

**Minutes**

DVD No. 264

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, September 6, 2011. Mayor Peggy Dunn presided.

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

**Mayor/Councilmembers absent:** Lou Rasmussen

<b>Staff present:</b> Scott Lambers, City Administrator	Patty Bennett, City Attorney
Captain Dale Finger, Police Department	Chris Claxton, P&R Director
Mark Andrasik, Info. Systems Director	Joe Johnson, Public Works Director
Richard Coleman, Comm. Dev. Director	Deb Harper, City Clerk
Mark Klein, Planning Official	Pam Gregory, Assistant City Clerk
Dawn Long, Interim Finance Director	

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

Mayor Dunn noted the following amendment to the agenda:

- Addition of Item No. 9 – Report from Councilmember Filla

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Bussing. The motion carried following a unanimous vote of 7-0. (Councilmember 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.**

Chris White, 14613 Pawnee, expressed concerns with the amphitheatre location and expansion and that it could become a year-around use facility. There was not a lot of discussion during the recent work session regarding cost analysis on whether the facility could be supported. There have been no traffic or impact studies done and no consideration given to security, maintenance or staffing.

The restroom facility under consideration represents fear in the neighborhood that this would be a step toward full expansion. They are not opposed to the Leawood Stage Company and the activities in the park; however, they don't want an entertainment venue to replace the park. If this facility is intended to support the entire community, the voices of the entire community should be heard. He hadn't heard a lot of interest in the expansion other than those involved in the productions.

**4. PROCLAMATIONS Constitution Week, September 17-23, 2011**

Mayor Dunn recognized and proclaimed the week of September 17-23, 2011, as Constitution Week in the City of Leawood, and asked the citizens to reaffirm the ideals of the Framers of the Constitution.

**Payroll Week, September 5-9, 2011**

Mayor Dunn read and presented the proclamation to Interim Finance Director Dawn Long and Accounting Specialist Gretta Schneider.

**5. PRESENTATIONS/RECOGNITIONS Shawnee Mission Medical Center ASK-A-NURSE Day August 19, 2011**

Mayor Dunn read and presented the proclamation to Jennifer Smith and Danica Brown Wham, representatives from Shawnee Mission Medical Center.

**\*\*\*6. SPECIAL BUSINESS**

**Resolution No. 3650** accepting a Kansas Special Warranty Deed from Citizens Bank & Trust Company, a Missouri banking corporation, for approximately 45 acres of real property located adjacent to and east of the City's Ironwoods Park, located at 14701 Mission Road

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

City Administrator Scott Lambers commented it is always good for a land-locked City to have the opportunity to add park land adjacent to existing park land. Allowing a second access to the park will serve the residents well. Mayor Dunn concurred.

Councilmember Bussing commended staff for identifying this opportunity for the City. The City Council concurred.

The motion carried following a unanimous vote of 7-0. (Councilmember Rasmussen absent).

**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. 2011-31, 2011-32, and 2011-33
- B. Accept minutes of the August 15, 2011 Governing Body meeting
- C. Accept minutes of the August 1, 2011 Governing Body Work Session
- D. Accept minutes of the May 4, 2011 Bicycle Friendly Committee
- E. Accept minutes of the June 21, 2011 Public Works Committee

- F. Accept minutes of the May 24, 2011 Leawood Arts Council
- G. Approve Mayoral Appointment of Charles Lusk to the Historic Commission for a 3-year term ending in 2014
- H. Approve 2013 Budget Finance Calendar
- I. Approval of Revised 2011 Governing Body Goals & Objectives
- J. Approve 2<sup>nd</sup> and Final Pay Request in the amount of \$2,262.00 to Fagan Company, pertaining to the HVAC Upgrades at Ironhorse Golf Course Clubhouse
- K. Approve purchase in the amount of \$28,000 from Van Wall Equipment, pertaining to maintenance equipment at Ironhorse Golf Course, located at 15400 Mission Road
- L. **Resolution No. 3651** regarding approval of terms for Release of Letter of Credit pertaining to the Cornerstone Development, Project Nos. 191, 192, and 193 [Letter of Credit will sunset on August 1, 2013]
- M. **Resolution No. 3652** approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Tracker Door Systems in the amount of \$25,280.00, for replacement of Salt Dome Door [Project # 76044]
- N. **Resolution No. 3653** consenting to the enlargement of Consolidated Main Sewer District by the Board of County Commissioners of Johnson County, Kansas, pursuant to Johnson County Charter Resolution No. 29-92, for property located at 146<sup>th</sup> & Mission Road
- O. **Resolution No. 3654** approving and authorizing the Mayor to execute a Service Agreement in the amount of \$40,620.00 between the City and TWTelecom, providing data communications
- P. **Resolution No. 3655** approving a Final Sign Plan for Cornerstone – Seventy Seven South, located south of 135<sup>th</sup> Street and west of Briar. (PC Case 24-11) [*from the August 23, 2011 Planning Commission meeting*]
- Q. **Resolution No. 3656** approving a Final Sign Plan for Park Place – Generali USA, located south of 117<sup>th</sup> Street and east of Nall Avenue. (PC Case # 80-11) [*from the August 23, 2011 Planning Commission meeting*]

Councilmember Bussing requested to pull Item No. 7I, Councilmember Osman pulled Item Nos. 7M and 7O, and Councilmember Rezac pulled Item No. 7N for discussion.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Azeltine; seconded by Councilmember Rezac. The motion carried following a unanimous vote of 7-0. (Councilmember Rasmussen absent).

7.I. Approval of Revised 2011 Governing Body Goals & Objectives

Councilmember Bussing asked if Near-Term Goal Nos. 6 and 7 could be consolidated. Mr. Lambers replied even though they are linked in terms of being abutting property, their usage is not linked; therefore, they may have different time tables to consider on the Justice Center site versus this site.

A motion to approve Item No. 7I was made by Councilmember Bussing; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 7-0. (Councilmember Rasmussen absent).

- 7.M. **Resolution No. 3652** approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Tracker Door Systems in the amount of \$25,280.00, for replacement of Salt Dome Door [Project # 76044]

Councilmember Osman confirmed with Public Works Director Joe Johnson this damage resulted from an earlier storm than the one that did all of the hail damage. This will be a permanent fix.

A motion to approve Item No. 7M was made by Councilmember Osman; seconded by Councilmember Filla. The motion carried following a unanimous vote of 7-0. (Councilmember Rasmussen absent).

- 7.N. **Resolution No. 3653** consenting to the enlargement of Consolidated Main Sewer District by the Board of County Commissioners of Johnson County, Kansas, pursuant to Johnson County Charter Resolution No. 29-92, for property located at 146<sup>th</sup> & Mission Road

Mr. Johnson confirmed there are no costs to the City. To incorporate new land within the district, it is the County's policy to request city consent before moving forward. All of the logistics are between the County and property owners.

A motion to approve Item No. 7N was made by Councilmember Rezac; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 7-0. (Councilmember Rasmussen absent).

- 7.O. **Resolution No. 3654** approving and authorizing the Mayor to execute a Service Agreement in the amount of \$40,620.00 between the City and TWTelecom, providing data communications

Information Systems Director Mark Andrasik confirmed this was done internally. Mr. Osman thought they should have received competitive bids to negotiate some of the terms and conditions. Mr. Andrasik confirmed the City's internet service would greatly improve with this upgrade and service provider. Ms. Bennett confirmed they had negotiated several provisions in this contract and it was acceptable to legal counsel.

A motion to approve Item No. 7O was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion carried following a vote of 6-1. Nay: Councilmember Osman. (Councilmember Rasmussen absent).

Mr. Andrasik confirmed there would have been a similar one-time installation fee with a different provider.

## 8. MAYOR'S REPORT

- A. Mayor Dunn had the privilege of attending an event in which the Sagamore Chapter of Daughters of the American Revolution [DAR] presented a beautifully designed banner commemorating September 11, 2001, to Fire Chief Ben Florance and the Leawood Fire Department that will be on display at Fire Station #1.

- B. City Council members are invited to a special memorial service at 10:00 A.M. on Sunday, September 11<sup>th</sup>, at the Leawood City Hall courtyard to commemorate the 10<sup>th</sup> Anniversary of 9/11. This is being organized by Sergeant Mark Hackathorn of the Leawood Police Department.
- C. Attended a Leawood Chamber of Commerce ribbon cutting ceremony for Integrity Home Care. They are celebrating their one-year anniversary and are located off of College and Nall. This is their only location in Johnson County, and their headquarters is located in Springfield, Missouri. They specialize in home care for the elderly and developmentally challenged children.
- D. Mayor Dunn was joined by Councilmembers Gary Bussing and Julie Cain at a dedication of "Cloud Gate," by sculptor Jessie Small. This is the new art piece in I-Lan Park honoring Leawood's sister-city relationship with I-Lan, Taiwan. Many thanks to Dr. Ann Kenney, Chair of the Art in Public Places Initiative [APPI], and Mary Tearney, Chair of the Leawood Arts Council, for their work on this latest addition to the City's public art scene. Thanks also to Parks and Recreation Director Chris Claxton, Cultural Arts Coordinator April Bishop, and Dustin Branick in the Parks and Recreation Department for the exceptional landscaping that accents the sculpture.

**9. COUNCILMEMBERS' REPORT – COUNCILMEMBER FILLA**

Bicycle Friendly Business Lunch, sponsored by the Leawood Chamber of Commerce, on September 15, 2011, from 11:00-1:00 P.M. in the Oak Room at City Hall

**10. STAFF REPORT – None**

***COMMITTEE RECOMMENDATIONS***

**11. PLANNING COMMISSION - None**

**12. OLD BUSINESS - None**

**13. OTHER BUSINESS - None**

**14. NEW BUSINESS**

- A. **Resolution No. 3657** waiving the bidding process, in accordance with Charter Ordinance No. 32, pertaining to the State Line Way Improvement Project between 103<sup>rd</sup> Terrace and 104<sup>th</sup> Street [Project # 70010]

Mr. Johnson confirmed their largest cost savings would be in asphalt.

A motion to approve the resolution was made by Councilmember Rawlings; seconded by Councilmember Osman. The motion carried following a unanimous vote of 7-0. (Councilmember Rasmussen absent).

- B. **Ordinance No. 2507** increasing the Transient Guest Tax to eight percent (8%) upon the gross receipts derived from or paid by transient guests for lodging or sleeping accommodations within the City of Leawood, Kansas, in accordance with Charter Ordinance No. 38 and repealing Ordinance No. 2289 [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Bussing; seconded by Councilmember Rezac. The motion carried following a unanimous roll call vote of 7-0. Nay: None. (Councilmember Rasmussen absent).

- C. **Ordinance No. 2508** granting to Abovenet Communications, Inc., a renewal of a Franchise Contract to construct, operate and maintain a Telecommunications System in the City of Leawood, Kansas and prescribing the terms of said contract franchise, and repealing Ordinance No. 2327 [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Azeltine; seconded by Councilmember Bussing. The motion carried following a unanimous roll call vote of 7-0. Nay: None. (Councilmember Rasmussen absent).

Ms. Bennett confirmed this is one of the lines in the Axon conduit, which has several different providers.

The motion carried following a unanimous roll call vote of 7-0. Nay: None. (Councilmember Rasmussen absent).

- D. **Resolution No. 3658** approving and authorizing the Mayor to enter into a renewal of a Public Lands Use Agreement between the City of Leawood, Kansas and Abovenet Communications, Inc., pertaining to the installation and maintenance of communications facilities within existing conduit

A motion to approve the resolution was made by Councilmember Azeltine; seconded by Councilmember Bussing. The motion carried following a unanimous vote of 7-0. (Councilmember Rasmussen absent).

- E. Schedule a Governing Body Work Session at 6:00 P.M., on November 7, 2011, to review City's cell tower ordinance(s)

A motion to approve the work session was made by Councilmember Bussing; seconded by Councilmember Cain. The motion carried following a unanimous vote of 7-0. (Councilmember Rasmussen absent).

- F. Schedule a Governing Body Work Session at 6:00 P.M., on February 20, 2012, to discuss potential purchase of City-leased street lights from Kansas City Power & Light [KCPL]

A motion to approve the work session was made by Councilmember Rawlings; seconded by Councilmember Cain. The motion carried following a unanimous vote of 7-0. (Councilmember Rasmussen absent).

- G. Schedule a Governing Body Work Session at 6:00 P.M., on March 5, 2012, to discuss expansion of Transportation Development District [TDD] for One Nineteen Development [Project # 80456]

A motion to approve the work session was made by Councilmember Rezac; seconded by Councilmember Azeltine.

Mr. Lambers informed the Council the One Nineteen Development is proposing to realign the parking behind the building to provide an additional 70 surface parking spaces. They are in the process of going before the Board of Zoning Appeals [BZA] for exceptions and deviations before their application can be considered by the Planning Commission and City Council. If approved, they want to expand their existing Transportation Development District [TDD] agreement to provide the funding for these spaces. If the parking spaces are intended to be restricted, they will be restricted for employee use.

The motion carried following a unanimous vote of 7-0. (Councilmember Rasmussen absent).

### **ADJOURN**

There being no further business, the meeting was adjourned at 8:20 P.M.

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Debra Harper, CMC, City Clerk

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Pam Gregory  
Recording Assistant City Clerk