

Minutes

DVD No. 250

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, February 7, 2011. 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

Staff present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
Chief John Meier, Police Department	Joe Johnson, Public Works Director
Richard Coleman, Comm. Dev. Director	Chris Claxton, P&R Director
Karl Weinfurter, Info. Systems Specialist	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. 14 – New Business – Schedule an Executive Session

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

Randal Adler, 2244 W. 118th Terrace, was concerned with the City's lack of snow removal in the Hallbrook Farms Subdivision. Over the last two years, he hadn't seen a snow plow come by his home during the first 24-36 hours of any snowfall. The plows only clear Overbrook, Brookwood, and Canterbury Circle. The remaining streets are not done until later, if ever. Last year there were two or three occurrences where his street was never plowed and was left to melt. He has received countless complaints from his neighbors regarding safety issues. There is no way for emergency responders to reach his residence, if needed. He asked the Council to look into this at their earliest convenience.

Mayor Dunn assured Mr. Adler they had received his emails and telephone calls over the last week and his concerns were currently being addressed.

Richard Martin, 9829 Sagamore Road, encouraged the Governing Body to give serious consideration regarding Kansas legislative efforts to modernize laws regarding the sale of beer, wine, and spirits. Senate Bill 54 will be on the calendar next week. A published study from The University of Kansas [KU] shows if this law is passed, it will generate approximately 15,000 new jobs and \$72 Million in much needed state and local tax revenue. He thought it would be very impactful for the Topeka delegation to hear from the Mayor and City Council. The hearing is scheduled for Wednesday, February 16th, at 10:30 A.M.

**4. PROCLAMATIONS Retirement of Police Detective Joe Langer;
29 Years of Service**

Mayor Dunn read the proclamation into the record. She congratulated Detective Langer and thanked him for his dedication to the community.

Detective Langer commented that the City of Leawood has been a great place to work and the Police Department has been like his second family.

**5. PRESENTATIONS/RECOGNITIONS Certificate of Environmental
Accomplishment [Shred-it recycling
program 113 trees in 2010]**

Mayor Dunn presented the Certificate of Environmental Accomplishment to Parks and Recreation Director Chris Claxton as the representative for the City's recycling effort.

**Commitment to Improve Residential Solid
Waste Services [MARC 2010 Recycling
Challenge]**

Mayor Dunn presented a Certificate of Appreciation to Parks and Recreation Director Chris Claxton recognizing the City's commitment to improve residential solid waste services.

6. SPECIAL BUSINESS

- A. Public Hearing to consider the 2012-2016 Capital Improvement Program [C.I.P.] to be adopted on Monday, March 7, 2011

Seeing no one present to speak, a motion to close the public hearing was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion carried following a unanimous vote of 8-0.

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. 2010-54, 2010-55, 2011-1, 2011-2, and 2011-3
B. Accept minutes of the January 17, 2011 Governing Body meeting

- C. Accept minutes of the November 9, 2010 Historic Commission meeting
- D. Accept minutes of the November 18, 2010 Leawood Foundation meeting
- E. Accept minutes of the December 9, 2010 Sustainability Advisory Board meeting
- F. Approve renewal of Cereal Malt Beverage license [CMB] for Hen House, located at 11721 Roe Avenue
- G. Approve renewal of Cereal Malt Beverage license [CMB] for Bogey's Bar & Grill, located at 12924 State Line Road
- H. Approve 3rd and Final Pay Request in the amount of \$1,000.00 to Wiedenmann & Godfrey Construction, Inc., pertaining to the 2010 Storm Sewer Reconstruction at 90th to 91 Street, near Meadow Lane, [Project # 76022]
- I. **Resolution No. 3538** approving and authorizing the Mayor to execute a renewal to that certain Maintenance Agreement dated January 14, 2002, between the City and Harris Corporation [f/n/a M/A-COM Private Radio Systems, Inc.] for the annual maintenance of police radio equipment
- J. **Resolution No. 3539** approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$332,760 between Vance Brothers and the City pertaining to the 2011 Slurry Seal Program
- K. **Resolution No. 3540** approving and authorizing the Mayor to execute a Permanent Utility Access Easement to the City of Leawood, Kansas for property located within Ironwoods Park, 14701 Mission Road
- L. **Resolution No. 3541** approving and authorizing the Mayor to execute a Permanent Sanitary Sewer Easement, granting an easement from the City to Consolidated Main Sewer District of Johnson County for property located within Ironwoods Park, 14701 Mission Road
- M. **Resolution No. 3542** approving a Final Sign Plan for Park Place – Northwestern Mutual, located at 5251 W. 116th Place (PC Case # 118-10) [*from the January 25, 2011 Planning Commission meeting*]
- N. **Resolution No. 3543** approving a Final Plan for a Tenant Finish for Town Center Plaza – The Limited, located at 5000 W. 119th Street (PC Case # 115-10) [*from the January 25, 2011 Planning Commission meeting*]
- O. **Resolution No. 3544** approving a Final Plan for a Tenant Finish for One Nineteen – Standard Style, located at the southeast corner of 119th Street and Roe Avenue (PC Case # 07-11) [*from the January 25, 2011 Planning Commission meeting*]
- P. **Resolution No. 3545** approving a Final Plan for a Tenant Finish for One Nineteen – Le Creuset, located at the southeast corner of 119th Street and Roe Avenue (PC Case # 09-11) [*from the January 25, 2011 Planning Commission meeting*]
- Q. **Resolution No. 3546** approving a Final Plan for a Tenant Finish for Park Place – 117th Street Parking Garage Access Bridge Enclosure, located at 5200 W. 117th Street (PC Case # 12-11) [*from the January 25, 2011 Planning Commission meeting*]
- R. **Resolution No. 3547** approving a Final Plan for a Tenant Finish for One Nineteen – Baldwin Denim, located at the southeast corner of 119th Street and Roe Avenue (PC Case #14-11) [*from the January 25, 2011 Planning Commission meeting*]
- S. Annual 2010 Fire Department Report
- T. Declaration of surplus property; Precor 962i treadmill [purchased in 2000 by police]

Mayor Dunn commented that the Annual 2010 Fire Department Report was outstanding, including zero fire deaths.

Councilmember Bussing requested to pull Item No. 7Q, Councilmember Osman pulled Item Nos. 7I, 7O, and 7R, Councilmember Rezac pulled Item Nos. 7K and 7L.

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

- 7I. **Resolution No. 3538** approving and authorizing the Mayor to execute a renewal to that certain Maintenance Agreement dated January 14, 2002, between the City and Harris Corporation [f/n/a M/A-COM Private Radio Systems, Inc.] for the annual maintenance of police radio equipment

Councilmember Osman confirmed with Police Chief John Meier this was an annual maintenance agreement for the main radio equipment. Once they migrate to the new county system when they move into the Justice Center, this agreement will be gone.

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

- 7K. **Resolution No. 3540** approving and authorizing the Mayor to execute a Permanent Utility Access Easement to the City of Leawood, Kansas for property located within Ironwoods Park, 14701 Mission Road
- 7L. **Resolution No. 3541** approving and authorizing the Mayor to execute a Permanent Sanitary Sewer Easement, granting an easement from the City to Consolidated Main Sewer District of Johnson County for property located within Ironwoods Park, 14701 Mission Road

Councilmember Rezac confirmed with Mr. Lambers that in the event these easements are determined to not be needed, they could be abandoned. He didn't anticipate that occurring since the easements could be used by other utilities.

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

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

- 7O. **Resolution No. 3544** approving a Final Plan for a Tenant Finish for One Nineteen – Standard Style, located at the southeast corner of 119th Street and Roe Avenue (PC Case # 07-11) *[from the January 25, 2011 Planning Commission meeting]*

Councilmember Osman confirmed with Mr. Coleman that if this applicant requests a blade sign in the future, they would be required to come before the City Council for approval.

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

- 7Q. **Resolution No. 3546** approving a Final Plan for a Tenant Finish for Park Place – 117th Street Parking Garage Access Bridge Enclosure, located at 5200 W. 117th Street (PC Case # 12-11) [*from the January 25, 2011 Planning Commission meeting*]

Councilmember Bussing noted that an open non-enclosed elevated walkway was approved by the Planning Commission and City Council; however, an enclosed walkway was constructed.

Mr. Lambers confirmed he had granted the applicant an “at risk” permit in order for them to meet the terms of the lease.

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

- 7R. **Resolution No. 3547** approving a Final Plan for a Tenant Finish for One Nineteen – Baldwin Denim, located at the southeast corner of 119th Street and Roe Avenue (PC Case #14-11) [*from the January 25, 2011 Planning Commission meeting*]

Councilmember Osman confirmed with Mr. Coleman that if this applicant requests a blade sign in the future, they would be required to come before the City Council for approval.

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

8. **MAYOR’S REPORT**

- A. Attended a Leawood Chamber of Commerce ribbon cutting ceremony for the new headquarters of Northwestern Mutual/RPS Financial Group, located in the Park Place Development. Mayor Dunn wished them much success.
- B. Participated in a panel discussion regarding public policy with former Mayor/CEO of the Unified Government of Kansas City, Kansas and Wyandotte County for the University of Missouri – Kansas City [UMKC] Sue Shear Institute for Women in Public Life.
- C. The I-Lan Sister City Committee hosted a terrific Lunar New Year celebration commemorating the “Year of the Rabbit” at the Blue Koi Restaurant in Leawood. There were nearly 100 in attendance. The rabbit is the luckiest of all signs: talented and articulate, affectionate yet shy. The best partner is the sheep or boar. Nearly all of the City Council members and Director General of the Taipei Economic and Cultural Office, Jacqueline Liu, also attended. Thank you to Franki Shearer, Chairwoman Donna Kaelke and the I-Lan Sister City Committee for all of your hard work.

- D. The Sustainability Advisory Board, Chaired by Councilwoman Debra Filla and Co-Chaired by Councilwoman Julie Cain, hosted the 3rd Annual Homeowners Association [HOA] meeting at Ironwoods Park. Thank you to both Councilwomen and the “green team,” as well as Parks and Recreation Director Chris Claxton, Parks Superintendent Brian Anderson, Administrative Graphics Technician Marica Putman, Administration Services Manager Julie Stasi and a number of others who worked very hard on this event. The evening was informative, educational and enjoyable. Additional Councilmembers in attendance were Lou Rasmussen, Carrie Rezac and James Azeltine.
- E. The new Leawood Foundation brochure has been completed. The printing was donated by one of the Leawood Foundation Board members and is very well done.
- F. Congratulations to the Leawood Foundation for receiving some public recognition in the February issue of the “Leawood Lifestyle” magazine with a very nice, informative article talking about the foundation and the good work they do. One of their initiatives is to make people in the community more aware of them, and articles like this will certainly help to achieve this.
- G. The Johnson County Non-Residential Building Permit Report was released on January 25th. Leawood, Kansas ranked # 2 in regards to new structures of any value and additions over \$225,000 in 2010. Leawood came in second, just behind Olathe, Kansas. The total number of new construction costs for Leawood in 2010 totaled \$31,784,000. This accounted for approximately 14% of Johnson County’s total. Congratulations to the Building Department for all of their work processing permits and the Finance Department for processing the dollars.
- H. Congratulations and a special thank you to Public Works Director Joe Johnson, the Public Works Department and the Parks and Recreation crews for the fantastic, outstanding job they do in snow removal. Mayor Dunn received countless mention of kudos and congratulations from many residents.

9. COUNCILMEMBERS’ REPORT

Councilmember Azeltine – Report on START Task Force

Mayor Dunn commented that Councilmember Azeltine served as one of the individuals on a group that was nominated by the Council of Mayors, representing Leawood on this Strategic Transit Action Recommendation Taskforce [START].

Councilmember Azeltine reported that the START Taskforce was formerly created last May and were charged with studying the county’s transit system and evaluating service options and presenting recommendations on future public transit strategies and financing options. The taskforce is composed of 24 Johnson County residents, including representation from the convention and visitor’s bureau, chambers of commerce, environmental groups, disabled and elderly populations, development community, financial institutions, and civic and professional organizations. A series of meetings were held from August 5, 2010, to January 5, 2011, at the Sylvester Powell Community Center in Mission. The taskforce presented its recommendations to the Johnson County Board of Commissioners on January 27, 2011, and to the Leadership Summit later this year. They determined that recommending full funding of the Strategic Plan over the next seven years was not a viable option at this time.

The group decided on splitting the financing and implementation of future services into a number of phases that are smaller and more incremental than envisioned in the Strategic Plan. The plan itself serves as the county's transit vision.

Each phase has been designed to incrementally expand the network of routes and the number and quality of passenger amenities. These phases include:

- Phase 1:** Focus on improving passenger amenities and strengthening the core routes of the system
- Phase 2:** Involves beginning new services on arterial roads in higher-density portions of the county with businesses and neighborhoods
- Phase 3:** To provide access to more neighborhoods and jobs at more times throughout the day
- Phase 4:** Add additional service hours to continue to improve amenities as development occurs and ridership increases
- Phase 5:** Involves making the system more accessible to non-work trips and to all areas of the county

The funding sources range from sales and use taxes, general government support, and motor vehicle fees.

Mayor Dunn asked if Councilmember Azeltine could foresee some future stops within the boundaries of the City of Leawood. He commented not as a result of this taskforce; however, he had suggested there be some type of funding mechanism in place so costs could be shared between cities and counties.

Councilmember Filla commented that they should look at a collective pool of the total dollars spent from cities and counties on transportation. Mr. Azeltine commented that their discussion focused primarily on bus service and ways to improve it.

Mayor Dunn confirmed with Councilmember Azeltine that the Strategic Plan had been accepted by the county commission; however, it was not approved. She thanked him for serving on behalf of the Council of Mayors and Leawood.

10. STAFF REPORT – None.

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION – None.

12. OLD BUSINESS – None.

13. OTHER BUSINESS – None.

***14. NEW BUSINESS**

Schedule an Executive Session immediately following the regular meeting to discuss matters relating to the acquisition of real property

A motion to schedule an Executive Session immediately following the regular meeting was made by Councilmember Cain; seconded by Councilmember Rezac. The motion carried following a unanimous vote of 8-0.

A motion to recess into Executive Session at 8:15 P.M. for a period of 15 minutes was made by Councilmember Filla; seconded by Councilmember Rezac. The motion carried following a unanimous vote of 8-0.

The Governing Body reconvened into regular session at 8:30 P.M.

A motion to extend the Executive Session for a period of 10 minutes was made by Councilmember Filla; seconded by Councilmember Cain. The motion carried following a unanimous vote of 8-0.

The Governing Body reconvened into regular session at 8:40 P.M.

A motion to extend the Executive Session for a period of 10 minutes was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion carried following a unanimous vote of 8-0.

The Governing Body reconvened into regular session at 8:50 P.M.

A motion to adjourn the regular session was made by Councilmember Cain; seconded by Councilmember Rezac.

ADJOURN

There being no further business, the meeting was adjourned at 9:00 P.M.

Debra Harper, CMC, City Clerk

Pam Gregory
Recording Assistant City Clerk