

**Minutes**

DVD No. 269

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 5, 2011. Mayor Peggy Dunn presided.

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

**Mayor/Councilmembers absent:** None

<b>Staff present:</b> Scott Lambers, City Administrator	Patty Bennett, City Attorney
Chief John Meier, Police Department	Chris Claxton, P&R Director
Chief Ben Florance, Fire Department	Lovina Freeman, HR Director
Mark Andrasik, Info. Services Director	Travis Torrez, Building Official
Joe Johnson, PW Director	Deb Harper, City Clerk
Richard Coleman, Comm. Dev. Director	Pam Gregory, Assistant City Clerk
Mark Klein, Planning Official	

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

Mayor Dunn noted the following addition to the agenda:

- Item No. 9 – Councilmembers Report from Councilmember Lou Rasmussen

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**

Affirmation of Dawn Long's appointment as Finance Director

City Administrator Scott Lambers stated Dawn Long has served as Interim Finance Director for 1 year. She has demonstrated the ability to perform the duties of Finance Director and also manage the staff of whom she has a very good relationship with. He recommended they appoint her as Finance Director.

A motion to approve the recommendation was made by Councilmember Azeltine; seconded by Councilmember Rasmussen. 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. 2011-45, 2011-46, and 2011-47
- B. Accept minutes of the November 21, 2011 Governing Body meeting
- C. Accept minutes of the August 23, 2011 Leawood Arts Council meeting
- D. Approve renewal of Cereal Malt Beverage [CMB] license to Cosentino Price Chopper, located at 3700 W. 95<sup>th</sup> Street
- E. Approve renewal of Cereal Malt Beverage [CMB] license to Walgreen Co., located at 4230 W. 151<sup>st</sup> Street
- F. Approve 7<sup>th</sup> and Final Payment in the amount of \$18,957.00, to 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]
- G. Approve Change Order No. 2 in the amount of \$59,290.10, to O'Donnell & Sons Construction, pertaining to the 2011 Residential Mill & Overlay Project [Project # 70010]
- H. **Resolution No. 3715** approving and authorizing the Mayor to execute Addendum No. 2 to that certain Design Build Contract dated December 6, 2010, between the City and Burns & McDonnell, in the amount of \$12,957.00, 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]
- I. **Resolution No. 3716** approving and authorizing the Mayor to execute an Inter-local Agreement between the City and the City of Prairie Village, pertaining to the design of Stormwater Improvements for box culvert located at 87<sup>th</sup> & Mission Road [Project # 77011]
- J. **Resolution No. 3717** adopting the 2012 Fee Schedule for fees not specifically provided for in the Code of the City of Leawood, 2000, and rescinding Resolution Nos. 3509, 3521, and 3558, in accordance with § 1-701 of the Code of the City of Leawood, 2000
- K. **Resolution No. 3718** approving and authorizing the Mayor to execute an Inter-local Agreement between the City and Kansas Department of Transportation [KDOT] pertaining to the Special Traffic Enforcement Program [STEP]

- L. **Resolution No. 3719** approving a Final Sign Plan for Parkway Plaza – Revised Sign Criteria, located at the northwest corner of 135<sup>th</sup> Street and Roe Avenue. (PC Case # 99-11) *[from the November 22, 2011 Planning Commission meeting]*
- M. **Resolution No. 3720** approving a Final Sign Plan for Parkway Plaza – Marquette Physical Therapy (Medical Office), located at 13400 Briar Street. (PC Case # 135-11) *[from the November 22, 2011 Planning Commission meeting]*
- N. **Resolution No. 3721** approving a Final Sign Plan for Parkway Plaza – Wow’s Floral Hardscapes (Florists and Landscaping), located at 4800 W. 135<sup>th</sup> Street. (PC Case # 120-11) *[from the November 22, 2011 Planning Commission meeting]*
- O. **Resolution No. 3722** approving a Final Sign Plan for Town Center Plaza – Revised Sign Criteria, located north of 119<sup>th</sup> Street and east of Nall Avenue. (PC Case # 138-11) *[from the November 22, 2011 Planning Commission meeting]*
- P. **Resolution No. 3723** approving a Revised Final Plan for a tenant finish for Town Center Plaza – Madewell (Women’s Apparel), located at 5016 W. 119<sup>th</sup> Street. (PC Case # 124-11) *[from the November 22, 2011 Planning Commission meeting]*
- Q. **Resolution No. 3724** approving a Final Plan for a tenant finish for Camelot Court – Glitters Fine Jewelry, located at 4250 W. 119<sup>th</sup> Street. (PC Case # 100-11) *[from the November 22, 2011 Planning Commission meeting]*
- R. **Resolution No. 3725** approving a Final Sign Plan for Town Center Business Park – Discover Vision Centers (Medical Office), located at 11500 Granada Avenue. (PC Case # 121-11) *[from the November 22, 2011 Planning Commission meeting]*
- S. **Resolution No. 3726** approving a Final Plan for Park Place – Traq 3D Fitness (Personalized Fitness Training), located at 11614 Ash Street. (PC Case # 129-11) *[from the November 22, 2011 Planning Commission meeting]*

Councilmember Filla requested to pull Item No. 7F and Councilmember Rezac pulled Item No. 7J for discussion.

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

- 7F. Approve 7<sup>th</sup> and Final Payment in the amount of \$18,957.00, to 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]

Councilmember Filla asked Public Works Director Joe Johnson to share highlights from all of the energy improvements throughout the City. Mr. Johnson responded the main improvements included replacing 4 rooftop units with better 95% efficiency and new lighting throughout City Hall. The new bulbs use 50% less electricity and produce less heat. In conjunction with this, the heating and cooling monitor system in several buildings has been updated for better efficiency. These improvements are estimated to save the City \$46,000 annually on its electric/gas bills.

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

- 7J. **Resolution No. 3717** adopting the 2012 Fee Schedule for fees not specifically provided for in the Code of the City of Leawood, 2000, and rescinding Resolution Nos. 3509, 3521, and 3558, in accordance with § 1-701 of the Code of the City of Leawood, 2000

Building Official Travis Torrez confirmed for Councilmember Rezac that the City's building re-inspection fees would change to \$100.00 to better cover costs and serve as a deterrent for future violations. It would be an extreme circumstance for them to charge the fee; however, when they do, they wanted it to have some impact. He confirmed the building valuation data shows the average cost of construction on a nation-wide basis.

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

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

- A. The Leawood Chamber of Commerce Government Affairs Task Force and the Chamber Board of Directors held a joint meeting with Congressman Kevin Yoder that was then followed by a Board of Directors meeting. The Chamber Board adopted their 2012 State Legislative Priorities as well as the Johnson County Public Policy Council 2012 State Legislative Platform. In addition, the Chamber Board endorsed the Blue Valley School District Bond Issue that will be coming out as a mail-in ballot in mid January. This is a \$271 Million Bond Issue. The representative on the Chamber Board informed them that an appraised Blue Valley home of \$250,000 would equate to approximately a \$75 per year increase in property taxes. This was endorsed unanimously by the Chamber Board.
- B. Councilmember Jim Rawlings joined Mayor Dunn for a Leawood Chamber of Commerce ribbon cutting ceremony for Talk of the Town Grill, located in the Cornerstone Development at 135<sup>th</sup> and Nall. Mayor Dunn wished them much success.
- C. Attended a presentation by author Tim Keller, who is Pastor of the Redeemer Presbyterian Church in Manhattan, New York. This was sponsored by the Harry J. Lloyd Charitable Trust, DEMDACO, Leawood's Christ Community Church and United Methodist Church of the Resurrection. The presentation topic was "Creating Business and Spiritual Partnerships to Reach the City."
- D. Mayor Dunn had the privilege of participating as a server at the 7<sup>th</sup> Annual "Red Stocking Breakfast," benefiting the Kansas Children's Service League. This organization serves abused children in Johnson and Wyandotte Counties. Leawood resident and Fox 4 News Anchor and Reporter John Holt was the Honorary Chairman of the event.
- E. Attended the Leawood Parks and Recreation "Breakfast with Santa" at Ironwood's Lodge with the entire family. Members of the Leawood Lions Club were on hand to serve several hundred people in 2 shifts. Thanks to Parks and Recreation Director Chris Claxton and her team for a great family-fun, holiday event.

- F. Received an Israeli publication from Gezer Regional Council Mayor Peter Weiss written in Hebrew with some great pictures in it.
- G. Reminder on Wednesday, December 7<sup>th</sup>, the Council of Mayors' meeting for their December Social will be held at the Overland Park Convention Center at 5:30 P.M.
- H. Reminder on Thursday, December 8<sup>th</sup>, the City of Leawood's Employee Appreciation Luncheon will be held at the Ironwoods' Lodge at 11:30 A.M.

**9. COUNCILMEMBERS' REPORT**

- A. Councilmember Bussing – Governing Body Goal Setting Process – *[Continued from the November 21, 2011 Governing Body meeting]*

In order to improve the goal setting process, Councilmember Bussing proposed the following recommendations:

1. Focus attention on immediate (this calendar year) and near term goals (1-3 years). This does not preclude a Council member from suggesting a longer term goal for future consideration. He proposed that Mr. Lambers maintain a list of such items, identified as items for future consideration.
2. Goal suggestions submitted prior to the goal setting meeting in order to provide an opportunity for more thoughtful discussion. This does not preclude a Council member from suggesting a goal at the meeting; it is only intended to provide structure to the process.
3. Intend to conclude goal setting in one evening; however, schedule a second meeting if necessary.

A motion to approve the recommendations was made by Councilmember Bussing; seconded by Councilmember Filla.

Mayor Dunn reminded the Council their goal setting session is scheduled for January 30, 2012.

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

- B. Councilmember Rasmussen – Johnson County Wastewater Billing Changes

Councilmember Rasmussen reminded the Council when Johnson County Commissioner Ed Peterson came before them he had discussed proposed changes in the wastewater bill. Wastewater plans included public hearings on the proposed changes. The board is considering rolling the capital charge from the property tax bill to a user charge in a bi-monthly billing beginning January, 2013. Wastewater costs consist of capital charges, user charges and service charges. If the capital charge rolls into the user charge, it will affect those who itemize deductions on their income tax. Several landlords have set this up in their rent to pay the capital charge and they have the occupant pay the user charge. User charges and service charges are on both the wastewater and property tax statements. This raised concern by those who attended the public hearing because essentially their State and Federal taxes will increase. Mr. Rasmussen suggested at the hearing that they move the capital charge on a third line on the bi-monthly bill without rolling it into a user charge.

Their motivation for rolling the charge over was unclear; they stated they were simplifying the billing and equity by rolling it into the user charge.

Mayor Dunn pointed out in the minutes from the October 17, 2011, Governing Body meeting, Commissioner Peterson stated the ultimate goal was to convert this to a strict utility and have it collected on a frequent basis. Eventually they hope it is moved to monthly billing. She was unsure when the commission would be voting on this; however, educational programs began at the end of this year and will continue throughout all of 2012. This will not take effect until 2013, if adopted.

**10. STAFF REPORT - None**

***COMMITTEE RECOMMENDATIONS***

**11. PLANNING COMMISSION**

*[from the January 25, 2011 Planning Commission meeting]*

- A. Resolution approving the Planning Commission's recommendation for denial of a Final Sign Plan for Town Center Plaza – AMC 20 IMAX, located at 11701 Nall Avenue (PC Case # 01-11) –***CONTINUED TO THE FEBRUARY 20, 2012 GOVERNING BODY MEETING [Continued from the February 21, 2011 Governing Body Meeting]***

A motion to approve the recommendation to continue this to the February 20, 2012, Governing Body meeting was made by Councilmember Rawlings; seconded by Councilmember Cain. The motion carried following a unanimous vote of 8-0.

**12. OLD BUSINESS - None**

**13. OTHER BUSINESS - None**

**14. NEW BUSINESS**

- A. Schedule Governing Body Work Session on Monday, April 9, 2012, at 6:00 P.M., to discuss utilization of recently acquired park land, located adjacent to and east of Ironwoods Park, approximately 148<sup>th</sup> & Kenneth Road

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

- B. Schedule Governing Body Work Session on Monday, April 23, 2012, at 6:00 P.M., to discuss utilization of recently acquired park land, located adjacent to and east of Ironwoods Park, approximately 148<sup>th</sup> & Kenneth Road

A motion to approve the work session was made by Councilmember Cain; seconded by Councilmember Filla. 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 Assistant City Clerk