

<div data-bbox="181 207 422 243" data-label="Text"><p>Regular Meeting</p></div> <div data-bbox="557 243 1057 277" data-label="Section-Header"><p style="text-align: center;">THE LEAWOOD CITY COUNCIL</p></div> <div data-bbox="1242 281 1443 317" data-label="Text"><p style="text-align: right;">April 7, 2014</p></div>

Minutes

DVD No. 321

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, April 7, 2014. Mayor Peggy Dunn presided.

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

Councilmembers absent: None

<p>Staff present: Scott Lambers, City Administrator Chief Dave Williams, Fire Dept. Chief John Meier, Police Dept. Mark Andrasik, Info Systems Director Richard Coleman, Comm Dev Director Dawn Long, Finance Director</p>	<p>Patty Bennett, City Attorney Joe Johnson, PW Director Chris Claxton, P&R Director Deb Harper, City Clerk</p>
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1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Agenda Items 13.A. and 13.B. were moved to *Special Business* following the *Public Hearing*. Mr. Lambers stated the applicant requested these items be continued to the June 2nd meeting, instead of the May 19th meeting.

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Azeltine. 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.**

Ms. Nancy McCauley, 14318 Manor Court, Leawood, KS, Chair of the Leawood Chamber Board appeared, along with several other Chamber board members, directors and committee members, to personally share the Chamber Board's endorsement of the City's use of Community Improvement District [CID] to help facilitate the updating of older retail properties in Leawood. The CID legislation enacted by the State offers a method to encourage redevelopment of aging properties throughout the state without obligating the local citizens to any sort of debt or property tax breaks. Citizens who shop at the retail stores in these developments help pay for the improvements, much like the citywide sales tax levied several years ago, which the Chamber supported, and was used to partially fund the Justice Center. The value of these developments will increase, which is good for the City's bottom line. This type of funding creates no debt or financial obligation for the City of Leawood nor its citizens. Leawood needs to continue to compete with our neighboring communities.

Dhiren Shah, 13030 El Monte, Leawood, KS, stated he has been a resident of Leawood for over 20 years and his residence is approximately 22-23 years old, which currently has wood siding, and it rots really bad. He requested the City consider some new alternative energy-efficient materials, such as Prodigy, that are available and already in the market and being used by neighboring cities.

A motion to request staff meet with Mr. Shah and gather information on the new material and come back with a Staff Report was made by Councilmember Azeltine; seconded by Councilmember Osman.

Mr. Daniel Dodge, 807C Main Street, Blue Springs, MO, appeared before the Governing Body, and provided a sample material by Prodigy.

Mr. Glenn Roberts, 4429 W. 130th Street, Leawood, KS, representing The Woodlands Homes Association, and Architectural Chair, stated they are firmly opposed to allowing what is essentially vinyl siding in Leawood. Mr. Shah had contacted the Homes Association and was advised this vinyl siding was not approved in Leawood. He stated an article in last month's Reader's Digest issue, called "The Truths about Vinyl Siding." It says, "Mythbuster #1: Vinyl siding is not maintenance-free. It fades and grows brittle, and difficult to clean. Local contractors and real estate agents stated vinyl siding is associated with lesser-priced home areas. He asked the City reject allowing vinyl siding.

Mayor Dunn clarified that the motion is to evaluate materials and have a report brought back, not to change them.

Councilmember Rasmussen stated the City has attempted not to get involved in contractual dispute between the homeowners and the Homes Associations as evidenced by their deeds, and was not in favor of this motion.

The motion carried with a vote of 6-2. Nay: Councilmembers Rasmussen and Rezac.

Councilmember Azeltine stated the reason for his motion was to ensure the citizen's concern is being heard and to ascertain if this type of material was being used in other places and if the City should use it as well.

Mr. Farrell Farmer and Mr. Steven Cole, with Quality Builds and/or Prodigy material stated they did not need to speak.

4. PROCLAMATIONS

Fair Housing Month, April, 2014

Mayor Dunn proclaimed April, 2014 as Fair Housing Month in the City of Leawood and expressed hope that this year's observance will promote fair housing practices throughout the city.

National Telecommunicator Week, April 13-19, 2014

Mayor Dunn proclaimed April 13-19, 2014 National Telecommunicator Week. Capt. Kevin Cauley and several 911 dispatchers were present. Police Chief Meier advised they have a challenging job and perform a great job. Mayor Dunn thanked them all for their good work.

Crime Victims' Rights Week, April 6-12, 2014

Mayor Dunn proclaimed April 6-12, 2014 Crime Victims' Rights Week, and presented the proclamation to Chief Meier.

National Volunteer Week, April 6-12, 2014

Mayor Dunn read the proclamation and extended her gratitude to the volunteers who give their time and talents and urged citizens to volunteer in their communities. By volunteering and recognizing those who serve, disconnection can be replaced with understanding and compassion. This proclamation honors the City's 300-strong army of volunteers.

5. PRESENTATIONS/RECOGNITIONS

Recognition of Deputy Fire Chief, Wayne Harder, Life-saving incident

Mayor Dunn read the Proclamation and recognized Deputy Fire Chief Wayne Harder. Chief Williams stated he has provided leadership to the Leawood Fire Department for the last 28 years. He is a leader and a role model. Deputy Chief Wayne Harder introduced his family members that were present.

Presentation by Abigail Meyer, Winner of Northeast Kansas Regional Essay, "If I Were Mayor," sponsored by League of Kansas Municipalities

Abigail Meyer, 7th grader at St. Michael the Archangel, introduced her family and read her essay. Mayor Dunn complimented Abigail on her outstanding essay.

6. SPECIAL BUSINESS

Public Hearing

Pre-Budget Public Hearing for 2015 Fiscal Budget

Mayor Dunn opened the public hearing.

Seeing no one present, a motion to close the Public Hearing was made by Councilmember Rasmussen; seconded by Councilmember Rezac. The motion carried following a unanimous vote of 8-0.

[Formerly Items 13A and 13B from Old Business]–

Staff Comment: It is the recommendation of the City Administrator, as indicated in the agenda packet attachment, that the Governing Body continue both items 13.A., and 13.B., until May 19, 2014, [Revised to June 2, 2014] and also schedule a Work Session on May 5, 2014, to discuss Attachment ‘D’ of the proposed Development Agreement.

- A. Resolution approving the First Amended and Restated Petition for the Community Improvement District [CID] for Camelot Court Shopping Center located at 119th and Roe Avenue, and directing City Staff to draft any and all appropriate documents to create the CID and levy the [CID] sales tax – **[Continued from the March 17, 2014 Governing Body Meeting] – CONTINUED TO THE JUNE 2, 2014 GOVERNING BODY MEETING**
- B. Resolution approving and authorizing the Mayor to execute a First Amended and Restated Camelot Court Shopping Center Redevelopment Agreement pertaining to the Community Improvement District [CID] for the Camelot Court Shopping Center located at 119th and Roe Avenue **[Continued from the March 17, 2014 Governing Body Meeting] – CONTINUED TO THE JUNE 2, 2014 GOVERNING BODY MEETING**

A motion to continue items 13A and 13B to the June 2, 2014 Governing Body meeting and also schedule a Work Session on May 5, 2014, to discuss Attachment ‘D’ of the proposed Development Agreement was made by Councilmember Filla and seconded by Councilmember Rasmussen.

Councilmember Azeltine stated the the Council has spent a great deal of time developing this policy, and would prefer to see something that is more of a formulaic approach and as simple and straightforward as possible.

Mr. Lambers stated he would provide a recommendation to the Council for the May 5th Work Session.

The motion carried following a vote of 7-1. [Nay: Councilmember Osman]

Councilmember Osman stated the Council has been working on a CID policy for years. The Council attempts to be proactive in the community. The Leawood Chamber of Commerce gave their endorsement of a policy for a CID. The letters ‘CID’ are an acronym; people have questions on them, but is opposed to continuing this and voting against it in principle. Over the past year and a half, the policy has been reviewed in conjunction with the plans. The Governing Body should ascertain if it fits the community’s needs.

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. 2014-9, 2014-10, and 2014-11
- B. Accept minutes of the March 17, 2014 Governing Body meeting
- C. Accept minutes of the March 17, 2014 Governing Body Work Session
- D. Accept minutes of the February 11, 2014 Parks & Recreation Advisory Board
- E. Accept minutes of the January 14, 2014 Historic Commission meeting
- F. Accept January 30, 2014 Leawood Foundation minutes
- G. Accept January 13, 2014 Sustainability Advisory Board Minutes
- H. Accept January 28, 2014 Leawood Arts Council minutes.
- I. Accept February 28, 2013 Annual Leawood Foundation minutes.
- J. Accept September 11, 2013 Public Works Committee minutes
- K. Approve Renewal of Cereal Malt Beverage [CMB] license for Hallbrook Country Club, located at 11200 Overbrook Road.
- L. Approve Change Order No. 14 in the amount of \$53,637.00 to Titan Built pertaining to the Leawood Justice Center Project to be located at Town Center Drive & Tomahawk Creek Parkway [Project #76008]
- M. **Resolution No. 4193**, approving and authorizing the Mayor to execute a Facility Usage Agreement between the City and Southern Platte Fire Protection District, pertaining to live fire training and usage of the Southern Platte Fire Protection District Training Center located at 8795 NW 'N' Highway, Kansas City, MO 64153.
- N. **Resolution No. 4199**, approving and authorizing the Mayor to execute a Service Agreement between the City and Brycer, LLC, to provide assistance with a computer software system regarding the City's sprinkler and elevator inspector information.
- O. **Resolution No. 4200**, approving and authorizing the City's consent for the enlargement of Consolidated Main Sewer District for the vicinity of 151st Street & Mission Road [4203 W. 151st Street]
- P. **Resolution No. 4201**, approving and authorizing the Mayor to execute a Professional Service Agreement in the amount of \$23,750.00, between the City and George Butler Associates, Inc., [GBA] to perform biennial bridge inventories of 23 vehicular bridges; observe 1 culvert; observe 6 pedestrian bridges; and observe 1 levee.
- Q. **Resolution No. 4202**, approving and authorizing the Mayor the execute an Independent Contractor Agreement in the amount of \$39,200.00, between the City and Jay's Plumbing, Heating, Air Condition and Excavation, Inc., pertaining to repair of sewer line located at Leawood Fire Station No. 2, 12701 Mission Road [Project #74052]
- R. **Resolution No. 4203**, approving a Final Plan for Time Warner Cable Power Supply Meter, located north of 151st Street and east of Mission Road. (PC Case 32-14) [*from the March 25, 2014 Planning Commission meeting*]

- T. Declaration of Surplus Property: [1] material spreader last 4 VIN/3990; and 2004 Chevy Impala last 4 VIN/3515
- U. Declaration of Surplus Property: Parks & Recreation Maintenance Equipment

Both Councilmembers Azeltine and Rezac requested that Item 7S be pulled.

A motion to approve the amended Consent Agenda (Item S pulled for discussion) was made by Councilmember Rasmussen; seconded by Councilmember Rezac. The motion carried following a unanimous vote of 8-0.

7-S. **Resolution No. 4204**, approving a Revised Final Plan for Edgewood Homes Association, located north of Town Center Drive and east of Nall Avenue. (PC Case 38-14) [*from the March 25, 2014 Planning Commission meeting*]

Mr. Coleman confirmed with Councilmember Azeltine that this was a planning application instead of a building permit, as it was on a previously approved plan for the subdivision, shown as a wood roof.

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

8. MAYOR'S REPORT

- A. Mayor Dunn expressed condolences on behalf of the City of Leawood to the family of Leawood resident Sherman Titens, who passed away on March 26, 2014. He was a very active member of the Leawood Chamber and also was serving on our Leawood Foundation Board of Directors at the time of his death. We are indebted to him for his many contributions and service to our community. Also, sympathies go out to the family of Dale Unkefer, a long-time Fire Department volunteer, who passed away the end of March. He was 89 years old.
- B. Congratulations to Councilmembers Osman, Rawlings, Rezac, Robinett and Azeltine on the April 1st election.
- C. Mayor Dunn directed the Councilmembers to a memo regarding Google public WiFi services and the recommendation that the three public entities within the city limits and boundaries be Johnson County Public Library, 4700 Town Center Drive, the Blue Valley Leawood Middle School, 2410 W. 123rd Street; and Blue Valley Prairie Star Middle School, 14201 Mission Road. Blue Valley school superintendent Dr. Tom Trigg and Johnson County Commission Chair Ed Eilert were both approached and have both given written approval for these facilities. These sites are contingent upon their locations being designated as a fiberhood. This could take some time. This is proactive at the request of Google.

A motion to approve Google WiFi services placement of three public entities was made by Councilmember Rawlings; seconded by Councilmember Rezac.

Councilmember Azeltine asked if there was any discussion about having it at a school where it will only be available to the school.

Patty Bennett advised it is WiFi and open to the public, however, the school may limit its population to those in the school. Assistant City Attorney, Franki Shearer, has been working with Google on this project and how we're proceeding and those choices.

Mayor Dunn stated this would do the greatest good for the most of our populace.

Mayor Dunn stated the Google huts were just recently approved, and thought this may take a couple of years.

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

- D. Attended the Johnson County Commission Chair Ed Eilert's State of the County Address with Councilmembers Jim Rawlings and Carrie Rezac and City Administrator Scott Lambers and some other department heads. Chairman Eilert provided very positive updates, and there were over 800 people in attendance.
- E. Attended the Leawood Chamber's groundbreaking for Mission Farms residential apartments at 104th and Mission Road and was joined by Councilmembers Rawlings, Rezac and Azeltine.
- F. Attended a Leawood Chamber ribbon cutting for Nicole Feltz American Family Insurance Agency at 87th And State Line Road in Leawood. Mayor Dunn wished her much success.
- G. Bonner Springs Mayor Jeff Harrington hosted the Johnson/Wyandotte Counties Council of Mayors in their Community Center. Meeting agenda topics primarily focused on legislative updates from the Overland Park lobbyist Dick Carter. Much discussion was held on how decisions made during this session will affect local municipalities.
- H. Attended a retirement reception for Mission Mayor Laura McConwell celebrating her 12 years of service as Mayor of Mission.
- I. Debbie Naster and the HR department hosted a lovely retirement celebration for Leawood HR Director Lovina Freeman. Mayor Dunn wished her the best in this next phase of her life's journey.
- J. Police Chief John Meier hosted the Metro Crime Stoppers at the Leawood Justice Center today. They were all impressed with the new Justice Center.
- K. Congratulations are in order for Leawood being home to third-place ranking public and private golf courses according to the latest *Kansas City Business Journal*. Ironhorse Gold Club and Hallbrook Country Club were both ranked by slope rating of back tee.

9. COUNCILMEMBERS' REPORT

Councilmember Rawlings – Recommendations allowing staff, as time permits, to assist Homes Associations located in the City of Leawood regarding condition of various trees located in the right-of-way, impacted by Emerald Ash Borer disease.

Councilmember Rawlings stated the tree disease, Emerald Ash Borer, is in the metro area, and has been seen in the north part of Leawood. Homes Associations are concerned and Parks and Recreation Supervisor Brian Anderson stated his staff, as certified arborists, can conduct a windshield review, as time permits of the trees. Because this is an expensive ongoing problem, they could view the trees and then the homes associations could make their own determination of whether to treat a tree, not treat a tree or let it die. He is asking to allow Brian and his staff, when there is time, to assist in preserving trees with no liability to the city.

A motion to approve the recommendation of Councilmember Rawlings was made by Rasmussen; seconded by Filla.

Mr. Lambers state the infestation is taking place slowly. Staff would be able to determine relatively quickly, given their expertise, as to whether or not the classification should be fair or poor. This will be a windshield survey of the trees, as time permits, when requested by the Homes Associations. Then it is up to the Homes Association to decide. The City will place this information on the City's webpage. Currently, there is another bug going after Walnut trees, and it is non-detectable. However, for right now, the focus will be on the Emerald Ash Borer.

Councilmember Filla complimented Brian and staff for their report. They were very much in demand at the recent HOA meeting. Brian Anderson stated there are a number of Walnut trees in the area and have been watching this disease for a number of years in Colorado.

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

10. STAFF REPORT

Chris Claxton, Parks & Recreation Director – Update on status of Restrooms located at Ironwoods Park, 14701 Mission Road; the trail located on 123rd Street; and the Dog Park located at City Park, 10601 Lee Boulevard

Chris Claxton stated all the permits have been received for the restrooms at Ironwoods, The sanitary lines and footings, HVAC stub-outs are all in. The first progress meeting was held last week. The plumbing and the floor drains are also stubbed in. The slab is going to be poured this week with structural steel next week. All the door frames are onsite. All the stone has been approved and ordered. In two weeks, the roof will be framed. Due to weather conditions, approximately nine days have been lost, however, the contractor is confident and adamant about being done by July 1st.

Regarding 123rd and Mission Trail, all the soldier walls are in. The retaining walls have been installed. The creek wrap has been installed, and all the storm structures have been installed with the exception of one connection point at Mission Road. An AT&T line was discovered underneath the irrigation line. The engineer is encouraging them to take care of that quickly. The old trail still needs to be pulverized, prepare the base and pour the new trail. As a reminder, the whole trail is concrete until you get to the flat piece northbound into Tomahawk Park. It will have all the reinforcement plus that of concrete versus asphalt. A fence and guardrail will be installed along the storm box and the landscaping. The retaining walls will be stained at Mission and facing the homes. It is a little stark, and this should help it be more pleasing.

A natural color that will complement the limestone will be used. Currently, it is all stark because there are no plantings. Brian will contact the homeowners so they understand what is occurring. Finally, the homeowner's property will be restored that was used as a temporary access. An anticipated completion date is early June.

Regarding the dog park, all the donated land has been transferred and recorded at the county. All dead and diseased trees and vines have been removed. The low spots are being filled in. The sign types and locations have been proposed along with the rules. These are being reviewed by the Police Department. The contractor will submit a quote on ADA improvements on the west piece of that trail. Alice Hawk, Leawood Foundation Chair, has advised they have funded two of the benches thus far, and she's confident they will get a third donor. A maintenance plan has been proposed. The project is slated for review by the Planning Commission on April 29th with five items: rezoning of donated land from SD-O to Rec., Revised Preliminary and Final Plat, along with Preliminary and Final Plan. Grading, seeding and sodding will need to be done. Improvements will be made to the trail, bridge and fencing. Over-seeding of the open area will be conducted in the fall.

Chris confirmed with Mayor Dunn that the berm on the north side will be left to hopefully stop some of the debris from coming into the dog park. The enclosed area is 5 acres. She is anticipating 45-60 days from complete approval. Hopefully, July 1st would be a realistic date.

COMMITTEE RECOMMENDATIONS

11. PUBLIC WORKS COMMITTEE

[from the March 12, 2014 Public Works Committee meeting]

- A. Approve recommendation of O'Donnell & Sons Construction/Olsson Engineering Design Build Team for the Design/Build Consultant for the 2014 Curb Replacement Program [Project #80251]

Councilmember Azeltine stated the Public Works Committee met on March 12 and reviewed five [5] different teams of contractors and designers. The staff came up with a scoring system and recommended O'Donnell & Sons Construction/Olsson Engineering Design Build Team.

A motion to approve the recommendation was made by Councilmember Azeltine; seconded by Councilmember Rawlings.

Mr. Johnson advised the contract completion date is mid-November. With the approval tonight, O'Donnell & Sons will begin construction tomorrow morning on College Boulevard, replacing the curb. They've already began some prep work.

Councilmember Rawlings pointed out that O'Donnell & Sons scored the highest with 84 points based upon Joe's new scoring system that worked quite well.

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

- B. **Resolution No. 4205**, approving and authorizing the Mayor to execute a Design Build Agreement between the City and O'Donnell & Sons Construction pertaining to the 2014 Curb Replacement Program [Project #80251] [Project Nos. 72050-Residential Mill & Overlay; 77113-2013 Accelerated Storm Repairs; 70016-Residential Mill & Overlay; and 70514 – Sidewalk Repairs]

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

12. PLANNING COMMISSION

[From the March 13, 2014 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 FROM THE SEPTEMBER 16, 2013, THE OCTOBER 21, 2013, THE NOVEMBER 18, 2013, THE DECEMBER 16, 20-13, THE JANUARY 6, 2014, THE FEBRUARY 3, 2014 AND THE APRIL 7, 2014 GOVERNING BODY MEETINGS*** [Roll Call Vote] – **CONTINUED TO THE JUNE 2, 2014 GOVERNING BODY MEETING**

B.

[from the January 28, 2014 Planning Commission meeting]

- C. 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 Highland Villas, [formerly known as Grace Gardens] located south of 143rd Street and east of Nall Avenue, (PC Case 09-14) [Roll Call Vote] – ***[CONTINUED FROM THE FEBRUARY 17, 2014 AND MARCH 3, 2014 GOVERNING BODY MEETINGS]*** – **CONTINUED TO THE APRIL 21, 2014 GOVERNING BODY MEETING**

13. **OLD BUSINESS** - None

14. **OTHER BUSINESS** – None

15. **NEW BUSINESS** – None

There being no further business, the meeting was adjourned at 8:45 P.M.

ADJOURN

Debra Harper, CMC, City Clerk