

**Minutes**

DVD No. 267

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, November 7, 2011. Mayor Peggy Dunn presided.

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

**Mayor/Councilmembers absent:** Councilmember James Azeltine

<b>Staff present:</b> Scott Lambers, City Administrator	Patty Bennett, City Attorney
Chief John Meier, Police Department	Chris Claxton, P&R Director
Mark Andrasik, Info Systems Director	Brian Anderson, P&R Superintendent
Richard Coleman, Comm. Dev. Director	Joe Johnson, PW Director
Mark Klein, Planning Official	Deb Harper, City Clerk
Dawn Long, Interim Finance Director	Pam Gregory, Assistant City Clerk
Lovina Freeman, HR Director	

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

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

**4. PROCLAMATIONS – None**

**5. PRESENTATIONS/RECOGNITIONS**      **City of Leawood- Recipient of Bridging the Gap- Environmental Excellence Award in the Government Category [Councilmember Filla; Sustainability Advisory Board**

Sustainability Advisory Board Chair and Councilmember Debra Filla thanked Parks and Recreation Director Chris Claxton for her work on compiling their list of accomplishments and submitting the application to Bridging the Gap.

Mayor Dunn congratulated Sustainability Chair Debra Filla, Sustainability Board member and Councilmember Julie Cain, Parks and Recreation Director Chris Claxton and Parks Superintendent Brian Anderson, on receiving this award.

**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. 2011-40, 2011-41, and 2011-42
- B. Accept minutes of the October 17, 2011 Governing Body meeting
- C. Accept minutes of the October 17, 2011 Governing Body Work Session
- D. Accept minutes of the September 20, 2011 Public Work Committee meeting
- E. Accept minutes of the August 2, 2011 Ironhorse Advisory Board
- F. Approve renewal of Cereal Malt Beverage [CMB] license to Hy-Vee Food Store, located at 12200 State Line Road
- G. Approve 2<sup>nd</sup> and Final Pay Request in the amount of \$17,700.00 to Vance Brothers, pertaining to the 2011 Slurry Seal Program Project # 70009
- H. Approve 2<sup>nd</sup> and Final Pay Request in the amount of \$10,181.00 to Tracker Door Systems, pertaining to the replacement of doors on the Public Works Salt Dome [Project # 76044]
- I. Approve purchase in the amount of \$19,895.00 from Drexel Technologies for the purchase of plotter for Engineering Division
- J. **Resolution No. 3680** approving and authorizing the Mayor to execute a Letter of Engagement between the City and Rubin Brown, LLP, for an amount not to exceed \$34,000, pertaining to 2011 audit services
- K. **Resolution No. 3681** approving the 2012 Human Service Fund Recommendation Report [United Community Services-UCS] and the City of Leawood's participation for an amount not to exceed \$10,500
- L. **Resolution No. 3682** approving amendments to the Public Art Policy; Art in Public Places Initiative [APPI]
- M. **Resolution No. 3683** approving and authorizing the Mayor to execute a First Amended Agreement to that certain Inter-local Agreement dated August 15, 2011, between the City and Fire District No. 2, pertaining to fire services
- N. **Resolution No. 3684** approving and authorizing the Mayor to execute a Construction Agreement between the City and Premier Contracting in the amount of \$12,535.00, pertaining to the restroom roof replacement located at I-Lan Park, 12601 Nall Avenue [Project # 74045]

- O. **Resolution No. 3685** approving and authorizing the Mayor to execute a Construction Agreement between the City and Premier Contracting in the amount of \$7,850.00, pertaining to the roof replacement located at Ironhorse Golf Course, 15400 Mission Road [Project # 74045]
- P. **Resolution No. 3686** approving and authorizing the Mayor to execute a Construction Agreement between the City and Premier Contracting in the amount of \$179,100.00, pertaining to the roof replacement located at Ironwood Park, 14701 Mission Road [Project # 74045]
- Q. **Resolution No. 3687** approving and authorizing the Mayor to execute a Construction Agreement between the City and Premier Contracting in the amount of \$90,688.00, pertaining to the roof replacement located at Fire Station No. 1[\$51,628.00] [Project # 76025]; and Historical Building, [\$39,420.00] at 9609 Lee Boulevard [Project # 74032]
- R. **Resolution No. 3688** approving and authorizing the Mayor to execute a Construction Agreement between the City and Canon Building Systems in the amount of \$299,000.00, pertaining to the roof replacement located at Public Works Facility, 14303 Overbrook Road [Project # 74045]
- S. **Resolution No. 3689** approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and C.V. Anderson, Inc., in the amount of \$32,480.79, pertaining to painting repairs to city facilities [Project # 74045]
- T. **Resolution No. 3690** approving and authorizing the Mayor to execute an Engineering Service Agreement between the City and Phelps Engineering the amount of \$59,460.00, pertaining to the design of the Box Culvert located at 87<sup>th</sup> & Mission Road [Project # 77011]
- U. **Resolution No. 3691** approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$52,996 to Broski Fence Co., LLC, pertaining to the fencing at Ironhorse Golf Course, 15400 Mission Road
- V. **Resolution No. 3692** approving and authorizing the Mayor to execute a Professional Design Engineering Agreement in the amount of \$39,200.00, between the City and Continental Consulting Engineers, Inc., pertaining to the improvements to North Lake and Trail located adjacent to Tomahawk Creek Parkway [Project # 71006]
- W. **Resolution No. 3693** approving a Final Sign Plan for One Nineteen – Baldwin Denim (Men’s Apparel), located south of 119<sup>th</sup> Street and east of Roe Ave. (PC Case #98-11) *[from the October 25, 2011 Planning Commission meeting]*
- X. **Resolution No. 3694** approving a Final Sign Plan for One Nineteen – Vako Jewelry, located south of 119<sup>th</sup> Street and east of Roe Avenue. (PC Case 108-11) *[from the October 25, 2011 Planning Commission meeting]*
- Y. **Resolution No. 3695** approving a Final Sign Plan for Parkway Plaza – Kosama Complete Body Transformation (Spa), located north of 135<sup>th</sup> Street and west of Roe Avenue. (PC Case 104-11) *[from the October 25, 2011 Planning Commission meeting]*
- Z. **Resolution No. 3696** approving a Final Sign Plan for Mission Farms – Lakeside Tavern (Bar Grill), located south of 105<sup>th</sup> Street and east of Mission Road. (PC Case 103-11) *[from the October 25, 2011 Planning Commission meeting]*

- AA. **Resolution No. 3697** approving a Final Sign Plan for Tomahawk Creek Business Park – Pinnacle Corporate Centre – Hoefer Wysocki Architecture, located south of 114<sup>th</sup> Street and west of Tomahawk Creek Parkway. (PC Case 112-11) *[from the October 25, 2011 Planning Commission meeting]*
- BB. **Resolution No. 3698** approving a Final Plan for Park Place – Building J Sculpture, located south of 117<sup>th</sup> Street and east of Nall Avenue. (PC Case 110-11) *[from the October 25, 2011 Planning Commission meeting]*
- CC. **Resolution No. 3699** approving a Final Plan for a tenant finish for One Nineteen – Suite A-129, located south of 119<sup>th</sup> Street and east of Roe Ave. (PC Case 105-11) *[from the October 25, 2011 Planning Commission meeting]*
- DD. **Resolution No. 3700** approving a Final Sign Plan for Leawood Corporate Manor – Monument Sign, located south of College Boulevard and west of Roe Avenue. (PC Case 111-11) *[from the October 25, 2011 Planning Commission meeting]*
- EE. Declaration of Surplus Property; [2 generators] - Onan Diesel 30.0 KW Generator, last 6 VIN/24892D; and Onan 15KW Generator, last 6 VIN/146309: [2] plotter/scanners: [1] cut-off saw: [5] chainsaws: [2] poly plastic 1,750gal. storage tanks

Councilmember Rezac pulled Item No. 7L for discussion and Councilmember Cain pulled Item Nos. 7N, 7O, 7P and 7Q due to a conflict of interest.

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

- 7L. **Resolution No. 3682** approving amendments to the Public Art Policy; Arts in Public Places Initiative [APPI]

Councilmember Rezac confirmed with Mayor Dunn after negotiations have taken place, the contract would come before the Governing Body for approval.

A motion to approve Item No. 7L was made by Councilmember Rezac; seconded by Councilmember Filla.

City Administrator Scott Lambers stated he would ensure that APPI Chair Dr. Ann Kenney and Arts Council Chair Mary Tearney are made aware of the policy amendments.

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

Councilmember Cain requested to be recused due to a conflict of interest.

- 7N. **Resolution No. 3684** approving and authorizing the Mayor to execute a Construction Agreement between the City and Premier Contracting in the amount of \$12,535.00, pertaining to the restroom roof replacement located at I-Lan Park, 12601 Nall Avenue [Project # 74045]

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

- 7O. **Resolution No. 3685** approving and authorizing the Mayor to execute a Construction Agreement between the City and Premier Contracting in the amount of \$7,850.00, pertaining to the roof replacement located at Ironhorse Golf Course, 15400 Mission Road [Project # 74045]

A motion to approve Item No. 7O was made by Councilmember Bussing; seconded by Councilmember Rezac. The motion carried following a unanimous vote of 6-0. Councilmember Cain recused. (Councilmember Azeltine absent).

- 7P. **Resolution No. 3686** approving and authorizing the Mayor to execute a Construction Agreement between the City and Premier Contracting in the amount of \$179,100.00, pertaining to the roof replacement located at Ironwood Park, 14701 Mission Road [Project # 74045]

A motion to approve Item No. 7P was made by Councilmember Rawlings; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 6-0. Councilmember Cain recused. (Councilmember Azeltine absent).

- 7Q. **Resolution No. 3687** approving and authorizing the Mayor to execute a Construction Agreement between the City and Premier Contracting in the amount of \$90,688.00, pertaining to the roof replacement located at Fire Station No. 1[\$51,628.00] [Project # 76025]; and Historical Building, [\$39,420.00] at 9609 Lee Boulevard [Project # 74032]

A motion to approve Item No. 7Q was made by Councilmember Rawlings; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 6-0. Councilmember Cain recused. (Councilmember Azeltine absent).

Councilmember Cain rejoined the meeting.

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

- A. Attended a ribbon cutting and dedication ceremony for Children's Mercy South Hospital's new Emergency Department that opened just across the street on 110<sup>th</sup> Street off of Nall in Overland Park. This is a great addition in medical services for our region.
- B. Attended, along with Councilmember Lou Rasmussen, a Leawood Chamber of Commerce ribbon cutting ceremony for BlueCreek Investment Partners, located on 114<sup>th</sup> Street. They are headquartered in Huntsville, Alabama; this is the only site outside of their hometown. Mayor Dunn wished them much success.
- C. Councilmember Jim Rawlings participated in a Leawood Chamber of Commerce ribbon cutting for 801 Chophouse, located in Park Place. This is a great new restaurant to add to Leawood's already impressive list.

- D. Councilmembers Andrew Osman, Carrie Rezac and Julie Cain joined Mayor Dunn on a delegation to Leawood's sister city in the Gezer Region of Israel during this past week. Mayor Peter Weiss and officials from the Region graciously and generously hosted them and dedicated the new Leawood Square and Leawood Trail in the heart of the Gezer Region. Street signage at the site illustrates that the Gezer Regional Council offices were within 220 yards. The City of Leawood, Kansas, on the other hand, is 6,887 miles. Thanks to those who participated and especially to Mayor Weiss and his associates for a very productive and successful visit.
- E. Prairie Village Mayor Ron Shaffer hosted the October Council of Mayors' meeting along with the Johnson & Wyandotte Counties legislative delegation. Secretary of Commerce Pat George was also in attendance. Topics included discussion of the Flat Tax Plan, School Finance Formula and the Pension Fund deficit. The budget is ahead of projections by \$230 Million. It was pointed out that the approved \$.01 sales tax is bringing in \$300 Million a year and comes off in 2013. Retail sales for the State are currently up 5%; income taxes are up 6%. Discussion also included redistricting for the State saying there are 2.83 Million people living in the State of Kansas with numerous ideas on how redistricting should occur. It is anticipated that Johnson County will have at least 3 additional seats in the House with 1 additional Senate seat.
- F. Reminder that the 2011 Johnson & Wyandotte Counties Council of Mayors' Holiday Social will take place at the Overland Park Convention Center on December 7<sup>th</sup>. Please R.S.V.P. to City Clerk Deb Harper.
- G. Congratulations to Leawood resident Fred Logan who will be honored at an awards ceremony in December as the recipient of the United Community Service [UCS] "2011 Citizen of the Year" Award.
- H. Congratulations to Leawood Police Officer Shawn Farris who has been awarded the John Carion "Unsung Hero" Award at the 2011 International Law Enforcement Torch Run Conference for Special Olympics. This is only awarded to a very select 3 people around the world each year.

## **9. COUNCILMEMBERS' REPORT**

Councilmember Rasmussen- Discussion regarding utilization of recently acquired park land

Councilmember Rasmussen recommended they hire an engineering firm to survey the site to locate utilities and delineate the adjoining property owners. He also requested they do a Request for Proposal [RFP] for park designers to submit proposals. Roughly half of the acquired property is located in the floodplain. He requested that the Council have a map of the site illustrating park utilization and any restrictions at their next work session discussion.

Mr. Lambers responded using the County's Automated Information Mapping System [AIMS], Public Works Director Joe Johnson was able to identify the existing utility lines and has been consulting with the utility companies on estimated costs to connect the lines through the acquired property. Fortunately, with development surrounding the property, there are multiple access points to various utilities. Cable television lines still need to be located.

Mr. Johnson confirmed a survey of the site was done in conjunction with the purchase of the property, which located all of the easements and utilities and highlights the property boundaries. The location of the floodplain is depicted on the plat. The map shows the location of the easements and the floodplain. Councilmember Rasmussen noted that some easements prohibit any construction at all. Mr. Johnson replied most of the utilities can be relocated if they interfere with a particular use of the property. Stakes along the property lines would specifically locate adjoining property owners. They can obtain good site elevations by using the AIMS System. Mr. Rasmussen reiterated the need to have a map of the site illustrating the easements, contours, floodplain and adjoining property owners.

Mayor Dunn noted there were several things that needed to occur before they could request proposals from park designers. Councilmember Rasmussen was concerned with completing everything within the 12 month timeframe they had previously approved. Mayor Dunn confirmed they would try to schedule an "off" Monday work session by the end of April, 2012, to discuss possible park land uses.

Mr. Lambers noted he and Parks Superintendent Brian Anderson toured the site specifically looking at encroachment by property owners; however, none of the encroachment involves any structures that would require removal.

**10. STAFF REPORT – None**

***COMMITTEE RECOMMENDATIONS***

**11. PUBLIC WORKS COMMITTEE**

*[from the October 18, 2011 Public Works Committee meeting]*

Recommendation to rename 117<sup>th</sup> Street to Town Center Drive from Roe Avenue to Tomahawk Creek Parkway

Mr. Johnson stated this discussion came about during the design of the Justice Center. Renaming 117<sup>th</sup> Street to Town Center Drive will make it continuous from Nall Avenue to Tomahawk Creek Parkway. The Police Department confirmed there are only 3 City-owned tracts of land that would be impacted by this change.

A motion to approve the Public Works Committee recommendation was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion carried following a unanimous vote of 7-0. (Councilmember Azeltine absent).

**12. OLD BUSINESS - None**

**13. OTHER BUSINESS - None**

**14. NEW BUSINESS**

- A. **Ordinance No. 2516** appropriating the amounts set up in each fund in the budget for fiscal year 2012, 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 Bussing; seconded by Councilmember Rawlings. The motion carried following a unanimous roll call vote of 7-0. Nay: None. (Councilmember Azeltine absent).

- B. **Charter Ordinance No. 39** amending Charter Ordinance No. 32, exempting the City of Leawood, Kansas, from the provisions of K.S.A. § 12-1017 which relates to competitive bids and bidding and providing amended and substituted provisions on the same subject and repealing any provisions in conflict herewith [Roll Call Vote]

Mr. Johnson confirmed this ordinance permits the City to use a contractor that has already pre-bid an existing project using their unit prices. When the City has done this in the past, it has been done for cost savings to the residents.

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

- C. **Ordinance No. 2517C** amending § 13-1A13 of the Code of the City of Leawood, 2000, pertaining to Snow and Ice to be Removed from Sidewalks [Roll Call Vote]

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

Mr. Johnson confirmed enforcement would entail always issuing a courtesy notice to come into compliance within a specific timeframe, after which a citation could be issued. City crews maintain City-owned sidewalks. GPS units will be installed on City plow trucks and should be up and running by the end of the year. The GPS units will allow them to track where the trucks are and where they have been.

Councilmember Rezac noted the committee had changed the wording in the ordinance from “noncorrosive” to “environmentally safe;” however, it did not get updated. Mr. Lambers commented if “environmentally safe” was their intent they would need to discuss the specific definition since this is a very broad term. “Non-corrosive” is much more specific. He suggested they adopt the ordinance with the current language and if the committee decides to amend it they can do so at the next meeting.

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

### **ADJOURN**

There being no further business, the meeting was adjourned at 8:30 P.M.

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Debra Harper, CMC, City Clerk

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Pam Gregory  
Recording Assistant City Clerk