

Regular Meeting

THE LEAWOOD CITY COUNCIL

March 3, 2014

Minutes

DVD No. 320

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, March 3, 2014. Mayor Peggy Dunn presided.

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

Councilmembers absent: None

Staff present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
Chief Dave Williams, Fire Dept.	Joe Johnson, PW Director
Chief John Meier, Police Dept.	Chris Claxton, P&R Director
Mark Andrasik, Info Systems Director	Deb Harper, City Clerk
Richard Coleman, Comm Dev Director	Pam Gregory, Assistant City Clerk
Dawn Long, Finance Director	

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.**

ADJOURN

4. PROCLAMATIONS

**Multiple Myeloma Awareness Month,
March, 2014**

Mayor Dunn proclaimed the month of March, 2014, as Multiple Myeloma Awareness Month in the City of Leawood, Kansas, and encouraged all residents to participate in voluntary activities to support Myeloma education and the funding of research programs to find a cure.

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. 2014-6
- B. Accept February 17, 2014 Governing Body meeting minutes
- C. Accept February 17, 2014 Governing Body Work Session minutes
- D. **Resolution No. 4181** calling for a Pre-Budget Public Hearing to be heard on Monday, April 7, 2014 on the 2015 Fiscal Budget for the City of Leawood, Kansas
- E. Approve Change Order No. 13 in the amount of \$81,570.00, to Titan Built Construction, pertaining to the Leawood Justice Center Project to be located at Town Center Drive & Tomahawk Creek Parkway [Project # 76008]
- F. Approve 5th and Final Pay Request in the amount of \$5,695.89 to Hayes Brothers Construction Company, pertaining to the improvements to North Lake and Trail located adjacent to Tomahawk Creek Parkway [Project # 71006]
- G. **Resolution No. 4182** approving and authorizing the Mayor to execute a Professional Engineering Agreement in the amount of \$222,931.00, between the City and Affinis Corporation, pertaining to the design of the Leawood Heritage Stormwater Project [87 & Ensley Area] [Project 70014]
- H. **Resolution No. 4183** approving and authorizing the Mayor to execute an Inter-local Agreement by and between the City of Leawood, the City of Overland Park, and the Board of County Commissioners of Johnson County, Kansas [BOCC], pertaining to the 95th Street Improvement Project between Mission Road and 100 feet west of Wenonga Road, County Assistance Road System [CARS] Project [Project # 72048]
- I. **Resolution No. 4184** accepting New Public Infrastructure [public storm sewers] [Fiber Optic Network] in connection with the Justice Center Project located at 4201 Town Center Drive, in accordance with GASB-34 Guidelines of reporting Inventory of Assets [Project Nos. 76008 & 72029]
- J. **Resolution No. 4185** approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$102,041.48 between the City and Alexander Open Systems [AOS], pertaining to the Leawood City Hall Phone & Wi-Fi Systems
- K. **Resolution No. 4186** approving and authorizing the Mayor to execute a Fullcourt to Fullcourt Enterprise Upgrade Modification to that certain Agreement dated February 5, 2007, between the City and Justice Systems, Inc., for an amount not to exceed \$46,000 for the upgrade and an amount not to exceed \$18,675 for annual maintenance
- L. **Resolution No. 4187** approving a Revised Final Plan for a Tenant Finish for Park Place-Altar Bridal-Retail Space F-06 [Retail: Bridal Apparel], located north of 117th Street and east of Nall Avenue [PC Case 29-14] [*From the February 25, 2014 Planning Commission meeting*]

Councilmember Rezac requested to pull Item No. 7K for discussion.

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

- 7K. **Resolution No. 4186** approving and authorizing the Mayor to execute a Fullcourt to Fullcourt Enterprise Upgrade Modification to that certain Agreement dated February 5, 2007, between the City and Justice Systems, Inc., for an amount not to exceed \$46,000 for the upgrade and an amount not to exceed \$18,675 for annual maintenance

City Administrator Scott Lambers confirmed for Councilmember Rezac that the funds for this upgrade are in the 2014 Budget under Capital Equipment.

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

8. MAYOR'S REPORT

- A. Mayor Dunn recognized a very devoted individual to the City of Leawood, Jim Bays, who passed away this week. Jim was honored at the Annual Leawood Chamber of Commerce luncheon last December being brought into the "Hall of Fame." He was an Overland Park resident that had been with Ranchmart Ace Hardware Store for 30 years. He was the "Big Lion," head of the Leawood Lion's Club, on numerous occasions. He was involved with the Leawood Chamber of Commerce and numerous other causes. On behalf of the City of Leawood, Mayor Dunn wished his wife, Patty, and his entire family most sincere sympathies and requested a moment of silence to honor Jim.
- B. Attended a Leawood Chamber of Commerce ribbon cutting ceremony for Title Boxing Club, located at 123rd and State Line, now under new ownership. Mayor Dunn wished them much success with their beautiful revamped space.
- C. Congratulations to Leawood Foundation Chair Alice Hawk and her board members for hosting a terrific "Arti Gras" celebration for our community. They collaborated with the Arts Council on this fundraiser. Councilmembers Lou Rasmussen, Jim Rawlings and Julie Cain were also in attendance. Mayor Dunn thanked Cultural Arts Coordinator April Bishop and Parks and Recreation Director Chris Claxton and her team for working throughout the weekend to ensure its success. Participants included 55 adult artists and 42 junior artists who participated all over the metro-area. Four of the six adult artist winners were Leawood residents. There were nearly 700 visitors over the three-day show.

- D. City Administrator Scott Lambers, Finance Director Dawn Long and Budget Manager Kathy Byard joined Mayor Dunn in meeting with Johnson County Appraiser Paul Welcome regarding updated information on properties throughout the County. The City of Leawood's appraised value increased to 4.86% from 2013-2014, compared to the increase of 1.3% in 2012-2013. The cycles of real estate include recession, recovery, expansion and contraction. Leawood is currently in the recovery mode, which is bringing us back to the 2007 levels. The apartment market is currently realizing the largest growth. The residential market is approaching the expansion mode with 80% of our values seeing increases in the 2014 valuation year. 50% of all residential properties will see an increase of 5% or less. Positive sales price growth of existing homes includes North Leawood, which was up 28.62%; South Leawood was up 29.50%. The average appraised value for a home in Leawood is \$435,619 in 2014, as compared to \$423,417 in 2013, or 2.88% growth. The Appraiser's Office advised caution when calculating the tax revenue until the appeal process is complete.

City Administrator Lambers noted as a direct benefit of the increase in assessed valuations, the mill levy increase of one mill shown in the current Community Improvement Program [C.I.P.] and model forecasting for 2017, 2018 and 2019 has been pushed back to 2018, 2019 and 2020.

- E. Mayor Dunn expressed her appreciation to Sustainability Advisory Board Chair Debra Filla and Co-Chair Julie Cain and the Sustainability Advisory Board for hosting Leawood's 6th Annual Home Owners Association [HOA] meeting. There were approximately 130 people that attended, with over 40 Homes Associations representing 80% of homes in Leawood. There were excellent professional staff presentations provided by Public Works Director Joe Johnson, Parks and Recreation Director Chris Claxton, Parks Superintendent Brian Anderson and Community Development Director Richard Coleman. Information Services Director Mark Andrasik provided terrific IT support. Nearly all Councilmembers were in attendance. The meeting was very informative with many people expressing their appreciation for doing this on an annual basis.
- F. Mayor Dunn joined Kansas City, Missouri, Mayor Sly James and Johnson County Commission Chair Ed Eilert, along with other members of the Kansas City 2016 Host Committee, to present to the Republican National Committee Kansas City's bid to host the 2016 Republican National Convention. All went well, and we should learn if we make the site selection visit later this month. Due to weather issues, three other cities will present on March 21st.

- G. Congratulations to Ironhorse Golf Course for being recognized for Environmental Excellence, achieving designation as a “Certified Audubon Cooperative Sanctuary” through the Audubon Cooperative Sanctuary Program for golf courses. Ironhorse is the 9th golf course in Kansas to receive this award, with only 884 in the world having been so designated. This recognition is for showing a strong commitment to its Environmental Program and providing sanctuary for wildlife on the golf course property. To reach certification, a course must demonstrate that they are maintaining a high degree of environmental quality in a number of areas, including Environmental Planning, Wildlife and Habitat Management, Outreach and Education, Chemical Use Reductions and Safety, Water Conservation, and Water Quality Management. Mayor Dunn expressed her appreciation to Ironhorse Advisory Board Chairman Dick Fuller and the entire Ironhorse Advisory Board, Parks and Recreation Director Chris Claxton and Troon Management for their commitment to this important mission.

9. COUNCILMEMBERS’ REPORT - None

10. STAFF REPORT - None

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[From the January 28, 2014 Planning Commission meeting]

- A. Ordinance No. 2652 approving a Preliminary Plan, Final Plan and Special Use Permit for City Park – Google Fiber Hut, located east of Mission Road and north of Lee Boulevard. (PC Case 14-14) [Roll Call Vote]-***[CONTINUED FROM THE FEBRUARY 17, 2014 GOVERNING BODY MEETING]***

Caleb Flake, BHC Rhodes, applicant on behalf of Google Fiber, stated they propose installation of a prefabricated fiber hut structure (equipment shelter) and have worked with staff to layout the site and comply with all stipulations.

Councilmember Osman asked when construction would begin, if approved. Mr. Flake replied Google could begin within the next few months; however, it would be up to their schedule. He confirmed for Councilmember Rasmussen that Google Fiber would be responsible for maintaining the landscaping.

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

[From the January 28, 2014 Planning Commission meeting]

- B. Ordinance approving a Rezoning from RP-1 (Planned Single Family Residential District) to RP-3 (Planned Cluster Attached Residential District), Preliminary Plan, Final Plan, and Final Plat for Grace Gardens, located south of 143rd Street

and east of Nall Avenue. (PC Case 09-14) [Roll Call Vote] – ***[CONTINUED TO THE APRIL 7, 2014 GOVERNING BODY MEETING]***

12. OLD BUSINESS - None

13. OTHER BUSINESS - None

14. NEW BUSINESS

- A. Schedule Governing Body Work Session at 6:00 P.M., on Monday, March 17, 2014, regarding 2nd Joint Governing Body/Planning Commission Work Session regarding 135th Street Corridor

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

- B. Schedule Governing Body Executive Session at 6:00 P.M., on Monday, March 24, 2014, for Personnel Matter; City Administrator's Annual Review

A motion to approve the Executive Session was made by Councilmember Filla; seconded by Councilmember Robinett. The motion carried following a unanimous vote of 8-0.

- C. **Resolution No. 4188** approving and authorizing the Mayor to execute a License Agreement between the City of Leawood and Google Fiber Kansas LLC

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

There being no further business the meeting was adjourned at 8:05 P.M.

ADJOURN

Debra Harper, CMC, City Clerk

Pam Gregory, Assistant City Clerk