

Minutes

DVD No. 274

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, February 20, 2012. Mayor Peggy Dunn presided.

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

Mayor/Councilmembers absent: Councilmembers Lou Rasmussen and Gary Bussing

Staff present: 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
Dawn Long, Finance Director	Deb Harper, City Clerk
Jack Reece, Info Systems Technician	Pam Gregory, Assistant City Clerk
Joe Johnson, PW 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 6-0. (Councilmembers Rasmussen and Bussing 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 Acceptance of Donation from Leawood Foundation to the City of Leawood

Leawood Foundation President Alice Hawk and Foundation members Charles Lusk, Mary Ann Waldenmeyer, Julie Bartels Smith and Sherman Titens presented a donation in the amount of \$114,500 to the City of Leawood. Ms. Hawk recognized the current and former Governing Body members for their vision of Gezer Park and thanked all of the talented board members for all of their hard work in fundraising.

The design of the park was intended to educate visitors about the ancient history of the Gezer Region. The City would not be able to fund all of the park amenities without the help of donations from the citizens of Leawood and the Foundation.

Mayor Dunn thanked Ms. Hawk for the heart and soul she puts into the Foundation and the fundraising efforts of her commitment and dedication. She recognized all of the board members for their tremendous efforts and Staff Liaison Deb Harper for the great deal of communication that comes from her office for the Foundation. It is truly heartwarming to see the public private partnerships with the citizens that join in.

**Troon Golf- 'Best of the Best' Ironhorse
Golf Course, 'Most Improved Facility of the
Year**

Mayor Dunn presented Ironhorse Golf Course Managing Officer Jeff Thomasson and Course Superintendent James Kennedy with the 'Best of the Best' Award for the 'Most Improved Facility of the Year' and thanked them for all of their hard work. Congratulations to the Ironhorse Golf Course Advisory Board as well.

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. 2012-5
- B. Accept minutes of the February 6, 2012 Governing Body meeting
- C. Accept minutes of the February 6, 2012 Governing Body Work Session
- D. Accept minutes of the December 14, 2011 Public Works Committee meeting
- E. Approve payment in the amount of \$89,000.00 to Leawood Chamber of Commerce for the 2012 operations budget
- F. Approve 2nd and Final Pay Request in the amount of \$1,253.50 to Premier Contracting, Inc., pertaining to the restroom roof replacement located at I-Lan Park, 12601 Nall Avenue [Project # 74045]
- G. Approve 3rd and Final Pay Request in the amount of \$10,000.00, to Miles Excavating, Inc., pertaining to the Storm Sewer Maintenance Project [Project # 77111]
- H. Approve 6th and Final Pay Request in the amount of \$5,200.00, to Continental Consulting Engineers pertaining to the Storm Sewer Maintenance Project [Project # 77111]
- I. Approve Change Order No. 1 in the amount of \$2,265.00 to Premier Contracting, Inc., pertaining to the roof replacement at Ironhorse Maintenance Building, located at 15400 Mission Road [Project # 74045]
- J. **Resolution No. 3757** approving and authorizing the Mayor to renew a Maintenance Agreement between the City and Intergraph Public Safety, Inc., in the amount of \$21,086.15, pertaining to the Intergraph Software System for the Police Department

- K. **Resolution No. 3758** approving and authorizing the Mayor to execute Addendum No. 1, to that certain Professional Design Engineering Agreement dated April 4, 2011, in the amount of \$5,000.00, between the City and Continental Consulting Engineers, pertaining to the pertaining to the Storm Sewer Maintenance Project [Project # 77111]
- L. **Resolution No. 3759** approving acceptance of Public Infrastructure Improvements for storm sewers located at 128th & Pembroke Circle [Leawood South Subdivision]; 228th & Wenonga, Sagamore Road to Wenonga Lane; [Leawood South Subdivision]; and 3716 W. 121 Street [Oxford Hills Subdivision] in accordance with the GASB-34 Guidelines of Reporting Inventory of Assets
- M. **Resolution No. 3760** approving and authorizing the Mayor to execute Addendum No. 1, to that certain Professional Architectural Service Agreement dated December 20, 2010, , for an amount not to exceed \$19,000, between the City and Hoefler Wysocki Architects, LLC [HWA], pertaining to the construction of the Leawood Justice Center to be located at 117th & Tomahawk Creek Parkway [Project # 76008]
- N. Declaration of Surplus Property; paint striper unit
- O. Fire Department Monthly Report
- P. Police Department Monthly Report
- Q. Municipal Court Monthly Report

Councilmember Rezac pulled Consent Agenda Item No. 7M for discussion.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 6-0. (Councilmembers Rasmussen and Bussing absent).

- 7M. **Resolution No. 3760** approving and authorizing the Mayor to execute Addendum No. 1, to that certain Professional Architectural Service Agreement dated December 20, 2010, , for an amount not to exceed \$19,000, between the City and Hoefler Wysocki Architects, LLC [HWA], pertaining to the construction of the Leawood Justice Center to be located at 117th & Tomahawk Creek Parkway [Project # 76008]

Councilmember Rezac asked if these additional design fees implied there may be some additional costs to the overall project. City Administrator Scott Lambers replied additional costs are not envisioned. They originally thought the alignment of Tomahawk Creek Parkway and the entryway to the park across the street would line up; however, after the preliminary design of the building, they needed to include these costs for re-design of the entryway for access. They would have needed to make the improvement regardless.

A motion to approve Item No. 7M was made by Councilmember Rezac; seconded by Councilmember Osman. The motion carried following a unanimous vote of 6-0. (Councilmembers Rasmussen and Bussing absent).

8. MAYOR'S REPORT

- A. On behalf of the City of Leawood, Mayor Dunn offered condolences to the family of Leawood Volunteer Firefighter Fred Kuchem, Jr. He was a volunteer for over 20 years with the Leawood Fire Department. He and his wife, Colleen, moved to Leawood in 1957 and built two homes here during their 59-year marriage. Mr. Kuchem passed away on February 6, 2012.
- B. Mayor Dunn extended her appreciation to Councilmembers who participated in a number of Leawood Chamber of Commerce events while she was out of town: Councilmember James Azeltine for attending the quarterly debut of the new Chamber members; Councilmember Jim Rawlings for attending the ribbon cutting ceremony for Regus, located in Park Place; and Councilmember Carrie Rezac for attending the ribbon cutting for Living Well Magazine.
- C. Congratulations to Grace Schram, an 8th grade Leawood Middle School student who was named as one of Kansas' top two youth volunteers for 2012 by the Prudential Spirit of Community Awards. Last year, Ms. Schram was a part of the Mayor's State of the City Address as a 7th grader regarding her volunteer efforts. This is a nationwide program honoring young people for outstanding acts of volunteerism. Grace was nominated by the Leawood Middle School. The Prudential Spirit of Community Awards, now in its 17th year, is conducted by Prudential Financial in partnership with the National Association of Secondary School Principals [NASSP]. She has produced a CD titled "Showers from God." Thanks to her efforts, two villages in South Africa and Malawi, and a small Haitian town near Port au Prince, now have a sustainable food and revenue source.

9. COUNCILMEMBERS' REPORT

Councilmember James Azeltine recommendation to refer the City's practice on sidewalk maintenance to Public Works Committee

Councilmember Azeltine reported during their discussion at the Capital Improvement Project [CIP] work session, Councilmember Rasmussen had brought up the issue of the City's roll in sidewalk maintenance regarding financing, etc. Staff had asked that they refer this to the Public Works Committee for clarity.

A motion to refer the City's practice on sidewalk maintenance to the Public Works Committee was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion carried following a unanimous vote of 6-0. (Councilmembers Rasmussen and Bussing absent).

10. STAFF REPORT -

COMMUNITY DEVELOPMENT DIRECTOR RICHARD COLEMAN

Mr. Coleman updated the Governing Body on the remodeling progress of the home, located at 3511 W. 92nd Street. There has been a lot of work done at this residence, including installation of the erosion control fence. There is more work to do; however, staff will continue working with the contractor over the next few months to bring this project to completion. Mr. Coleman confirmed he would contact the concerned neighboring residents with an update on the progress. Their permit extension expires in May, 2012.

Councilmember Osman stated he received some calls from area residents expressing their sincere gratitude to City staff for working hard on getting this project to fruition.

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[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 TO THE MARCH 5, 2012 GOVERNING BODY MEETING**

[From the October 25, 2011 Planning Commission meeting]

- B. Ordinance amending Section 16-4-9 of the Leawood Development Ordinance [LDO], Fences and Walls, pertaining to fences constructed on top of a deck (PC Case # 119-11) **Continued From The November 21, 2011 Governing Body Meeting -- CONTINUED TO THE MARCH 5, 2012 GOVERNING BOYD MEETING [Roll Call Vote]**

[From the January 25, 2011 Planning Commission meeting]

- C. Resolution approving the Planning Commission's recommendation for a Final Sign Plan for Town Center Plaza – AMC 20 IMAX, located at 11701 Nall Avenue (PC Case # 01-11) – **Continued From The February 21, 2011 And August 15, 2011 Governing Body Meetings -CONTINUED TO THE MARCH 5, 2012 GOVERNING BODY MEETING**

[From the February 22, 2011 Planning Commission meeting]

- D. Resolution approving a Final Sign Plan for Ranchmart – U.S. Bank, located north of 95th Street and east of Mission Road (PC Case #18-11) **Continued From The March 21, 2011 Governing Body Meeting -- CONTINUED TO THE MARCH 5, 2012 GOVERNING BODY MEETING**

[From the January 24, 2012 Planning Commission meeting]

- E. Resolution approving a Final Plat and Final Plan for Park Place – Building M (AMC), Parking Garage C and Park Place 9th Plat, located south of Town Center Drive and east of Nall Avenue (PC Case # 11-12) -- **CONTINUED TO THE MARCH 5, 2012 GOVERNING BODY MEETING**

[From the January 24, 2012 Planning Commission meeting]

- F. **Ordinance No. 2523** amending Section 16-4-6.3 of the Leawood Development Ordinance [LDO], Sign Regulations: Office, Commercial and Industrial Signage in Planned Districts, pertaining to subtenant signage (PC Case # 114-10) **[Roll Call Vote]**

Planning Official Mark Klein stated currently, the LDO does not allow any subtenant signage. Based upon input from work session discussions, staff amended the language in the ordinance to allow the addition of a single subtenant sign to the primary tenant sign, provided certain criteria is met. The primary tenant would be required to have a minimum of 25,000 square feet of floor area. Examples of qualifying businesses would be grocery stores that are located in a multi-tenant center, AMC Theatre or Crate & Barrel. Subtenants would not be allowed their own primary entrance.

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

Mr. Coleman confirmed they would require that the owner, primary tenant and subtenant sign-off in agreement on the sign application to ensure everyone involved is aware of what the other is doing.

The motion carried following a unanimous roll call vote of 6-0. Nay: None. (Councilmembers Rasmussen and Bussing absent).

[From the January 24, 2012 Planning Commission meeting]

G. **Ordinance No. 2524** amending Article 9 of the Leawood Development Ordinance [LDO], 'Definitions,' pertaining to definitions regarding tenants, subtenants, single tenant buildings and multiple tenant buildings (PC Case # 13-12) **[Roll Call Vote]**

A motion to pass the ordinance was made by Councilmember Rawlings; seconded by Councilmember Osman. The motion carried following a unanimous roll call vote of 6-0. Nay: None. (Councilmembers Rasmussen and Bussing absent).

[From the January 24, 2012 Planning Commission meeting]

H. **Ordinance No. 2525** approving a Special Use [SUP] Permit for T-Mobile Wireless Antennae And Associated Equipment, located at 9617 Lee Boulevard (PC Case # 09-12) **[Roll Call Vote]**

Justin Anderson, SSC, Inc. representing T-Mobile stated this application is for a 1-year extension running through October 31, 2013, in order to keep in line with the expiration of an existing lease on the tower. AT&T is also a provider on this tower.

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

City Attorney Patty Bennett confirmed Verizon Wireless is the other provider on the tower and the long-term lease runs through 2017. T-Mobile had requested only a 1-year extension.

The motion carried following a unanimous roll call vote of 6-0. Nay: None. (Councilmembers Rasmussen and Bussing absent).

12. **OLD BUSINESS** - None

13. **OTHER BUSINESS** - None

14. **NEW BUSINESS**

A. Schedule a Governing Body Work Session to be held at 6:00 P.M., on Monday, July 16, 2012, to discuss 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

Mr. Lambers stated Mr. Coleman had proposed they amend their ordinance to require this. Originally, this was included as part of their building codes; however, it was removed and is being recommended to be included again. He recommended they hold a work session discussion since this would include an added expense for owners to comply.

Mr. Coleman explained that an ice barrier underlayment is a roof cover that goes on the edges of the roof to prevent ice and water from backing up into the house. Due to several re-roofing permits over the past year, there have been issues from both homeowners and insurance companies.

A motion to approve the work session was made by Councilmember Filla; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 6-0. (Councilmembers Rasmussen and Bussing absent).

- B. Schedule a Governing Body Work Session to be held at 6:00 P.M., on Monday, May 21, 2012, to discuss expansion of Transportation Development District [TDD] issuance of Bonds for One Nineteen Development [Project # 80456]

A motion to approve the work session was made by Councilmember Rezac; seconded by Councilmember Azeltine.

Mr. Lambers clarified the work session scheduled for March 5, 2012, was specific to the applicant's request for 75 additional parking spaces, totaling approximately \$300,000. The subsequent work session is for them to present the information to ensure they have met the requirements of the bond documents for the next series of bonds to be issued.

The motion carried following a unanimous vote of 6-0. (Councilmembers Rasmussen and Bussing absent).

ADJOURN

There being no further business, the meeting was adjourned at 8:25 P.M.

Debra Harper, CMC, City Clerk

Pam Gregory
Recording Assistant City Clerk