

**Minutes**

DVD No. 285

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, August 6, 2012. Mayor Peggy Dunn presided.

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

**Mayor/Councilmembers absent:** Andrew Osman

<b>Staff present:</b> Scott Lambers, City Administrator	Patty Bennett, City Attorney
Chief John Meier, Police Dept	Chris Claxton, P&R Director
Chief Dave Williams, 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:

- Additional Councilmembers Reports - Councilmembers Rasmussen and Bussing

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 7-0. (Councilmember Osman 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 Leawood Fire Dept. Color Guard**

**Introduction of Leawood Fire Chief, David  
'Dave' Williams**

City Administrator Scott Lambers welcomed new City of Leawood Fire Chief Dave Williams. Chief Williams stated he had heard great things about the City of Leawood and its outstanding Fire Department and was honored to be the new Fire Chief.

**Administer Oath of Office to Fire Chief  
Dave Williams**

Oath of Office administered by City Clerk Deb Harper.

Mr. Lambers expressed his deep gratitude to Interim Fire Chief Steve Duncan for his efforts and professional management to provide a seamless transition in department leadership. Mayor Dunn thanked Interim Chief Duncan for his fine service as well.

**6. SPECIAL BUSINESS - None**

- A. **PUBLIC HEARING** Consider the 2013 Fiscal Budget for the City of Leawood

Seeing no one present to speak, a motion to close the public hearing was made by Councilmember Rasmussen; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 7-0. (Councilmember Osman absent).

- B. **Ordinance No. 2555** authorizing and providing for the issuance and delivery of \$7,615,000 principal amount of General Obligation Temporary Notes of the City of Leawood, Kansas, to provide funds to finance the cost of certain public improvement projects within the City; and making certain covenants with respect thereto [Roll Call Vote]

David Arteberry, George K. Baum & Company, gave an overview of the bond sale results stating the City received confirmation of its AAA Bond rating from Moody's. Bids opened at noon for the sale of \$7,615,000 of temporary notes. This funded a number of new infrastructure projects throughout the City as well as refinanced some notes for street improvement projects. There were a total of 5 bids, with the winning bid awarded to Morgan Stanley & Company with a net interest cost of 0.299362%. The bond sale had a refinancing component, as well as \$700,000 being used to pay-off part of the outstanding temporary notes to fund improvements to the Public Works facilities. The bond sale had a total of 3 bids, with the winning bid awarded to Janney Montgomery Scott out of Philadelphia with a net interest cost of 1.229407%. They were very pleased with the results of these sales and the overall interest costs.

Bill Hess, Esq., Bryan Cave, LLP, City Bond Counsel, noted the size of the issue had changed because of the higher premium; therefore, there were fewer bonds issued.

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. Nay: None. (Councilmember Osman absent).

- C. **Resolution No. 3863**, authorizing the issuance and delivery of \$7,615,000 principal amount of General Obligation Temporary Notes of the City of Leawood, Kansas, for the purpose of financing a portion of the costs of certain public improvements in the City; and prescribing the terms and details of said notes and certain covenants and agreements with respect thereto

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

- \*D. **Ordinance No. 2556**, authorizing the issuance and delivery of \$4,685,000 principal amount of Taxable General Obligation Improvement and Refunding Bonds, Series 2012-A of the City of Leawood, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on the bonds as they become due; and making certain covenants with respect thereto [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. Nay: None. (Councilmember Osman absent).

- E. **Resolution No. 3864**, prescribing the form and details of and authorizing the delivery of \$4,990,000 principal amount of General Obligation Improvement and Refunding Bonds, Series 2012-A, of the City of Leawood, Kansas, authorized by Ordinance No. 2556 of the City; providing certain covenants and agreements with respect thereto; and providing for execution of certain agreements in connection therewith

A motion to approve the resolution was made by Councilmember Bussing; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 7-0. (Councilmember Osman 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. 2012-28, 2012-29, and 2012-30
- B. Accept minutes of the May 17, 2012 Ironhorse Golf Advisory Board meeting
- C. Accept minutes of the July 16, 2012 Governing Body meeting
- D. Accept minutes of the July 16, 2012 Governing Body Work Session
- E. Accept minutes of the June 14, 2012 Sustainability Advisory Board meeting
- F. Approve renewal of Cereal Malt Beverage [CMB] license to Gordon Biersch Brewery Restaurant, located at 11652 Ash Street
- G. Approve renewal of Cereal Malt Beverage [CMB] license to RaSushi Bar Restaurant, located at 11638 Ash Street
- H. **Resolution No. 3865** approving a Tax-Exempt Debt Issuance and Post Issuance Compliance Policy for the City of Leawood

- I. **Resolution No. 3866** approving and authorizing the Mayor to renew the Service Agreement for an amount not to exceed \$42,300, between the City and Securitas Security Services USA, to provide School Crossing Guard Services
- J. **Resolution No. 3867** approving and authorizing the Mayor to authorize a Water Main Extension Petition and Agreement between the City and WaterOne in the amount of \$86,375.00, pertaining to the Leawood Justice Center to be located at Town Center Drive & Tomahawk Creek Parkway [Project # 76008]
- K. **Resolution No. 3868** approving and authorizing the Mayor to execute a Permanent Easement, grant an easement from the City of Leawood, Kansas to Water District No. 1 of Johnson County, Kansas, for property located at Camelot Court Shopping Center, a subdivision located in Leawood, Kansas
- L. **Resolution No. 3869** approving and authorizing the Mayor to execute a Permanent Easement, grant an easement from the City of Leawood, Kansas to Water District No. 1 of Johnson County, Kansas, for property located at Leawood Justice Center, a subdivision located in Leawood, Kansas
- M. **Resolution No. 3870** approving a Revised Final Plan for Parkway Plaza – Parkway Plaza 133 Condominiums Entry Monuments, located south of 133<sup>rd</sup> Street and west of Roe Avenue (PC Case 84-12) *[from the July 24, 2012 Planning Commission meeting]*
- N. **Resolution No. 3871** approving a Final Sign Plan for Market Square – Swim U (Retail Business offering swimming classes), located at the northwest corner of 135<sup>th</sup> Street and Pawnee Street (PC Case # 85-12) *[from the July 24, 2012 Planning Commission meeting]*
- O. **Resolution No. 3872** approving a Final Plan for a Tenant Finish for One Nineteen – Feng (Women’s Apparel), located south of 119<sup>th</sup> Street and east of Roe Avenue (PC Case 87-12) *[from the July 24, 2012 Planning Commission meeting]*
- P. **Resolution No. 3873** approving a Revised Final Plan for Mission Farms – Van Brock Jewelry Store, located at 10551 Mission Road (PC Case 88-12) *[from the July 24, 2012 Planning Commission meeting]*
- Q. **Resolution No. 3874** approving a Revised Final Plat for Parkway Plaza – 7<sup>th</sup> Plat, located north of 135<sup>th</sup> Street and west of Roe Avenue (PC Case 90-12) *[from the July 24, 2012 Planning Commission meeting]*
- R. **Resolution No. 3875** approving a Revised Final Sign Plan for Christ Community Evangelical Free Church – Monument Sign, located north of 143<sup>rd</sup> Street and west of Kenneth Road (PC Case 91-12) *[from the July 24, 2012 Planning Commission meeting]*
- S. **Resolution No. 3876** approving a Revised Final Plan for Wells Fargo Bank – Retaining Wall, located north of 103<sup>rd</sup> Street and west of State Line Road (PC Case 92-12) *[from the July 24, 2012 Planning Commission meeting]*
- T. **Resolution No. 3877** approving a Final Sign Plan for One Nineteen – Frankly Basic (Women’s Apparel), located south of 119<sup>th</sup> Street and east of Roe Avenue (PC Case 93-12) *[from the July 24, 2012 Planning Commission meeting]*
- U. **Resolution No. 3878** approving a Final Sign Plan for Park Place – Luxe (Women’s Apparel), located at the northeast corner of 117<sup>th</sup> Street and Nall Avenue (PC Case 96-12) *[from the July 24, 2012 Planning Commission meeting]*

- V. **Resolution No. 3879** approving a Final Plan for a Tenant Finish for Park Place – 801 Fish (Retail: Restaurant), located on the northeast corner of 117<sup>th</sup> & Nall Avenue (PC Case 94-12) Consent Agenda [*from the July 24, 2012 Planning Commission meeting*]
- W. **Resolution No. 3880** approving a Revised Final Sign Plan for Leawood Plaza – Revised Sign Criteria, located north of 123<sup>rd</sup> Street and west of State Line Road. (PC Case 89-12) Consent Agenda [*from the July 24, 2012 Planning Commission meeting*]

Councilmember Cain requested to pull Item No. 7I and Councilmember Rezac pulled Item No. 7J for discussion.

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

- 7I. **Resolution No. 3866** approving and authorizing the Mayor to renew the Service Agreement for an amount not to exceed \$42,300, between the City and Securitas Security Services USA, to provide School Crossing Guard Services

Councilmember Cain wanted to inform the public that the City of Leawood has been providing school crossing guard services since 2007 to ensure the safety of its citizens.

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

- 7J. **Resolution No. 3867** approving and authorizing the Mayor to authorize a Water Main Extension Petition and Agreement between the City and WaterOne in the amount of \$86,375.00, pertaining to the Leawood Justice Center to be located at Town Center Drive & Tomahawk Creek Parkway [Project # 76008]

Public Works Director Joe Johnson confirmed that in order to complete a water main extension to the Justice Center, WaterOne is requiring them to extend a loop around the Town Center, Tomahawk Creek Parkway area. The cost will be funded from Justice Center contingency funds. Mr. Lambers noted the original engineer had proposed to tie into the existing system; however, if they had proceeded further and determined the looping was not included, this would have been brought back before the Council regardless because of the importance of this facility having a looped water system. The contract total should be less because they don't intend to spend the \$10,000 that was included for the removal of rock.

Councilmember Rasmussen asked if the City could have input in the location of the shut-off valves in case of water service failure. Mr. Johnson replied shut-off valves would be located at the corner of Town Center, Tomahawk Creek Parkway, and the south end of Waterway Car Wash. Mr. Lambers confirmed he would look into all other locations of the shut-off valves.

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

## 8. MAYOR'S REPORT

- A. Attended a briefing on the KCP&L proposed rate hike with City Administrator Scott Lambers, other Johnson County mayors, commissioners, city managers and city administrators. They met at the Lenexa Conference Center with all of the higher executive team of KCP&L. They were assured the proposed rate increase of .41 cents per day (13% increase) for a typical residential Kansas customer would still be under the national average. KCP&L will realize \$63.5 Million more per year. They explained the need for this was due to EPA, Federal mandates, OSHA and Cyber Security. More information is available at [www.kcpl.com/raterequests](http://www.kcpl.com/raterequests). Since 2005, there have been four rate increases equaling a 43%-45% increase; however, they stressed again this was still below the national average. Subsequent to that meeting, there was an article in the Local Business section of the Tuesday, July 31, 2012, edition of the Kansas City Star titled "Rate Hike Plan Gets Hearing." A public hearing was held in Overland Park.

City Administrator Scott Lambers commented that Johnson County Commissioner Ed Peterson had informed him this was the largest attended public hearing he had experienced in his career. They provided overflow space for those in attendance. Approximately 30 people had signed in to speak; however, 20 people spoke stating concern if this goes forward, the result would be too much of a cumulative hike over a 9-year timeframe with a 60% increase in electric rates. This also provides for a 10.5% return on investment for investors, which caused further concern. They indicated they would return in 2015 for another increase, which would equal a 60%-70% increase over an 11-year period. This is an investor-owned utility franchise, in which the investors are guaranteed a certain amount of return. This matter will be concluded by the end of 2012 with the proposed rate increases to go into effect January 1, 2013.

- B. Attended a candidate forum with Councilmember Carrie Rezac, co-hosted by the Leawood and Overland Park Chamber of Commerce. GOP Senatorial candidates Pat Colloton and Jeff Melcher participated as well as GOP House candidates James Azeltine, Mark Hagan and Jerry Lunn. The forum was most informative and very well done.
- C. Reminder of the "Fontana String Trio Concert," on Thursday, August 9<sup>th</sup> at 7:00 P.M., to be held in the Oak Room at the Leawood Community Center at City Hall.
- D. Reminder of the "Sundays in the Park Jazz Series," beginning with performances by Stan Kessler & the Sons of Brasil on August 19<sup>th</sup> at 6:00 P.M., at the Ironwoods Amphitheatre in Ironwoods Park.

- E. 435 South Magazine just released their “Most Fabulous 2012 Readers’ Choice and Editors’ Picks for the Area’s Best Dining, Shopping, Services and Diversions.” The editors’ pick for the “Best Single Sculpture Park Art in Johnson County” is Jesse Small’s “Cloudgate,” located at I-Lan Park in Leawood. Congratulations to Artist Jesse Small, Arts Council Chair Mary Tearney, Art in Public Places Initiative [APPI] Chair Dr. Ann Kenney and their entire team, and Parks and Recreation Director Chris Claxton and the Parks Department.
- F. An article in the Kansas City Star recognized Captain Kevin Cauley of the Leawood Police Department for organizing the 3<sup>rd</sup> Annual Kansas Law Enforcement Special Olympics Summer Games. Captain Cauley and Officer Shawn Farris established a committee together a few years ago consisting of police commanders from the local area. Since then, it has been open to all law enforcement employees across the State. They had 100 officers from 13 agencies participate this year. Officers Farris and Laubenstein have worked hard to ensure the event continues to be a success. This is a fundraiser as well as doing a great deal of good for the very worthwhile cause of Special Olympics.
- G. Congratulations to Parks and Recreation Director Chris Claxton and the Parks Department for all of their work on the beautiful, newly shifted trail system along Tomahawk Creek Parkway.
- H. Reminder of Election Day on August 7<sup>th</sup>. One of our most valued privileges is the right to vote. Best of luck to all of the candidates running for office!

**9. COUNCILMEMBERS’ REPORT**

- Councilmember Rawlings –**
- A. Referral to Stormwater Committee for drainage and erosion issues located within Patrician Woods Townhomes Subdivision

A motion to refer the drainage and erosion issues to the Stormwater Management Committee for review at their September meeting was made by Councilmember Rawlings; seconded by Councilmember Cain.

Mr. Johnson confirmed the neighbors would be noticed of the meeting.

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

- B. Update on Leawood Justice Center

Councilmember Rawlings, Council Liaison for the Justice Center Project, reported the foundation walls are complete. Installation of utilities and the concrete for the floors will begin next week. All footings for the courthouse have been completed. Steel construction will begin the week of August 20<sup>th</sup>. As of July 25<sup>th</sup>, the project was estimated to be 12% complete.

- \*Councilmember Rasmussen – \*A. Referral to the Arts Council regarding the maintenance of ‘Lllooppi’ at City Park**

Councilmember Rasmussen was concerned with the lighting maintenance expense for art piece “Lllooppi,” located at City Park, and requested that the Arts Council review this to determine whether it is worthwhile to continue lighting the art piece.

A motion to refer the lighting maintenance issue of “Lllooppi” to the Arts Council was made by Councilmember Rasmussen; seconded by Councilmember Filla.

Mayor Dunn commented “Lllooppi” is a beautiful piece of art and is greatly appreciated when viewed against a blue sky background and the aquatics center nearby.

Councilmember Cain noted this has been an ongoing discussion topic with the Arts Council. The general feeling was that they appreciate the art piece; however, continue to struggle with the lighting aspect. A cost report will be requested for Council review.

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

**\*B. Referral to the Arts Council regarding the sale of ‘Anagenisi apo Koinonia’ located at the Lodge at Ironwoods Park**

Councilmember Rasmussen reported this piece of art began as a temporary piece that was placed in the foyer of City Hall. It was subsequently purchased by the City and has been moved periodically. It is currently located at the Lodge at Ironwoods Park and cannot be placed outside. He requested that the Arts Council consider selling it and replacing it with another piece.

A motion to refer “Anagenisi apo Koinonia” to the Arts Council for recommendation and return with current market value was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion carried following a unanimous vote of 7-0. (Councilmember Osman absent).

**\*Councilmember Bussing**

**Report on Ironhorse Golf Course**

Councilmember Bussing expressed his gratitude commending the owners and employees of Troon Golf for their continued outstanding service of Ironhorse Golf Course. Mayor Dunn concurred and noted public comments have all been very positive.

**10. STAFF REPORT – None**

***COMMITTEE RECOMMENDATIONS***

**11. PLANNING COMMISSION**

*[From the April 24, 2012 Planning Commission meeting]*

- A. Ordinance approving zoning, Preliminary Plan and Final Plan for a portion of Ranchmart North, Lot 3, located north of 95<sup>th</sup> Street and east of Mission Road [PC-52-12] [Roll Call Vote] *[A Protest Petition was received on May 8, 2012, and has been determined to be valid.]*;

**AND**

*[From the January 24, 2012 Planning Commission meeting]* A Resolution approving a Final Plan for Ranchmart – Slab N Pickle, located north of 95<sup>th</sup> Street and east of Mission Road (PC Case # 109-11) –*Continued From the February 20, 2012, March 5, 2012, and March 19, 2012, May 21, 2012 and June 4, 2012 Governing Body Meetings*

***\*\*Both of the above items will be heard at the August 20, 2012 Governing Body meeting\*\****

***Staff Comment: A separate vote on the zoning ordinance and final plan resolution is necessary and it is recommended that the zoning ordinance be voted upon first.***

**12. OLD BUSINESS**

**Resolution No. 3881** amending Resolution No. 3851, approving a Planning Sustainable Places [PSP] grant request match for an amount not to exceed \$30,000 for a grant not to exceed \$150,000 from Mid America Regional Council [MARC], to assist with funding for the 135<sup>th</sup> Street Corridor Plan

Mr. Lambers noted the previous resolution was specific that they were authorized for a 20% match up to \$150,000; however, one of the criteria for grant approval is exceeding the 20% minimum match amount. This amended resolution will give them the flexibility to request a lesser amount but still have a greater contribution toward that grant up to a maximum of \$30,000.

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

**13. OTHER BUSINESS - None**

**14. NEW BUSINESS**

A. **Ordinance No. 2557** attesting to an increase in taxes levied for the budget year 2013 for the City of Leawood, Kansas [Roll Call Vote]

Mayor Dunn noted the final mill levy for the 2013 Budget is estimated to remain at 24.393, with no change from the previous year; however, the final assessed valuation and mill levy will not be certified and available until the end of 2012.

Councilmember Rasmussen stated this language was not unusual and these are estimates.

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

- B. **Ordinance No. 2558C** amending Code § 4-937 of the Code of the City of Leawood, 2000, entitled 'International Residential Code for One- and Two-Family Dwellings, Table R301.2(1), Climatic and Geographic Design Criteria, as it pertains to Ice Barrier Underlayment Requirement [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. Nay: None. (Councilmember Osman absent).

- C. **Ordinance No. 2559C** amending Code § 4-958 the Code of the City of Leawood, 2000, entitled International Residential Code for one- and two-family dwellings, Section E3306.2, Conductor Material [Roll Call Vote]

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

- D. **Ordinance No. 2560C** amending Code § 4-304 of the Code of the City of Leawood, Kansas, 2000, entitled National Electrical Code, Article 110.5, Conductors [Roll Call Vote]

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

- E. **Ordinance No. 2561C** amending Code § 5-511 of the Code of the City of Leawood, 2000, entitled, 'Massage Therapy; Outcalls' [Roll Call Vote]

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

- F. Schedule a Governing Body Work Session at 6:00 P.M., on Monday, September 17, 2012 to Discuss Parks and Recreation Comprehensive Master Plan

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

- G. Schedule a Governing Body Work Session at 6:00 P.M., on Monday, October 1, 2012 to Discuss Parks and Recreation Comprehensive Master Plan

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