

Minutes

DVD No. 283

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, July 2, 2012. Mayor Peggy Dunn presided.

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

Mayor/Councilmembers absent: Debra Filla

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| Staff present: Scott Lambers, City Administrator | Patty Bennett, City Attorney |
| Chief John Meier, Police Dept | Chris Claxton, P&R Director |
| Interim Chief Steve Duncan, Fire Dept | Joe Johnson, PW Director |
| Mark Andrasik, Info Systems Director | Lovina Freeman, HR Director |
| Richard Coleman, Comm Dev Director | Deb Harper, City Clerk |
| Mark Klein, Planning Official | Pam Gregory, Assistant City Clerk |

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn noted the following modifications to the agenda:

- Addition of Item No. 9C – Justice Center update from Councilmember Jim Rawlings

A motion to approve the agenda was made by Councilmember Rasmussen; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 7-0. (Councilmember Filla 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 - None

6. SPECIAL BUSINESS - None

Affirmation of appointment of Leawood Fire Chief David 'Dave' Williams

A motion to affirm appointment of Leawood Fire Chief David Williams was made by Councilmember Rasmussen; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 7-0. (Councilmember Filla 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. 2012-23 and 2012-24
- B. Accept minutes of the June 18, 2012 Governing Body meeting
- C. Accept minutes of the June 18, 2012 Governing Body Work Session
- D. Accept minutes of the April 11, 2012 Bicycle Friendly Committee meeting
- E. Accept minutes of the April 26, 2012 Leawood Foundation meeting
- F. Accept minutes of the May 9, 2012 Public Work Committee meeting
- G. Approve \$33,289.74 expenditure to the Johnson County Election Office for the April 3, 2012 General Election
- H. Approve \$32,205.00 expenditure to Ka-Comm for the replacement of police vehicles light bars
- I. **Resolution No. 3834** approving and authorizing the Mayor to a Professional Architectural Service Agreement, in the amount of \$21,971.50 between the City and Professional Services Industries, Inc., [PSI] pertaining to the inspection services for Earthwork and Shallow Foundations
- J. **Resolution No. 3835** approving a Revised Final Sign Plan for One Nineteen – Lulu Lemon (Retail: Athletic Clothing), located south of 119th Street and east of Roe Avenue. (PC Case 38-12) *[from the June 26, 2012 Planning Commission meeting]*
- K. **Resolution No. 3836** approving a Final Plan for a tenant finish for Park Place – The Residences – Space F-04 (Leasing Office), located south of Town Center Drive and east of Nall Avenue. (PC Case 65-12) *[from the June 26, 2012 Planning Commission meeting]*
- L. **Resolution No. 3837** approving a Final Sign Plan for Hallbrook – Two Hallbrook Place Monument Sign, located north of 112th Street and west of State Line Road. [PC Case 60-12] *[from the June 26, 2012 Planning Commission meeting]*
- M. **Resolution No. 3838** approving a Final Sign Plan for Parkway Plaza – Vision Professionals of Leawood (Optometrists), located north of 135th Street and west of Roe Avenue. (PC Case 73-12) *[from the June 26, 2012 Planning Commission meeting]*
- N. **Resolution No. 3839** approving a Final Plan for Hallbrook Country Club, located north of 114th Street and west of State Line Road. (PC Case 74-12) *[from the June 26, 2012 Planning Commission meeting]*
- O. **Resolution No. 3840** approving a Final Sign Plan for Town Center Plaza – Allen Edmonds (Retail: Men's Shoes), located north of 119th Street and east of Nall Avenue. (PC Case 76-12) *[from the June 26, 2012 Planning Commission meeting]*

- P. **Resolution No. 3841** approving a Final Sign Plan for 89th & State Line – BMO Harris Bank – Signs, located north of 89th Street and east of State Line Road. (PC Case 81-12) *[from the June 26, 2012 Planning Commission meeting]*
- Q. **Resolution No. 3842** approving a Final Sign Plan for Leawood Commons – BMO Harris Bank – Signs, located north of Town Center Drive and east of Nall Avenue. (PC Case 82-12) *[from the June 26, 2012 Planning Commission meeting]*

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

8. MAYOR'S REPORT

Annual Report: American Revolution Tricentennial CD Fund

The City of Leawood was presented with a CD in the amount of \$1,000 on July 6, 1976, by Mayor William Eddy with the intention to maintain it and read the current balance into the record on the closest meeting to the 4th of July. Last year the CD earned \$27.62 in interest on the principal amount of \$8,419.70, which brings the balance to \$8,447.32. It yields an interest rate of .548% and will mature on June 18, 2013.

- A. Delivered two abbreviated presentations on the State of the City of Leawood; first, to the Leawood Rotary Club, of which Councilmembers Rawlings and Bussing are members; and second, to the ROMEO's [Retired Old Men Eating Out].
- B. Extended appreciation to Parks and Recreation Advisory Board Chair Karen Ward Reimer and Parks and Recreation Director Chris Claxton for organizing the public forum on the land use for Ironwoods Park. Parks and Recreation Advisory Board and City Council Liaisons Julie Cain and Lou Rasmussen were in attendance along with the entire Advisory Board, City Administrator Scott Lambers and Councilmember Carrie Rezac.
- C. Attended a Leawood Chamber of Commerce ribbon cutting ceremony for the new Walgreen's across from City Hall. Mayor Dunn wished them much success.
- D. Extended appreciation to Finance Director Dawn Long and Budget Coordinator Kathy Byard for all of their hard work on the 2013 Budget. The Budget and Finance Committee also met last week for their annual review. The City of Leawood is forecasting a 1.1% increase in revenues and no mill levy increase for 2013. Thanks to the Budget and Finance Committee, comprised of the City Council and citizen volunteers, and to City Administrator Scott Lambers and all department heads for their assistance.
- E. Attended the "Entrepreneur Day at the K" where a proclamation was presented on the field prior to the Kansas City Royals beginning their game. The proclamation was signed by 92 local Mayors from both sides of the State Line. This recognition was for all local entrepreneurs, in which a number from Leawood were in attendance. This is a piece of one of the Greater Kansas City Chamber of Commerce "Big 5" initiatives.

- F. Attended the Heartstrings Community Foundation's 11th Annual All-American Celebration. The ceremony honors all active military, veterans, firefighters and police officers. There were representatives from the Leawood Police and Fire Department in attendance.
- G. Participated in the Greater Kansas City Economic Development Assembly that was sponsored by Ingram's Magazine and co-chaired by Kansas City, Missouri, Mayor Sly James and County Executive Mike Sanders of Jackson County, Missouri. This will be featured in the 2012-2013 special edition of "Destination Kansas City."
- H. Attended a soft opening for Oklahoma Joe's BBQ restaurant, which was delicious and look forward to going back.
- I. Thanks to Kathy Klote in the Leawood Municipal Court for organizing the Harvesters food drive and work day. The City of Leawood employees donated 237 pounds of food, which will provide 182 meals. On Saturday, June 23rd, twelve people, which included spouses and grand children, spent the morning sorting toiletries and baking goods at the Harvesters warehouse. Thanks to everyone for their participation.
- J. Reminder of the 4th of July festivities to be held at City Park, which will begin at 5:30 P.M. There will be food, music and rides for younger children. The fireworks finale will begin at 9:45 P.M.
- K. Reminder of an Artist Reception on July 10th, from 5:00 – 6:00 P.M., on the lawn just west of City Hall for the "Guardian" sculpture by STRETCH. This is the 8th temporary installation of the Art on Loan Program, which will be on display for one year.
- L. Reminder of the Leawood Stage Company's production of "Fiddler on the Roof" on July 12, 13, 14, 15, 19, 20 and 21 at 8:00 P.M. nightly with free admission at the Ironwoods Park Amphitheatre, located at 147th and Mission Road.

9. COUNCILMEMBERS' REPORT

A. Councilmember Rasmussen

Acceptance of the Policy for the establishment of Park and Recreation Fees

Councilmember Rasmussen reported this internal policy has been in effect for almost a decade. On behalf of the Parks and Recreation Advisory Board, he requested that the City Council accept the policy.

A motion to accept the Policy for the Establishment of Parks and Recreation Fees was made by Councilmember Rasmussen; seconded by Councilmember Rawlings.

Councilmember Bussing was in favor of the policy; however, he suggested when it comes up for annual review, they discuss their overall pricing philosophy on some of the facilities and programs.

Councilmember Rasmussen cautioned the staff and City Council to comply with all laws and not make it "anti-public" participation.

Councilmember Azeltine suggested the policy be attached to the fee schedule for annual review.

Mr. Lambers replied the policy would be reviewed annually in November, adopted in December, and effective January 1st. Staff could also include a revenue report on the activities to date.

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

B. Councilmember Osman 1. Discussion of proposed improvements to Brooke Beatty Park

Scott Martin, 8616 Meadow Lane, voiced concerns regarding safety and parking for the proposed Brooke Beatty Park improvements and suggested they re-evaluate the speed limit on Lee Boulevard.

Mr. Lambers confirmed a fence would be installed along a portion of Lee Boulevard as a barricade for safety. The playground is designed for ages 2-5 at a cost of approximately \$25,000. The parking plan is estimated at \$24,000 and includes a sidewalk that would extend from the intersection at Meadow Lane to the west with a “no parking” sign posted at that intersection. There would be enough space for 3 vehicles to easily park. To encourage people to use the sidewalk, they plan to install a similar barricade along Meadow Lane and post “private property” signs behind the park.

Mr. Martin thought the parking area would create additional site-line problems on Meadow Lane. He indicated most of the park was located in a floodplain and questioned the need for the improvements because of its close proximity to other parks. He was also concerned with people trespassing and felt the improvements would negatively impact his property. The surrounding neighbors are not in favor of this with traffic being their main concern.

Councilmember Osman reported this discussion resulted from the budget session held last week, in which he suggested they hire a consultant to evaluate green space throughout the City. He was concerned of not being able to see the park plan before it was implemented.

Mayor Dunn clarified \$101,000 was allocated for Brook Beatty Park and \$85,000 intended to be used for a consultant to evaluate the City’s entire park plan.

Councilmember Osman recommended they review the plan for Brook Beatty Park and hold a forum with the residents in Ward 1 before proceeding.

Parks and Recreation Director Chris Claxton confirmed there has not been any formal interaction with the neighbors.

Mr. Lambers stated they could hold a meeting with the residents with this basic information prior to initiating a planning application. This would give the residents an opportunity to comment before proceeding through the Planning Commission and City Council.

Councilmember Cain requested this project be placed on hold until an overall park Master Plan is completed.

Councilmember Osman noted Councilmember Filla had advocated for this project for quite some time and wanted to see it move forward. He suggested they consider all of the issues addressed by Mr. Martin before moving proceeding.

Councilmember Bussing preferred this project go through the City's normal planning process with a specific planning application before proceeding. Mr. Lambers concurred and stated if they choose to defer this until a consultant can review an overall park Master Plan, they should not initiate a meeting with the neighbors until that process is completed. He suggested this item be continued and formally placed on the July 16, 2012, Governing Body meeting agenda for further discussion on how to proceed.

Councilmember Rasmussen requested that staff include documentation identifying the property lines and floodplain information at that meeting.

Councilmember Azeltine requested staff to inform the surrounding neighbors of this continued discussion on July 16th.

Councilmember Rawlings wanted to determine the demographics of the neighborhood to see if there is a need for a playground in that area. Councilmember Cain noted one of the neighbors had been working with Councilmember Filla and has information on the ages and number of children that would use the park.

Councilmember Cain requested that staff verify the distance to the other surrounding parks as well as the acreage by the old City Hall.

2. Discussion of revisions to the City's Leawood Development Ordinance [LDO]

Councilmember Osman stated the commercial developments located at Somerset and Lee and 103rd and State Line do not meet some of the current guidelines of the Leawood Development Ordinance [LDO]. He requested they consider amending the LDO to allow staff a range of flexibility to review certain items with the applicant that would otherwise need to come before the BZA. Mr. Lambers confirmed this could include items such as landscaping, green space, location of trash enclosures, setbacks, etc. He supported this request because the LDO was designed without consideration being given to these developments.

A motion to request staff to review the LDO to determine what items could be administered on a staff level that could bypass the BZA and return with a proposal was made by Councilmember Osman; seconded by Councilmember Azeltine.

Mr. Lambers wanted to avoid creating a sub-zoning category within the LDO and preferred to specifically identify what could go through this process.

Councilmember Rezac asked if they would still be moving toward their ultimate goal of upgrading these areas by allowing these exceptions.

Councilmember Osman felt they needed to work through some of the limitations in the LDO in order for these developments improve.

Mr. Lambers confirmed this would allow flexibility for specific areas with specific parameters that would not affect abutting property owners. If there is any doubt in the specific application, it would go before the BZA.

Councilmember Rezac was in favor of this; however, she cautioned that they keep the end goal of re-development in mind.

Councilmember Bussing was confident with staff's abilities and agreed to consider some amendments; however, he expressed concern because the LDO has served them extremely well.

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

C. Councilmember Rawlings Justice Center Update

Councilmember Rawlings reported excavation for the Justice Center began on May 13th and the sanitary sewers have been installed. There were some issues with the soil that were not suitable for the foundation, which required hauling in 4,800 cubic yards of dirt. All of the sub-flooring pads have been installed and they are prepping for the foundations. Structural steel construction should begin mid-August and end by October, weather permitting.

Police Chief John Meier stated they should begin drilling for the geo-thermal well system in August.

10. STAFF REPORT – None

COMMITTEE RECOMMENDATIONS

11. PUBLIC WORKS COMMITTEE

[from the May 9, 2012 and June 13, 2012 Public Works Committees

Recommendation regarding request for traffic calming measures at 80th & Manor

Councilmember Azeltine stated the Council had requested that the Public Works Committee review a petition that was submitted from residents in the 8000 block of Manor. The petition asked for the construction of a cul-de-sac. The committee met on 2 occasions for review, in which residents were invited and were represented at both meetings. Their findings show the location did not meet the required minimum points for traffic calming devices.

A motion to approve the Public Works Committee's recommendation to not proceed with the installation of a cul-de-sac was made by Councilmember Azeltine; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 7-0. (Councilmember Filla absent).

12. OLD BUSINESS

Ordinance No. 2548C amending Code § 5-523, of the Code of the City of Leawood, Kansas, 2000, entitled, 'Massage Establishment: Facilities,' as it pertains to foot candle levels [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Bussing; seconded by Councilmember Rasmussen. The motion carried following a unanimous roll call vote of 7-0. (Councilmember Filla absent).

13. OTHER BUSINESS - None

14. NEW BUSINESS

A. **Ordinance No. 2549C** amending Chapter 14, Article 1 of the Code of the City of Leawood, Kansas, 2000, by enacting a new Section 14-102A, amending the Standard Traffic Ordinance, Section 30, pertaining to Driving Under the Influence of Intoxicating Liquor or Drugs and Penalties; and enacting a New Section 14-102B, Amending the Standard Traffic Ordinance, Section 30.1, pertaining to Driving a Commercial Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs and Penalties; and enacting a New Section 14-102D, pertaining to Chemical Test Refusal; and repealing sections in conflict herewith [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Bussing. The motion carried following a unanimous roll call vote of 7-0. (Councilmember Filla absent).

B. Schedule a Governing Body Work Session at 6:00 P.M., on Monday, August 6, 2012, to review 135th Street Corridor Study

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

C. Schedule a Governing Body Work Session at 6:00 P.M., on Monday, August 20, 2012, to further review 135th Street Corridor Study

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

ADJOURN

There being no further business, the meeting was adjourned at 9:05 P.M.

Debra Harper, CMC, City Clerk

Pam Gregory
Recording Assistant City Clerk