

Minutes

DVD No. 286

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 20, 2012. Mayor Peggy Dunn presided.

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

Mayor/Councilmembers absent: None

Staff present: 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
Jack Reece, Info Systems Specialist	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

A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Rasmussen. 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 - 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. 2012-31 and 2012-32
- B. Accept minutes of the August 6, 2012 Governing Body meeting
- C. Accept minutes of the August 6, 2012 Governing Body Work Session
- D. Accept minutes of the July 10, 2012 Parks & Recreation Advisory Board meeting
- E. Accept minutes of the June 6, 2012 Bicycle Friendly Committee
- F. Approve Mayoral Appointment of Mike Levitan to Planning Commission to fill the unexpired term of Commissioner Jane Neff-Brain until June 2014
- G. Approve payment in the amount of \$49,826.00 to Microsoft Corporation via Software House International, Inc., pertaining to the annual Microsoft license renewal
- H. Approve Change Order No. 1 in the amount of \$3,674.00 to Titan Construction Company, pertaining to the Leawood Justice Center to be located at Town Center Drive & Tomahawk Creek Parkway [Project # 76008]
- I. Approve 2nd and Final Pay Request in the amount of \$19,285.30 to Vance Brothers pertaining to the 2012 Slurry Seal Program [Project # 70011]
- J. Approve 10th and Final Pay Request in the amount of \$1,000.00 to O'Donnell & Sons Construction, pertaining to the 2011 Residential Mill & Overlay Program [Project # 76006]
- K. Approve 2nd and Final Pay Request in the amount of \$3,610.00, to Godard & Sons Roofing Company, pertaining to roof replacement on Fire Station # 1, 9609 Lee Boulevard [Project # 74015]
- L. **Resolution No. 3882** adopting the Fiscal Year 2013 Annual Budget for the City of Leawood, Kansas
- M. **Resolution No. 3883** accepting Notice from Marshall & Ilsley Trust Company N.A., of merger into the BMO Harris Bank N.A. effective August 31, 2012, and authorizing the Mayor to execute Acceptance Letter
- N. **Resolution No. 3884** accepting the Finance Director's 2011 Annual Statement regarding the Leawood Park Impact Fee, pursuant to § 12-409, entitled, 'Annual Review' of the Code of the City of Leawood, 2000
- O. **Resolution No. 3885** accepting the Finance Director's 2011 Annual Statement regarding the Leawood Kansas Public Art Impact Fee, pursuant to § 12-609, entitled 'Annual Review,' of the Code of the City of Leawood, 2000
- P. **Resolution No. 3886** accepting the Finance Director's 2011 Annual Statement regarding the 135th Street Corridor Transportation Impact Fee, pursuant to § 13-506, entitled, 'Amount of Impact Fee,' and § 13-509, entitled 'Annual Review,' of the Code of the City of Leawood, 2000
- Q. **Resolution No. 3887** accepting the Finance Director's 2011 Annual Statement regarding the Leawood South Transportation Impact Fee, pursuant to § 13-609, entitled, 'Annual Review,' of the Code of the City of Leawood, 2000
- R. **Resolution No. 3888** accepting a Storm Sewer Easement from Megan Grossman, 3731 W. 87th Street, Lot 9, Somerset Acres, pertaining to the 87th Street & Mission Road Sewer Project [Project # 77011]

- S. **Resolution No. 3889** approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$1,709,387.00, between the City and J. M. Fahey Construction Co., Inc., pertaining to the 2012 Arterial Mill & Overlay Program [Project # 72019, 72020, 72043, and 72049]
- T. Fire Department Monthly Report
- U. Police Department Monthly Report
- V. Municipal Court Monthly Report

Mayor Dunn requested to pull Item No. 7K and Councilmember Filla pulled Item No. 7J for comment. Councilmember Filla rescinded her request to pull Item No. 7J and requested to pull Item No. 7I.

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

- 7J. Approve 10th and Final Pay Request in the amount of \$1,000.00 to O'Donnell & Sons Construction, pertaining to the 2011 Residential Mill & Overlay Program [Project # 76006]

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

- 7I. Approve 2nd and Final Pay Request in the amount of \$19,285.30 to Vance Brothers pertaining to the 2012 Slurry Seal Program [Project # 70011]

Councilmember Filla recognized that Vance Brothers received a near perfect score of 4.93 out of a possible 5.0 on their performance evaluation.

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

- 7K. Approve 2nd and Final Pay Request in the amount of \$3,610.00, to Godard & Sons Roofing Company, pertaining to roof replacement on Fire Station # 1, 9609 Lee Boulevard [Project # 74015]

Mayor Dunn rescinded her motion to pull Item No. 7K and pulled Item No. 7L for comment.

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

- 7L. **Resolution No. 3882** adopting the Fiscal Year 2013 Annual Budget for the City of Leawood, Kansas

Mayor Dunn recognized City Administrator Scott Lambers, Finance Director Dawn Long, Budget Manager Kathy Byard, Budget and Finance Committee members, and all of the City Council members that serve as Budget and Finance Committee members that have spent many months on this endeavor with a projected flat mill levy.

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

City Clerk Deb Harper distributed a certificate from Johnson County requiring participating Governing Body member signatures showing passage of the budget.

8. MAYOR'S REPORT

- A. Mayor Dunn thanked Councilmember Debra Filla for standing in for her while she was out of town at the Leawood Chamber of Commerce debut for the new Chamber members.
- B. Reminder that the Sundays in the Park Jazz Series began on August 19th at 6:00 P.M. at the Ironwoods Amphitheatre, located in Ironwoods Park. The next performance will be on August 26th, featuring "Hard at Play," followed by September 2nd, with "David Basse."

9. COUNCILMEMBERS' REPORT

Councilmember Filla

Recommendation to refer proposed Complete Streets Policy and prioritization for funding

A motion to refer the proposed Complete Streets Policy and prioritization for funding to the Public Works Committee was made by Councilmember Filla; seconded by Councilmember Cain.

Public Works Director Joe Johnson noted this discussion could take place at their first meeting in October.

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

10. STAFF REPORT – City Administrator Scott Lambers

Revise the September 4th Governing Body Work Session to be "Continued Review of the 135th Street Corridor Study" and move the Executive Session currently scheduled to October 15th.

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

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 95th 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 95th 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 [Continued from the August 6, 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.

*****Both of the above items have been continued to the Monday, October 15, 2012 Governing Body meeting***

12. **OLD BUSINESS** - None

13. **OTHER BUSINESS** - None

14. **NEW BUSINESS**

A. **Ordinance No. 2562C** amending § 12-409 of the Code of the City of Leawood, 2000, as it pertains to submitting the Annual Review of the Park Impact Fee to the Governing Body [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion carried following a unanimous roll call vote of 8-0. Nay: None.

B. **Ordinance No. 2563C** amending § 12-609 of the Code of the City of Leawood, 2000, as it pertains to submitting the Annual Review of the Public Art Impact Fee to the Governing Body [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Filla; seconded by Councilmember Rasmussen. The motion carried following a unanimous roll call vote of 8-0. Nay: None.

C. **Ordinance No. 2564C** amending § 13-609 of the Code of the City of Leawood, 2000, as it pertains to submitting the Annual Review of the South Leawood Transportation Impact Fee to the Governing Body [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Filla; seconded by Councilmember Rasmussen. The motion carried following a unanimous roll call vote of 8-0. Nay: None.

D. **Ordinance No. 2565C** amending § 1-112 of the Code of the City of Leawood, 2000, as it pertains to publication of ordinances [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rawlings; seconded by Councilmember Filla.

Mayor Dunn thanked City Attorney Patty Bennett for her lobbying efforts that will save the City of Leawood significant dollars being able to publish summaries instead of full ordinances in some situations. Ms. Bennett confirmed entire ordinances would be available for view on the City's website.

The motion carried following a unanimous roll call vote of 8-0. Nay: None.

ADJOURN

There being no further business, the meeting was adjourned at 7:48 P.M.

Debra Harper, CMC, City Clerk

Pam Gregory
Recording Assistant City Clerk