

Minutes

DVD No. 252

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 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: City Administrator Scott Lambers	Patty Bennett, City Attorney
Chief John Meier, Police Department	Joe Johnson, Public Works Director
Chief Ben Florance, Fire Department	Kim Curran, Recreation Superintendent
Richard Coleman, Comm. Dev. Director	Lovina Freeman, HR Director
Mark Klein, Planning Official	Deb Harper, City Clerk
Scott Smith, Web Master	Pam Gregory, Assistant City Clerk
Dawn Long, Interim Finance Director	

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn noted the following modification to the agenda:

- Addition of Staff Report – City Administrator Scott Lambers

A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Filla. 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 – 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. 2011-6, 2011-7, and 2011-8
- B. Accept minutes of the February 21, 2011 Governing Body meeting
- C. Accept minutes of the January 13, 2011 Sustainability Advisory Board meeting
- D. Accept minutes of the November 4, 2010 Ironhorse Advisory Board meeting
- E. Accept minutes of the October 19, 2010 Public Works Committee meeting
- F. Accept minutes of the October 27, 2010 Stormwater Management Committee meeting
- G. Approval of Governing Body 2011 Goals and Objectives
- H. Approve purchase in the amount of \$23,992.00 from Overland Park Jeep for the purchase of a Police Vehicle
- I. Approve bid in the amount of \$24,065.00 from Victor Phillips for the purchase of Asphalt Roller [Bid 2011-1]; \$5,392.59 from K.C. Bobcat for the purchase of 14,000 lb. Trailer [Bid 2011-4]; \$35,949.00 from Dean Machinery for the purchase of a Rubber Track Loader [Bid 2011-5] and \$39,510.00 from Vermeer for the purchase of a Wood Chipper, [Bid 2011-6], for a total amount of \$104,916.59
- J. **Resolution No. 3552** accepting a grant in the amount of \$15,000 from the Kansas Department of Emergency Management; and approve purchase in the amount of \$23,365.00 from Blue Valley Public Safety, Inc., for the purchase/installation of a storm warning siren to be located in the area of 147th & Nall Avenue
- K. **Resolution No. 3553** approving amendment to the City of Leawood's Debt Management Policy, and repealing Resolution No. 3334
- L. **Resolution No. 3554** approving and authorizing the Mayor to execute Addendum No. 1 to that certain Design Build Contract dated December 6, 2010, between the City and Burns & McDonnell; setting the guaranteed maximum price for construction and administration for the project at \$1,942,227.00, 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]
- M. **Resolution No. 3555** approving and authorizing the Mayor to execute an Inter-local Agreement in the amount of \$2,092,000.00 between the City and the City of Overland Park for the Improvement of Nall Avenue between 119th Street and 135th Street [Project # 72018; Arterial Street Mill & Overlay Program]
- N. **Resolution No. 3556** approving and authorizing the Mayor to execute an Inter-local Agreement in the amount of \$2,092,000.00 between the City, the City of Overland Park, and the Board of Johnson County Commissioners [BOCC] for the Improvement of Nall Avenue between 119th Street and 135th Street [Project # 72018; Arterial Street Mill & Overlay Program]
- O. **Resolution No. 3557** approving and authorizing the Mayor to execute an Inter-local Agreement and Letter of Understanding by and among the City of Leawood and cities of Fairway, Merriam, Mission, Prairie Village, Roeland Park, and the Johnson County Parks and Recreation District, pertaining to the SuperPass Program at the Leawood Aquatic Center, located at 10601 Lee Boulevard

- P. **Resolution No. 3558** revising the 2011 Fee Schedule, not provided for in the Code of the City of Leawood, 2000, specifically for the SuperPass Program for the Aquatic Center, located at 10601 Lee Boulevard, in accordance with § 1-701 of the Code of the City of Leawood, 2000
- Q. **Resolution No. 3559** approving a Final Sign Plan for Park Place – EJ’s Boutique, located at 11543 Ash Street [PC Case # 15-11] [*from the February 22, 2011 Planning Commission meeting*]
- R. Declaration of surplus property; Public Works [asphalt roller; trailer mounted directional arrow; breaker attachments]

Councilmember Bussing requested to pull Item No. 7G and Councilmember Osman pulled Item No. 7Q for discussion.

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.

7G. Approval of Governing Body 2011 Goals and Objectives

Councilmember Bussing proposed to defer this to the April 4, 2011, Governing Body meeting to have the opportunity to consider being more specific on how they will measure the accomplishment of these goals.

A motion to continue Item No. 7G to the April 4, 2011, Governing Body meeting was made by Councilmember Bussing; seconded by Councilmember Azeltine.

Mayor Dunn thought they may need to hold a work session for this discussion since it’s not advisable to communicate without holding a public meeting to reach a consensus.

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

- 7Q. **Resolution No. 3559** approving a Final Sign Plan for Park Place – EJ’s Boutique, located at 11543 Ash Street [PC Case # 15-11] [*from the February 22, 2011 Planning Commission meeting*]

Councilmember Osman confirmed with Planning Official Mark Klein that EJ’s Boutique is located at the same location as the former Envy’s Boutique in Park Place. The initial application was reviewed and a revised plan was submitted on February 7th. This was placed on the agenda as soon as possible. The only thing changing on the sign is “Envy” to “EJ’s.”

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

8. MAYOR'S REPORT

- A. City Administrator Scott Lambers, Interim Finance Director Dawn Long and Budget Coordinator Kathy Byard of the Finance Department, met with Johnson County Appraiser Paul Welcome to get the updates on Leawood's 2011 change in appraised and assessed valuation. In total, the assessed valuation is expected to remain unchanged from the prior year.
- B. Attended a ribbon cutting ceremony for a branch of US Bank that has newly opened in the Ranchmart Price Chopper grocery store in Leawood. This is the first bank in 6 years at that location. Mayor Dunn wished them much success.
- C. Participated in Read Across America day again this year at Prairie Star Elementary School.
- D. Attended the 50th Anniversary of the Greater Kansas City Mayors' Prayer Breakfast that emphasizes ethics, morality and spirituality in business, labor, the professions and government. The keynote speaker was Michael Oher, inspiration for the movie, "The Blind Side," and left tackle for the Baltimore Ravens. He talked about his new book "From Homelessness to The Blind Side and Beyond." He was very inspirational. There were 1,700 people in attendance.
- E. The Johnson & Wyandotte Counties Council of Mayors' meeting was hosted by Mission Hills Mayor Rick Boeshaar. Overland Park Lobbyist Erik Sartorius provided a legislative update.
- F. Attended the Johnson County Public Policy Council Luncheon with Governor Sam Brownback as the keynote speaker. Most of his presentation dealt with the budget gap and his proposals to find some relief and the various groups that would be affected by those cutbacks.
- G. Participated at the race start and countdown for the Johnson County Girls on the Run "Diva Dash," held in Park Place, beginning on Ash Street and running through surrounding streets. There were 650 girls or women, who either ran or walked the 5K run.
- H. Mayor Dunn joined Senators Pat Roberts and Jerry Moran, and Congress members Kevin Yoder, Mike Pompeo, Lynn Jenkins and Emanuel Cleaver, II, along with Lieutenant Governor Jeff Colyer at the Kansas City Israel Action Forum that was sponsored by the American Israel Public Affairs Committee. The forum was held at the Kehilath Israel Synagogue in Overland Park. The keynote speaker was Dr. Daniel Gordis, Author and Senior Vice President of the Shalem Center in Jerusalem. He writes for the Jerusalem Post and the New York Times. It was a very interesting presentation with the entire synagogue filled.

9. COUNCILMEMBERS' REPORT – None.

10. STAFF REPORT – Scott Lambers, City Administrator

As the Council is aware, there has been a considerable amount of communication between the residents abutting Ironwoods Park with regards to the proposed restrooms and potential future amphitheatre. The residents have had concerns with the planning process of the amphitheatre. The Council has authorized the Stage Company to raise money for its construction.

Should the Stage Company obtain the necessary funding for the project to move forward through the City's planning process, this process will include both the preliminary and final plan. This would trigger the notification requirements, protest petition opportunities, as well as have all the details of the project upfront for everyone to see.

Councilmember Azeltine confirmed with Mr. Lambers that the preliminary and final plan would be done at the same time in order to go through the process once and have everything available to the residents before beginning the interact meetings.

Councilmember Bussing felt they should not include the final plan before the interact meeting because the neighboring residents would feel the planning process had proceeded without their input.

Mr. Lambers clarified that the City would be acting as the developer and would be required to provide all of the information regarding the plan that would, otherwise, not be available at the interact meeting. The residents would have the opportunity to comment on it.

Mayor Dunn clarified that citizens have the first view of a project before it ever goes before a Planning Commission or City Council meeting.

Councilmember Bussing felt this approach would be met with considerable dismay by the neighboring residents and they would not have the opportunity to have meaningful input on the facility's appearance.

Mr. Lambers clarified the City would be following the rules and procedures as it would for any developer by preparing their plans and then holding the interact meeting. If needed, they can make changes to the plan based upon the neighbors' concerns.

Councilmember Bussing thought this was a fairly unique situation and they needed to be very considerate of the circumstances surrounding it.

Councilmember Rezac asked if the City Council would see this prior to the interact meeting. Mr. Lambers replied that the Council could address this once the Stage Company informs them they have raised the money or they could decide to review it as they would a typical development project that they wouldn't see until it has gone through the Planning Commission.

Councilmember Filla confirmed with Mr. Lambers that the plan would still go before the Planning Commission with any changes suggested by the residents and then come before the City Council. Mr. Lambers noted even if the changes are not incorporated, they would be reported to the Planning Commission and City Council for consideration.

Mayor Dunn clarified there would be a public hearing at the Planning Commission with the opportunity for public citizen comments.

Councilmember Rawlings asked the reasoning behind having the Conceptual Plan on the City's website.

Mr. Lambers clarified it was not inappropriate for the Conceptual Plan to be on the City's website since it was accepted by the Council and the Council had authorized the Stage Company to seek private funding for it.

COMMITTEE RECOMMENDATIONS

11. PUBLIC WORKS COMMITTEE

[from the February 15, 2011 Public Works Committee meeting]

Recommendation that the 2013-2017 Capital Improvement Program [C.I.P.] be approved to allow traffic signal improvements on State Line Road, north of 95th Street; and include 103rd State Line intersection and to be shown as 'Committed Projects'

Councilmember Azeltine stated this does not require any action from the Council and was to advise them of the recommendations for the C.I.P. next year. The signal improvements have been placed in the C.I.P. as if the City were paying for the entire project; however, they were hoping for participation from either Kansas City, Missouri, or federal funding.

Mayor Dunn stated since these signals are located on State Line Road, Kansas City, Missouri should be expected to participate at the same level of funding as Leawood. Mr. Johnson confirmed that some of the signals are shared and some are Leawood owned.

Councilmember Rasmussen thought the maintenance contract for the traffic signals included painting. Public Works Director Joe Johnson clarified that the maintenance contract covers replacement of any streetlight or traffic signals that have burned out and resetting any flashing signals to function properly. The contract does not cover painting maintenance. Mr. Rasmussen thought since the traffic flow has changed over the past several years, they should consider removing some of the traffic signals located from Meadow Lake Parkway to 95th Street. Mr. Johnson thought one of the intersections warranted a traffic study.

12. STORMWATER MANAGEMENT COMMITTEE

[from the February 23, 2011 Stormwater Management Committee]

Approve Recommendation of Continental Consulting Engineers as the Engineering Consultant for the design of the 2011 Storm Sewer Repair Program, and authorize Staff to negotiate an agreement for same

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

Councilmember Rawlings stated this would be a \$1.1 Million project.

Mr. Johnson confirmed that the storm sewer construction costs would run a little more than \$400,000. In addition, there will be a consultant design fee.

Councilmember Rawlings commented that all of the design firms were qualified; however, after much discussion, the committee recommended Continental Consulting Engineers.

Mr. Johnson clarified that a liner would be placed in the existing corrugated pipe running across the fairway of the golf course and the rest of the storm sewer pipe would be excavated and replaced with larger piping.

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

13. PLANNING COMMISSION

[from the January 25, 2011 Planning Commission meeting]

- A. **Resolution No. 3560** approving a Final Plan for Plaza Pointe – Crossfirst Bank Leawood ATM and re-roof, located at 4707 W. 135th Street (PC Case # 08-11)

Amy Fauss, 1237 Southwest Crossing Drive, Lee's Summit, Missouri, requested approval of the re-designed drive-thru to accommodate an ATM on the exterior lane. This will allow better traffic flow, reduce the number of parking spaces, and add more landscaping to come into compliance with the Code. They also requested using a synthetic slate material for re-roofing to blend in better with the development.

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

- B. **Ordinance No. 2482** amending § 16-4-6.14 of the Leawood Development Ordinance [LDO], Permitted Signs by Type, pertaining to signage within an existing routed metal sign band (PC Case #21-11) [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Rezac.

Councilmember Osman commended the entire staff for creating a fair and equitable way to approach certain developments for signage.

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

- C. **Ordinance No. 2483** amending § 16-4-2.6 of the Leawood Development Ordinance [LDO], Sewage Disposal; Septic Tanks, pertaining to connection requirements to sanitary sewer (PC Case #19-11) [Roll Call Vote]

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

Mayor Dunn noted this places the City into agreement with the county's wastewater policy.

Councilmember Filla confirmed with Community Development Director Richard Coleman that a homeowner could appeal this with the County if they feel it is cost prohibitive. Costs could vary between \$15,000 and \$25,000 depending upon the terrain and location of the septic system.

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

14. **OLD BUSINESS** – None.

15. **OTHER BUSINESS** – None.

16. **NEW BUSINESS**

- A. **Ordinance No. 2484C** amending § 3-208 of the Code of the City of Leawood, 2000, pertaining to the possession or consumption of alcoholic liquor upon property owned or leased by the City and repealing existing § 3-208 and other sections in conflict herewith [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Osman.

City Attorney Patty Bennett clarified for Councilmember Rezac that this would be approved by the Parks Director for special events or circumstances in the parks throughout the City.

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

- B. **Ordinance No. 2485C** amending § 3-115 of the Code of the City of Leawood, 2000, pertaining to the possession or consumption of cereal malt beverage [CMB] upon property owned or leased by the City and repealing § 3-115 and other sections in conflict herewith

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

- C. Schedule a Governing Body Executive Session immediately following the regular Governing Body meeting for matters relating to the acquisition of real property

A motion to schedule a Governing Body Executive Session immediately following the regular Governing Body meeting was made by Councilmember Bussing; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 8-0.

- D. Schedule a Governing Body Work Session at 6:00 P.M., on Monday, April 18, 2011, to discuss design of future Justice Center to be located on SW corner of 117 & Tomahawk Creek Parkway; Project # 76008

A motion to schedule a work session on Monday, April 18, 2011, to discuss the design of the future Justice Center was made by Councilmember Azeltine; seconded by Councilmember Cain. The motion carried following a unanimous vote of 8-0.

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

The Governing Body recessed into Executive Session at 8:25 P.M.

The Governing Body reconvened into regular session at 8:35 P.M.

A motion to adjourn the regular meeting was made by Councilmember Rasmussen; seconded by Councilmember Rawlings.

ADJOURN

There being no further business, the meeting was adjourned at 8:35 P.M.

Debra Harper, CMC, City Clerk

Pam Gregory
Recording Assistant City Clerk