- E. Schedule a Governing Body Work Session at 6:00 P.M. on Monday, February 21, 2011 to Review 'Draft' Proposals for design of Justice Center

A motion to approve the work session was made by Councilmember Azeltine; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 8-0.

- F. Schedule a Governing Body Work Session at 6:00 P.M. on Monday, March 7, 2011 to further Review 'Draft' Proposals for design of Justice Center

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.

- G. Schedule a Governing Body Executive Session at 6:00 P.M. on Monday, March 28, 2011 for Personnel Matter; City Administrator's annual review

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

- H. Schedule a Governing Body Executive Session at 6:00 P.M. on Tuesday, September 6, 2011 for Personnel Matter; City Administrator's 6-month review

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

- I. Schedule a Governing Body Work Session at 6:00 P.M. on Monday, May 16, 2011 to further discuss creation of Stormwater Utility User Fee

A motion to approve the work session was made by Councilmember Rawlings; seconded by Councilmember Rezac. The motion carried following a unanimous vote of 8-0.

### **ADJOURN**

There being no further business, the meeting was adjourned at 8:25 P.M.

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Debra Harper, CMC, City Clerk

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Pam Gregory  
Recording Deputy City Clerk