

Minutes

DVD No. 325

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, June 2, 2014. Mayor Peggy Dunn presided.

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

Councilmembers Absent: Carrie Rezac

Staff Present:

Scott Lambers, City Administrator;
Joe Johnson, Public Works Director
Dawn Long, Finance Director
Mark Klein, Planning Official
Mark Andrasik, IT Director

Patty Bennett, City Attorney
Chris Claxton, Parks and Rec Director
Richard Coleman, Comm. Development Director
Captain Dale Finger, Police Department
Deb Harper, City Clerk

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn stated Agenda Item 9.A. under Councilmembers' Report has been pulled. Councilmember James Azeltine will have a referral to the Public Works Committee.

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Robinett. The motion was approved with a unanimous vote of 7-0. [Councilmember Rezac absent]

3. CITIZEN COMMENTS - None

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 - 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. 2014-18 and 2014-19
- B. Accept minutes of the May 19, 2014 Governing Body meeting
- C. Accept minutes of the May 5, 2014 Governing Body Work Session
- D. Accept minutes of the March 12, 2014 Public Works Committee meeting
- E. Accept minutes of the February 24, 2014 Ironhorse Advisory Board meeting
- F. Approve purchase in the amount of \$187,425.00, [\$53.55/ton] from Independent Salt Company
- G. Approve Metro Co-op Bid in the amount of \$92,141.00 from Shawnee Mission Ford for the purchase of [3] Ford Interceptors and service manuals
- H. **Resolution No. 4245** approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and SJH Family Corporation, d/b/a Edwards Lawn Care, pertaining to property maintenance of various lots and parcels of land
- J. **Resolution No. 4247** accepting a Temporary Construction Easement from Bryan Anthony and Lisa Ann Cummings, for property located at 14200 Mission Road, pertaining to the 143rd Street Improvement Project between Nall and Windsor [Project # 80162]
- K. **Resolution No. 4248** accepting a Permanent Utility Easement from Jon P. McGee and Kirsta A. McGee, for property located at 5010 W. 143rd Terrace, pertaining to the 143rd Street Improvement Project between Nall and Windsor [Project # 80162]
- L. **Resolution No. 4249** accepting a Permanent Utility Easement Hayward and Hattie Spears, for property located at 14400 Mission Road, pertaining to the 143rd Street Improvement Project between Nall and Windsor [Project # 80162]
- M. **Resolution No. 4250** accepting a Deed of Dedication from Hayward and Hattie Spears, for property located at 14400 Mission Road, pertaining to the 143rd Street Improvement Project between Nall and Windsor [Project # 80162]
- N. **Resolution No. 4251** declaring it necessary to appropriate private property for the use of the City of Leawood, Kansas pertaining to the 143rd Street Improvement Project between Nall and Windsor [Project # 80162]
- P. **Resolution No. 4253** approving a Revised Final Plan for Leawood United Methodist Church – Roof Replacement, located south of 95th Street and west of Belinder Road [from the May 27, 2014 Planning Commission meeting] (PC 74-14)
- R. Declaration of Surplus Property; Police Unit 2004 Chev. Impala, last 4 VIN/3515; Police Unit 2010 Ford Crown Vic, last 4 VIN/8199; Police Unit 2011 Ford Crown Vic, last 4 VIN/8201; and PW Unit 2003 Ford F-550, last 4 VIN/5819

Mayor Dunn requested Consent Agenda Item 7Q be pulled.

Councilmember Osman requested Consent Agenda Item 7I be pulled.

Councilmember Azeltine requested Consent Agenda Item 7O be pulled.

A motion to approve the Consent Agenda with Item Nos. 7I, 7O and 7Q pulled for discussion was made by Councilmember Filla; seconded by Councilmember Robinett. The motion was approved with a unanimous vote of 7-0. [Councilmember Rezac absent]

- I. **Resolution No. 4246** approving and authorizing the Mayor to execute a Service Agreement for an amount not to exceed \$39,371.00, between the City and Securitas Security Services USA, to provide School Crossing Guard Services

Capt. Dale Finger confirmed with Councilmember Osman that Securitas was the City's school crossing guard vendor prior to last year. It was rebid this year, and Securitas was the successful bidder. Councilmember Osman stated he would prefer to see a longer term contract for this service in the future. Capt. Finger stated they would prefer a multi-year agreement also.

A motion to approve Item No. 7I was made by Councilmember Osman; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 7-0. [Councilmember Rezac absent]

- O. **Resolution No. 4252** approving a Final Plan for Villa Milano – AT&T Fiber Cabinet, located south of 137th Street and east of Mission Road [from the May 27, 2014 Planning Commission meeting] (PC 72-14)

Councilmember Azeltine noticed some of these planning items are passing with a 4-0 vote and asked if these items can be approved by the Planning Commission with a 4-0 vote or if it is just a majority of the quorum present. Mr. Lambers stated the 4-0 vote is the members present and voting. A vote by the Chair is not required, unless to break a tie. There is no attendance policy, however, their attendance is tracked at time of the mayoral appointments.

A motion to approve Item No. 7O was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 7-0. [Councilmember Rezac absent]

- Q. **Resolution No. 4254** approving a Revised Final Plan for Cure of Ars Catholic Church Alterations, located north of 95th Street and east of Mission Road [from the May 27, 2014 Planning Commission meeting] (PC 77-14)

Mayor Dunn recused herself from this item due to a possible appearance of a conflict of interest. Presiding Officer Rawlings presided.

A motion to approve Item No. 7Q was made by Councilmember Rasmussen; seconded by Councilmember Robinett. The motion was approved with a unanimous vote of 7-0. [Councilmember Rezac absent]

8. MAYOR'S REPORT

- A. Along with Scott Lambers, she joined the Planning Commission, Director of Community Development Richard Coleman, and the planning staff at a celebration honoring Planning Commission Chairwoman Lisa Rohlf, who retired after 12 years of dedicated service. She did a superb job, and extended the City's appreciation for the positive impact she has had on the community's landscape.
- B. Attended two Leawood Chamber ribbon cuttings: one at the Institute of I Vitality located at College and Roe; specializing in IV therapy for cancer patients, athletes and others. The second was at Select Quote Insurance Services located at 89th and State Line Road, which began in 2010 and moved to Leawood to handle expanded growth. They currently have 250 employees and plan to hire 225 more by August 2014.
- C. Councilmember Debra Filla stood in for Mayor Dunn a few weeks ago at a ribbon cutting at Elite Sports Medicine and Physical Therapy at 13157 State Line Road.
- D. There are several upcoming activities cosponsored by the Parks and Recreation Department and the Leawood Arts Council. These will take place each Tuesday beginning at 9:30 A.M., from June 3rd through June 24th. They are free and will be held at the Lodge at Ironwoods Park. They will have lots of theater, singing and great things for the family. More information can be obtained by calling Ext. 157 at City Hall.

9. COUNCILMEMBERS' REPORT

- C. Councilmember Azeltine– Request for Referral to the Public Works Committee to review Extinet's proposal to install equipment upon street poles

Councilmember Azeltine asked for a referral to the Public Works Committee to review Extinet's proposal to install antennas on city-owned street light poles and the equipment that goes with it. Currently, Extinet has a franchise agreement with the City to install this equipment, however has not had pictures of the equipment. The committee will review two options Extinet has in attaching antennas to street poles and will also review a pole attachment agreement that both Overland Park and Lenexa used for this type of attachment. The antennas boost cell signals.

Mr. Johnson stated in the past, the City has allowed KCP&L to use its street light poles as the City buried the overhead power lines. Now, the units are attached to the poles because the City owns all the KCP&L street lights. Extinet will be placing their boxes on telephone poles Wednesday afternoon on Town Center Drive east of Roe.

A motion to approve this referral to the Public Works Committee was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 7-0. [Councilmember Rezac absent]

- B. Councilmember Osman – Request for Referral to the Parks & Recreation Advisory Board for consideration of accepting donations towards the construction of the Dog Park in exchange for advertising to be placed in the vicinity of the Dog Park for such donors

Councilmember Osman stated a number area business owners related to dogs have expressed an interest in donating items to the dog park and would like to have a plaque with their logo in certain areas. He requests this be reviewed by the Parks and Recreation Advisory Board.

A motion to approve this referral to the Parks and Recreation Advisory Board was made by Councilmember Osman; seconded by Councilmember Rasmussen. The motion was approved with a unanimous vote of 7-0. [Councilmember Rezac absent]

Ms. Claxton stated she will add this to the June 10th agenda.

10. STAFF REPORT - None

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION – Continued to July 7th

[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 JULY 7, 2014 GOVERNING BODY MEETING** – Continued From The September 16, 2013, The October 21, 2013, The November 18, 2013, The December 16, 2013, The January 6, 2014, The February 3, 2014, And The April 7, 2014 Governing Body Meetings [Roll Call Vote] –

12. OLD BUSINESS

A. **Resolution No. 4255**, 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 AND APRIL 7, 2014 GOVERNING BODY MEETINGS]- Approved

Ms. Bennett stated following several work session, the Governing Body’s consensus is that the CID would be limited to no more than \$8 million. The current petition is for \$10 million. The staff will modify the documents to reflect the \$8 million limitation, however, the resolution can still be approved. Mr. John Petersen, Polsinelli Law Firm, confirmed they are accepting the cap revision from \$10,050 to a cap of \$8 million.

A motion to approve Resolution No. 4255 with the amendment to an \$8 million cap was made by Councilmember Filla; seconded by Councilmember Robinett.

Councilmember Rasmussen requested a change in the procedure and pointed to the first page of the first amendment and restated petition, wherein it states, “This petitions the City of Leawood to create a Community Improvement District and *authorize* (emphasis added) the CID project.” Then, it states the overall estimated cost of the project. The language implies that the Council is authorizing the project and the project amount. He feels it needs to be clearer what the Governing Body will approve, including the estimated cost.

Councilmember Cain stated her appreciation on the discussions at the earlier work session. The applicant was asking for \$10,050 and through cooperation and compromise from all parties and careful deliberation, a consensus of \$8 million was reached.

Ms. Bennett confirmed with Mayor Dunn that they are approving the resolution with the Amended and Restated Petition with the \$8 million cap. She requested a continuance on Agenda No. 12.B. which is the resolution approving the First Amended and Restated Camelot Court Shopping Center Redevelopment Agreement to the June 16, 2014 Governing Body meeting so the agreement can be revised.

The motion to approve Agenda Item 12.A. was approved with a unanimous vote of 6-1. Opposed: Rasmussen. [Councilmember Rezac absent]

Mr. Rasmussen felt the amount was too high.

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 AND APRIL 7, 2014 GOVERNING BODY MEETINGS] – CONTINUED TO THE JUNE 16, 2013 GOVERNING BODY MEETING –

A motion to continue Item No. 12B to the June 16th Governing Body meeting was made by Councilmember Azeltine; seconded by Councilmember Rasmussen. The motion was approved with a unanimous vote of 7-0. [Councilmember Rezac absent]

13. OTHER BUSINESS - None

14. NEW BUSINESS – None

There being no further business, the meeting was adjourned at 8:00 P.M.

Deb Harper, CMC, City Clerk