

Regular Meeting

THE LEAWOOD CITY COUNCIL

November 18, 2013

Minutes

DVD No. 313

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, November 18, 2013. Mayor Peggy Dunn presided.

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

Councilmembers absent: None

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| Staff present: Scott Lambers, City Administrator | Patty Bennett, City Attorney |
| John Meier, Police Chief | Dawn Long, Finance Director |
| Dave Williams, Fire Chief | Lovina Freeman, HR Director |
| Karl Weinfurter, Info Systems Specialist | Chris Claxton, P&R Director |
| Richard Coleman, Comm. Dev. Director | Joe Johnson, PW Director |
| Mark Klein, Planning Official | Dawn Long, Finance Director |
| Deb Harper, City Clerk | 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 Filla. 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.**

Mayor Dunn recognized Cynthia Pitts, 8701 Ensley, who had signed in to speak if needed.

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. 2013-42 and 2013-43
- B. Accept minutes of the November 4, 2013 Governing Body meeting
- C. Accept minutes of the October 21, 2013 Governing Body Work Session
- D. Accept minutes of the October 15, 2013 Park & Recreation Advisory Board meeting
- E. Accept minutes of the July 31, 2013 Stormwater Management Committee meeting
- F. Approve Change Order No. 1 in the amount of \$56,122.03 to Freeman Construction Company, pertaining to the 2013 Residential Mill & Overlay Project [Project # 70014]
- G. Approve Change Order No. 2 in the amount of \$3,907.44 to O'Donnell & Sons Construction, Inc., pertaining to the 119th Street Arterial Mill & Overlay Project [Project # 72017]
- H. **Resolution No. 4148** approving request for a grant through the Assistance to Firefighters Grant [AFG] Program administered by FEMA for removal of diesel exhaust system at Fire Station No. 2 and Fire Station No. 3, located at 12701 Mission Road, and 14801 Mission Road, respectively
- I. **Resolution No. 4149** approving and authorizing the Mayor to execute a Land Purchase Agreement in the amount of \$652,800.00, between the City and Cynthia R. Pitts, for real property located at 8701 Ensley Lane, in connection with the Leawood Heritage Stormwater Project [Project # 77014]
- J. Fire Department Monthly Report
- K. Police Department Monthly Report
- L. Municipal Court Monthly Report

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

8. MAYOR'S REPORT

- A. Prairie Village Mayor Ron Shaffer hosted the Johnson & Wyandotte Counties Council of Mayors meeting with the Johnson & Wyandotte Counties Legislative Delegation members to discuss the priority issues for the upcoming session. Secretary of Commerce Pat George and Secretary of Revenue Nick Jordan were also in attendance and provided reports.
- B. Reminder that the Johnson & Wyandotte Counties Council of Mayors December Social will be held on Wednesday, December 4th at the Overland Park Convention Center. Please RSVP to City Clerk Deb Harper.

- C. Presented a proclamation to the Greater Kansas City Chapter of Hadassah at their Centennial Celebration held at Hallbrook Country Club in Leawood. Hadassah is the Women's Zionist Organization of America. Mayor Dunn extended her sincere congratulations on behalf of the City of Leawood on this milestone.
- D. Attended a Leawood Chamber of Commerce ribbon cutting ceremony with Councilmember Tom Robinett for Schabel Performance Health & Wellness, which recently opened in Market Square at 135th and Pawnee Lane in Leawood. It is owned by husband and wife team, Dr. Nicholus Schabel and Dr. Larisa Schabel. Mayor Dunn wished them much success.
- E. Councilmember Carrie Rezac, Leawood Fire Chief Dave Williams and others from his department, joined Mayor Dunn in attending an Accelerent Breakfast meeting, hosted by the Leawood Koehler/Bortnick Team. The keynote speaker was Chief Richard Picciotto, who is the New York Fire Department Chief and Highest Ranking Firefighter to survive the World Trade Center collapse. He gave a very moving presentation.
- F. Participated in Boy Scout Troop 395's Eagle Scout ceremony on November 17th. Troop 395 is sponsored by Curé of Ars. They had seven scouts receive this prestigious award. Troop 10, sponsored by the Leawood Lions, also had an Eagle Scout ceremony yesterday and welcomed 14 new Eagle Scouts from the Leawood area. Congratulations to one and all.
- G. Thank you to Parks and Recreation Director Chris Claxton and her team for organizing the Holiday Lighting ceremony this evening. Entertainers included St. Michael the Archangel School Choir, Dancerz Unlimited and the Leawood Singers. Most of the City Council was in attendance as well as hundreds of others. Once again, the reception was sponsored by Commerce Bank. The City of Leawood appreciates their generosity for many, many years. Thanks to all who attended.
- H. The Brook Beatty Park dedication has been rescheduled due to inclement weather. It is currently scheduled for Saturday, November 23rd at 11:30 A.M.
- I. A community Open House for the Justice Center is scheduled for Tuesday, December 10th at 5:00 P.M.
- J. Congratulations to Jaycie Johnson, daughter of Public Works Director Joe Johnson, who was in a NCAA Tournament and was the first NCAA Freshman to score four goals in a NCAA Tournament. This was a first-round matchup at the Nebraska Soccer Field. The second-round matchup will be held next Friday against Boston College.
- K. Mayor Dunn wished everyone a Happy Thanksgiving.

9. COUNCILMEMBERS' REPORT - None

10. STAFF REPORT - None

COMMITTEE RECOMMENDATIONS

11. STORMWATER MANAGEMENT COMMITTEE

[from the October 30, 2013 Stormwater Management Committee]

Recommendation regarding the Green Street Pilot Program [8500 Block of Belinder]

Councilmember Rawlings, Chair of the Stormwater Committee, stated they had discussed the possibility of a Green Street Pilot Project as it relates to a rain garden to slow stormwater runoff. This could be done in conjunction with the City's Curb Replacement Program or Residential Street Reconstruction Program. After reviewing three locations, they determined a Pilot Project would not be feasible in two of these locations due to constraints with existing traffic and utilities, and the HOA not wanting to assume the maintenance cost. The 3rd location is along Belinder Road north of 86th Street, which is being reconstructed in 2014. The two adjoining property owners are in agreement to maintain the improvements if a Pilot Project were placed there.

A motion to approve the Stormwater Committee's recommendation regarding a Green Street Pilot Project was made by Councilmember Rasmussen; seconded by Councilmember Osman.

Councilmember Azeltine asked where the funding would come from for this project. Public Works Director Joe Johnson replied this would be done in conjunction with the 2014 Residential Reconstruction Program; however, there has not yet been a designated funding source. The project would take place in the public right-of-way [ROW]. There has been discussion of whether the City should have a written agreement with the property owners to maintain the improvements, and, if so, staff would work with the neighbors and Legal Department on the type of agreement. If the improvements are not maintained, the City would have the right to maintain or remove it. This recommendation is to approve the concept to begin to move forward. The improvements would be placed behind the curb. These improvements are not designed to control flooding; they are designed to improve water quality.

Councilmember Rezac asked how they would determine the success of the project. Mr. Johnson replied it would be difficult to measure the outcome; however, based on engineering, the water should be filtered 80% and would be designed in a sand/soil mix that will filter naturally. City staff could sample the water going in and then coming out to test for clarity.

The motion carried following a vote of 7-1. Nay: Councilmember Azeltine. He was uncomfortable with the City initiating a project that will require maintenance by property owners and not the City, especially with no definitive funding source.

12. PLANNING COMMISSION

[from the July 23, 2013 Planning Commission meeting]

- A. Ordinance approving a Revised Preliminary Plan for Ranch Mart – Renovation, located north of 95th Street and east of Mission Road (PC Case # 61-13) [Roll Call Vote] – **CONTINUED TO THE DECEMBER 16, 2013 GOVERNING BODY MEETING** [Roll Call Vote]

[from the October 22, 2013 Planning Commission meeting]

- B. **Resolution No. 4150** approving a Final Plan and Final Plat for Tuscany Reserve Village – Third Plat and Fourth Plat, located north of 137th Street and west of Chadwick (PC Case 124-13) [Roll Call Vote]

Mark Simpson, Tuscany Reserve Village, stated they were in agreement with all stipulations and recommendations. Of the nine villas on the west side, five have been sold and another has been reserved.

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 8-0.

- C. **Ordinance No. 2645** approving a Revised Preliminary Plan and Special Use Permit for the United Methodist Church of the Resurrection, [COR] located south of 137th Street and east of Nall Avenue (PC Case 121-13) [Roll Call Vote]

Dick Cooper, Church of the Resurrection, introduced Senior Pastor Adam Hamilton, Principal Architect John Justus, Primary Liaison David Reed, and Engineer Brett Lauritsen.

John Justus, Hammel, Green & Abrahamson, gave a presentation comparing changes from the 2001 Master Plan to the 2013 Master Plan showing the reduced scale of the project. In 2001, the intent was to have 975,000 square feet, compared to the reduced 552,788 square feet in the 2013 Master Plan. The highest point of the Sanctuary will be 102 feet and will seat 3,500 people, totaling 140,000 square feet. The Lobby has been reduced to 24 feet and the Steeple reduced to 138 feet. For safety reasons, the parking has been separated to accommodate pedestrian and vehicular circulation. Parking spaces have been reduced from 3,400 to 1,978. Buildings E and F are included in the Master Plan; however, are not a part of this particular phase. The major design concept includes the base of the architecture in Kansas limestone with seven vertical elements symbolizing the seven days of creation, which are clad in stainless steel, a timeless, elegant material. The design of the stained glass window will depict the three gardens and will allow natural light into the building.

Pastor Adam Hamilton, Church of the Resurrection, stated the church has grown much larger than they anticipated and have been looking forward to designing a sanctuary with great architecture in the City of Leawood. The Church of the Resurrection began 23 years ago as the smallest of the 34,000 Methodist churches in the United States and is currently the largest. They wanted to design something their denomination would be grateful for. They care greatly about the community and wanted to be careful in designing something that wasn't ostentatious or prideful, but have humility to it. One of the reasons they were able to reduce the scale of the church was because they have multiple campuses throughout the metro area. They are also one of the largest organizations involved in several different support groups. They want to provide help for the community as well as serve the congregation. The building will be angled facing 137th and Nall. The stained glass window will be one of the first things people see as they come into Leawood. Plans for construction are to begin spring of 2015, with hopes to move in Easter Sunday, 2017.

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

13. OLD BUSINESS - None

14. OTHER BUSINESS - None

15. NEW BUSINESS - None

ADJOURN

There being no further business the meeting was adjourned at 8:20 P.M.

Debra Harper, CMC, City Clerk

Pam Gregory, Assistant City Clerk