

Regular Meeting

THE LEAWOOD CITY COUNCIL

August 5, 2013

Minutes

DVD No. 307

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 5, 2013. Mayor Peggy Dunn presided.

Councilmembers present: Jim Rawlings, Debra Filla, Carrie Rezac, James Azeltine, and Lou Rasmussen

Councilmembers absent: Julie Cain and Andrew Osman

Staff present: Scott Lambers, City Administrator	Frankie Shearer, Asst. City Attorney
Mark Andrasik, Info Systems Director	Joe Johnson, Public Works Director
Dawn Long, Finance 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 Filla

A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 5-0. (Councilmembers Cain and 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 - None

6. SPECIAL BUSINESS

A. Public Hearing Consider the 2014 Fiscal Budget for the City of Leawood, Kansas

Seeing no one present to speak, a motion to close the Public Hearing was made by Councilmember Rasmussen; seconded by Councilmember Rezac. The motion carried following a unanimous vote of 5-0. (Councilmembers Cain and Osman absent).

- B. Resolution No. 4100 authorizing the issuance and delivery of \$16,475,000 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**

Councilmember Rawlings asked if it was unusual to receive only one bid on these notes. David Arteberry, George K. Baum & Company, replied going into the process this morning, there were three firms that indicated they were planning on bidding; however, only Jefferies, LLC., had submitted a bid. This is a highly rated short-term tax exempt note, in which the biggest purchaser is tax exempt money market funds. Over the last few weeks there have been significant outflows of money from these funds, which he felt was due to people being concerned with rising interest rates, causing people to sell. Another determining factor for bidders is narrow profit ranges, in which this would be very small. Much of the time they are not willing to bid unless they have firm investors lined up to re-sell the bonds. He indicated they would continue to monitor market conditions for next year and may want to consider a different approach to selling the notes if conditions have not changed by then.

Mr. Lambers stated some of these notes could have been bonded out this year; however, this would have been such a small amount they would not have received a lot of interest and the interest rate would have been higher. He decided to consolidate everything into temporary notes so they would have a large bond issue next year to generate more interest and a good interest rate as well.

Mr. Arteberry stated last year, the interest rate was 0.299362%, which is a good comparable rate to this year's 0.342340%.

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 5-0. (Councilmembers Cain and Osman absent).

- C. Ordinance No. 2634 authorizing and providing for the issuance and delivery of \$16,475,000 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**

A motion to pass the ordinance was made by Councilmember Rezac; seconded by Councilmember Filla. The motion carried following a unanimous roll call vote of 5-0. Nay: None. (Councilmembers Cain and Osman absent).

- D. **Resolution No. 4101** approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$1,479,079.70 between the City and Mega Industries Corporation, pertaining to the 123rd & Mission Road Tomahawk Park Trail Project [Project #71012]

A motion to approve the resolution was made by Councilmember Filla; seconded by Councilmember Rezac.

Councilmember Azeltine asked the total cost to date on this portion of the trail project. Parks Superintendent Brian Anderson replied they have spent \$90,000 on the design contract. In 2008, they installed a soldier pile wall and storm inlets in another area of the trail.

Judd Claussen, Phelps Engineering, stated they hired Terracon Engineering Consultants to assist with this portion of the trail as they did with the other locations that have failed. Staff had requested they look at all areas of the trail that have shown signs or have potential signs of failure. The soldier pile walls are drilled into the ground to stabilize the banks, which should last a lifetime.

The motion carried following a unanimous vote of 5-0. (Councilmembers Cain and 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. 2013-26, 2013-27, 2013-28, and 2013-29
- B. Accept minutes of the July 15, 2013 Governing Body meeting
- C. Accept minutes of the July 15, 2013 Governing Body Work Session
- D. Accept minutes of the June 11, 2013 Park & Recreation Advisory Board
- E. Accept minutes of the June 13, 2013 Sustainability Advisory Board
- F. Approve renewal of Cereal Malt Beverage [CMB] license to Gordon Biersch Brewery Restaurant, located at 11652 Ash Place
- G. Approve Mayoral Appointment of Gary Bussing to the Board of Zoning Appeals to fill unexpired term of Thomas Robinette, Jr., until 2016
- H. Approve purchase in the amount of \$50,000 from Challenger Team Wear pertaining to the purchase of soccer uniforms
- I. Approve purchase in the amount of \$19,939.72 from Lawn & Leisure for the purchase of a John Deere 5075 E Tractor for Parks & Recreation Dept.[with trade-in \$8,750.00]
- J. Approve purchase in the amount of \$12,180.00 from Redexim Turf Products for the purchase of a 1575 Overseeder for Parks & Recreation Dept.

- K. Approve purchase in the amount of \$19,780.00 from Redexim Turf Products for the purchase of a Verti-Drain 2220 Aerator for Parks & Recreation Dept. [with trade-in \$5,000.00]
- L. Approve purchase in the amount of \$17,045.25 from KC Bobcat for the purchase of a Stump Grinder for Parks & Recreation Dept.
- M. Approve purchase in the amount of \$62,077.00 from Shawnee Mission Ford for the purchase of [2] truck chassis for Public Works Dept. [Units 429 and 433]
- N. Approve Change Order No. 1 in the amount of \$1,713,350.31 from Freeman Concrete Construction pertaining to the 2013 Curb Program [Project # 80250]
- O. Approve Change Order No. 10, in the amount of \$21,255.00, to Titan Built Construction, pertaining to construction changes, for the Leawood Justice Center Project to be located at Town Center Drive & Tomahawk Creek Parkway [Project # 76008]
- P. **Resolution No. 4102** approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$12,187.50, between the City and Fry-Wagner Moving and Storage, pertaining to the moving of equipment and furniture for the Leawood Justice Center Project to be located at Town Center Drive & Tomahawk Creek Parkway [Project # 76008]
- Q. **Resolution No. 4103** approving and authorizing the Mayor to cancel an Inter-local Agreement No. 9-08, between the City and Kansas Department of Transportation [KDOT], dated March 7, 2008, approved by Leawood Resolution No. 2949 on February 18, 2008, pertaining to the 143rd Street Improvement Project between Nall and Windsor KODT Project # 46-N-0426-01 [Project # 80162]
- R. **Resolution No. 4104** accepting a Permanent Sidewalk Easement and Utility Easement from Daniel L. Root, located adjacent to Ash Street, Lot 1 Root Corporate Centre, pertaining to the College Boulevard Street Improvement Project [Project # 72044]
- S. **Resolution No. 4105** accepting a Permanent Sidewalk Easement from McCaffree Financial Corporation, located adjacent to College Boulevard, Lot 1 Scottsdale Asset Management, pertaining to the College Boulevard Street Improvement Project [Project # 72044]
- T. **Resolution No. 4106** accepting a Permanent Sidewalk Easement from McCaffree Financial Corporation, located adjacent to College Boulevard and Roe Avenue, pertaining to the College Boulevard Street Improvement Project [Project # 72044]
- U. **Resolution No. 4107** approving a Revised Final Plat for Parkway Plaza – 8th Plat, located north of 135th Street and west of Roe Avenue. (PC Case 19-13) [*from the July 23, 2013 Planning Commission meeting*]
- V. **Resolution No. 4108** approving a Final Plan for LeaBrooke 3rd Plat – AT & T Utility Box, located north of 148th Street and west of Kenneth Road [PC Case 82-13] [*from the July 23, 2013 Planning Commission meeting*]
- W. **Resolution No. 4109** approving a Final Plan for a Tenant Finish for Park Place – Space G-20 (Generic Storefront), located south of Town Center Drive and east of Nall Avenue. (PC Case 88-13) [*from the July 23, 2013 Planning Commission meeting*]

- X. **Resolution No. 4110** approving a Final Plan for a Tenant Finish for Park Place – Space F-06 (Generic Storefront), located south of Town Center Drive and east of Nall Avenue. (PC Case 90-13) *[from the July 23, 2013 Planning Commission meeting]*
- Y. **Resolution No. 4111** approving a Final Plan for a Tenant Finish for Park Place – Space F-05 (Generic Storefront), located south of Town Center Drive and east of Nall Avenue. (PC Case 91-13) *[from the July 23, 2013 Planning Commission meeting]*
- Z. Declaration of surplus property [Public Works]

Councilmember Rezac requested to pull Item Nos. 7H and 7N 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 5-0. (Councilmembers Cain and Osman absent).

- 7H. Approve purchase in the amount of \$50,000 from Challenger Team Wear pertaining to the purchase of soccer uniforms

Parks and Recreation Director Chris Claxton confirmed they purchase new uniforms every year, which are used for both spring and fall seasons. The players pay for their uniforms through their user fees.

A motion to approve Consent Agenda Item No. 7H was made by Councilmember Rezac; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 5-0. (Councilmembers Cain and Osman absent).

- 7N. Approve Change Order No. 1 in the amount of \$1,713,350.31 from Freeman Concrete Construction pertaining to the 2013 Curb Program [Project # 80250]

Councilmember Rezac asked if this Change Order was due to moving on to the next phase of the project for next year. Mr. Johnson replied the Change Order is for this year in order to accelerate the program to receive good bids.

A motion to approve Consent Agenda Item No. 7N was made by Councilmember Rezac; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 5-0. (Councilmembers Cain and Osman absent).

8. MAYOR'S REPORT

- A. Attended a luncheon hosted by the Johnson County Republican Party at Leawood's Hereford House where Attorney General Derek Schmidt was the guest speaker and talked about issues in his office.
- B. Attended "The Sound of Music," produced by the Leawood Stage Company at the Ironwood's Amphitheatre in Ironwoods Park. Congratulations to all involved on an outstanding production. It was estimated there were 5,000-7,000 people in

- attendance over the seven evenings it was presented. Many thanks to all involved for enriching our broad community with terrific musical entertainment.
- C. Attended a groundbreaking ceremony for a new addition to Christ Community Church at 142nd and Kenneth Road. Congratulations to Executive Pastor Alan Mercer and all of the church members on their successful fundraising campaign making their expansion possible.
 - D. This is the Holy Month of Ramadan. Mayor Dunn was invited to the Crescent Peace Society Iftar Dinner, which is when they break the fast. This was co-hosted by Drs. Iftexhar and Shaheen Ahmed and Javid and Nasreen Talib, Leawood residents who founded the Crescent Peace Society. This was a very nice event with 35-40 people in attendance.
 - E. Councilmembers Debra Filla, Andrew Osman, Lou Rasmussen, Jim Rawlings and Carrie Rezac joined Mayor Dunn in attending a business after-hours event, held at AMC's new World Headquarters in Leawood's Park Place. The building is beautiful and is a great new addition to our community including the 400+ additional employees. Congratulations to President and CEO Gerry Lopez and Park Place Developers Jeffrey Alpert and Melanie Mann on this addition.
 - F. Attended the "Not so Big KC Challenge" culmination of Phase II. This is a program sponsored by the Greater Kansas City Chamber of Commerce and Blue Cross/Blue Shield of Kansas City. The guest speaker was the former Mayor of Austin, Texas, who talked about Austin being dubbed as one of the least healthy cities in the nation and now becoming one of America's healthiest. This is the goal of Mayor Sly James and other municipalities that make up the Kansas City region. Phase III will be "Reach out and Embrace All" to invite everyone to live healthier lifestyles to move more, eat better, eat less and the importance of health and wellness. Human Resources Director Lovina Freeman is a very big proponent of this and works hard with the City of Leawood employees as well.
 - G. Mayor Dunn was invited by Dr. David Rudman, who is a Leawood resident and Chairman of the Board of the Jewish Community Relations Bureau/American Jewish Committee, and Executive Director Marvin Szneler to address their Board to discuss issues facing Leawood and the general community. Their mission is to work with government officials and interfaith leaders on issues of justice and Israel in the public square.
 - H. Congratulations to Leawood resident and former State Representative Pat Colloton for being appointed by Attorney General Derek Schmidt as the Assistant Attorney General in charge of the newly formed Anti-Human Trafficking Unit aimed at implementing State laws on human trafficking.
 - I. Mayor Dunn extended deepest sympathies to the family of Mary Ashbaugh, born in 1915. Her son, Fred, said she was the second oldest living student that attended the Oxford School in the 1920's as Mary Oliver. He shared with Cultural Arts Coordinator April Bishop that he would provide the City with some early photos or Oxford documents that he might find when going through her estate.

9. COUNCILMEMBERS' REPORT

Councilmember Filla Bike/Pedestrian Master Plan Project Launch & Mini-Expo;
on August 12, 2013 at 5:30 P.M., at the Lodge at
Ironwoods Park, 147 & Mission Road

10. STAFF REPORT - None

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION - None

12. OLD BUSINESS - None

13. OTHER BUSINESS - None

14. NEW BUSINESS

- A. **Ordinance No. 2635** attesting to an increase in taxes levied for the budget year 2014 for the City of Leawood, Johnson County, Kansas [Roll Call Vote]

Mayor Dunn stated the City's mill levy will be remaining flat for the 2014 Budget year. The final assessed valuation will not be certified and available until the end of this year.

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 5-0. Nay: None. (Councilmembers Cain and Osman absent).

- B. Schedule a Governing Body Executive Session on Monday, August 19, 2013 at 6:00 P.M., to discuss Personnel Matter; City Administrator's 6-month review

A motion to approve the Governing Body Executive Session was made by Councilmember Filla; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 5-0. (Councilmembers Cain and Osman absent).

ADJOURN

There being no further business the meeting was adjourned at 8:15 P.M.

Debra Harper, CMC, City Clerk

Pam Gregory, Assistant City Clerk