

Minutes

DVD No. 333

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, October 6, 2014. Mayor Peggy Dunn presided.

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

Councilmembers Absent: None

Staff Present:	Scott Lambers, City Administrator	Richard Coleman, Comm. Dev. Director
	Mark Klein, Planning Official	Dawn Long, Finance Director
	Chief John Meier, Police Dept.	Deputy Chief Wayne Harder, Fire Dept.
	Chris Claxton, Parks & Rec. Director	Karl Weinfurter, IS Systems Specialist II
	Joe Johnson, Public Works Director	Patty Bennett, City Attorney
	Nic Sanders, Human Resources Dir.	Cindy Jacobus, Asst. City Clerk
	Deb Harper, City Clerk	

Others Present: None

1. **PLEDGE OF ALLEGIANCE** - Led by Scouts from Troop 10

2. **APPROVAL OF AGENDA**

A motion to approve the agenda was made by Councilmember Azeltine; seconded by Councilmember Rasmussen. The motion was approved with a unanimous vote of 7-0.

3. **CITIZEN COMMENTS** - None

4. **PROCLAMATIONS** **Double Ten Day, October 10, 2014**

Mayor Dunn read a portion of the proclamation. She extended thanks to the Leawood Sister City Committee and the TAIPEI Economic and Cultural Office of Kansas City, and indicated the proclamation had been sent to them.

5. PRESENTATIONS/RECOGNITIONS Johnson County Budget Highlight - First District County Commissioner Ed Peterson

Commissioner Peterson presented the 2015 Johnson County Budget. Highlights of the presentation as follows:

The total budget for 2015 is \$870 Million, up from \$840 Million. Budgeted reserves will be \$174 Million at the end of 2015, which is 21% of the total budget. The minimum required reserved is set at 20% and there was a concise effort to spend down the prior year's budget reserve of 35%.

Full-time equivalent [FTE] staff positions are down to 3,800, a decline of 10% to 12% from 4,200 five years ago, while adding 100,000 to the community who use services. Staff raises have not kept up with inflation. Workers continue to set records with their community support efforts.

The Johnson County mill levy tax has remained flat-line since 2011 and as a percent of household income is 0.58%, which is less than many surrounding counties. Increase in per capita income in Johnson County continues to lag behind state and the U.S., in both actual and constant dollars.

Sales tax as a percent of total revenue is a slight increase and Ad Valorem Taxes show a slight decline. Expenditures include a modest increase in infrastructure and in public safety, which includes the Sherriff's budget. Of the approximate \$1 Billion collected in sales tax revenue, Johnson County receives only \$71 Million, which is 6.3% of the total sales tax revenue collected in Johnson County.

Commissioner Peterson added in regard to the distribution of sales tax revenues in Johnson County, including overtime in the Sheriff's Office, reductions have been absorbed. The solution reached was to abandon a number of longstanding budgetary principles including use of reserve funds designated for other purposes. Deferring capital projects to 2016 was expressly declined in budget discussions. Since reserves are also used for ongoing expenditures, next year's budget has a funding gap. These actions were taken in lieu of a 4/10th mill levy increase. Revenue problems have not been addressed and costs continue to grow while issues loom such as the Courthouse and major wastewater treatment expansion, parks and libraries. Increasing demands for services have been met with less staff, less cost and less attention to revenue.

Mayor Dunn asked about the Sheriff's overtime request and if the \$2.7 Million cost was to add staff or pay overtime. Commissioner Peterson replied the actual overtime cost was approximately \$6 Million per year, of which \$2 Million to \$3 Million was unavoidable. The amount of \$2.7 Million allows hiring enough staff to eliminate overtime shifts at the jail. The County has agreed to use of fewer sworn deputies and more civilians, but this requires creation of funding for those positions. The net savings is \$250,000 to \$500,000, once fully implemented with new staff and without overtime.

Councilmember Rezac asked about real cost for the mortgage registration revenue loss. Commissioner Peterson replied the repealed mortgage registration fee will be replaced by a higher-per-page filing/recording fee beginning in January. By this time next year, actual revenue loss amount should be available; estimates vary from \$3.5 Million to \$1.7 Million. The market itself has slowed with fewer mortgages being recorded and creative legal methods might result in a 2-page filing vs. a 50-page filing.

Councilmember Azeltine asked if the reserves are all operating reserves or if some are debt reserves. Commissioner Peterson replied some is debt reserve, but most is operating reserve. Debt reserves are restricted and Commissioner Peterson was unsure how much of the \$174 Million reserve would be debt.

Mayor Dunn expressed gratitude to Commissioner Peterson for his service. Commissioner Peterson stated he would be available until December 31, 2014.

6. SPECIAL BUSINESS

- A. Approve recommendation of Chuck Sipple, to fill Councilmember Robinett's unexpired term until April, 2016 [Oath of Office conducted on Monday, October 20, 2014]

Mayor Dunn stated that Mr. Sipple was unable to be present this evening, but if approved he would be installed at the next Council meeting on October 20, 2014. She commented that six well-qualified individuals were considered for the position. Mayor Dunn thanked Councilmembers Rezac and Cain for their assistance with interviews. Councilmember Cain stated the decision was difficult, as all candidates were excellent. If approved, City Clerk Deb Harper will contact Mr. Sipple tomorrow, to set-up orientation and meetings.

A motion to approve recommendation of Chuck Sipple, to fill Councilmember Robinett's unexpired term until April, 2016, was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 7-0.

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. 2014-35, 2014-36 and 2014-37
- B. Accept minutes of the September 15, 2014 Governing Body meeting
- C. Accept minutes of the September 15, 2014 Governing Body Work Session
- D. Accept minutes of the August 21, 2014 Leawood Foundation meeting
- E. Accept minutes of the July 17, 2014 Sustainability Advisory Board meeting
- F. Approve purchase in the amount of \$34,000 to Kansas Golf & Turf, for maintenance equipment for Ironhorse Golf Club, located at 15400 Mission Road
- G. **Resolution No. 4321**, approving and authorizing the Mayor to execute a Community Service Agreement between the City and Blue Valley Unified School District No. 229, pertaining to the assignment of School Resource Officers [SRO]
- H. **Resolution No. 4322**, approving and authorizing the Mayor to execute a Service Agreement in the amount of \$47,965.92, between the City and TW Telecom to provide data communications
- I. **Resolution No. 4323**, approving and authorizing the Mayor to execute Amendment No. 1, to that certain Professional Engineering Service Agreement dated July 15, 2013, in the amount of \$22,179.92 between the City and Continental Consulting Engineers, Inc., pertaining to engineering and architectural services for the Ironwoods Park Rest Station [restrooms] located at 14701 Mission Road [Project # 80118]

- J. **Resolution No. 4324**, approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$40,508.65, between the City and P.B. Hoidale Co. Inc., for Installation of a Fuel Access and Inventory Control System at Leawood Public Works and Parks Maintenance buildings, located at 14303 Overbrook Road
- K. **Resolution No. 4325**, accepting a New Public Infrastructure [streets, storm sewers & street lights] located at 141st Terrace & Juniper Street, pertaining to the Glen Abbey Subdivision Development, in accordance with GASB-34 Guidelines of reporting Inventory of Assets
- N. **Resolution No. 4328**, approving a Final Plan for a Tenant Finish for Town Center Plaza – Hanna Anderson, located north of W. 119th Street and west of Roe Avenue (PC Case 135-14) [*From the September 23, 2014 Planning Commission meeting*]

Councilmember Rasmussen requested Consent Agenda Item No. 7.L. to be pulled and Councilmember Filla requested Consent Agenda Item No. 7.M. to be pulled.

A motion to approve the remaining Consent Agenda items was made by Councilmember Rezac; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 7-0.

- L. **Resolution No. 4326**, accepting a Permanent Sidewalk Easement from Leawood Post Office, LLC by: Johnson County Management, LLC, a Kansas, limited liability company, for property located near 95th Street, west of Wenonga [near old Post Office site]

Councilmember Rasmussen provided background on the site. He stated that in early 1960, widening of 95th Street from two lanes to four lanes brought about petition drives. Eventually, the road was changed to four lanes, but the easements did not fit. The area around the Post Office had a sidewalk closely associated with the curb. Councilmember Rasmussen stated this item has to do with Agenda Item 11.C., which is being requested for remand back to the Planning Commission. He expressed his desire to get Ranch Mart North as close as possible to compliant with current ordinances, and to eliminate any confusion that this item would give room to properly install a sidewalk. Councilmember Rasmussen stated this easement may need to change when Ranch Mart North is redeveloped.

Mr. Johnson stated that when 95th Street was improved over the summer, the curb was removed as well as the ramp across the drive in order to meet Americans with Disabilities Act [ADA] requirements. The wall on the back of the sidewalk was removed and an easement was required to replace it.

Councilmember Rasmussen reiterated the pedestrian access issue is not solved and that it needs to be a part of the redevelopment plans of Ranch Mart.

Councilmember Osman asked if the work being performed was the responsibility of the City of Overland Park or the City of Leawood. Mr. Johnson replied the work was a joint project that Overland Park administered. Councilmember Osman agreed with Councilmember Rasmussen and stated there have been many complaints about inaccessibility from Wenonga to 95th Street. He asked if the reason for the blockage was the inability to obtain an easement. Mr. Johnson replied the sidewalk could have gone in without the easement, but would not have met ADA requirements.

A motion to approve Item No. 7.L. was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 7-0.

- M. **Resolution No. 4327**, accepting a Permanent Sidewalk Easement from Ranch Mart North, LLC, by: Johnson County Management, LLC, a Kansas, limited liability company, for property located near 95th Street, west of Wenonga

Councilmember Filla asked about the location for the easement. Mr. Johnson replied the easement is at the signalized intersection on the northeast corner. The ADA/pedestrian button is on a 5-ft. pole adjacent to the sidewalk. Mr. Johnson replied the easement does not cross the McDonald's property and sidewalks are along 95th Street up to McDonald's. The City does not have easements on Mission Road north of 95th Street. Mayor Dunn clarified this item only deals with 95th Street and not Mission Road.

A motion to approve Item No. 7.M. was made by Councilmember Filla; seconded by Councilmember Rasmussen. The motion was approved with a unanimous vote of 7-0.

8. MAYOR'S REPORT

- A. Sincere sympathies to Councilmember James Azeltine and his family on the loss of his brother Fred, who passed away on September 18. Condolences to everyone, especially Fred's four children.
- B. Sincere sympathies to the family of Leawood resident Tom Martin, who passed away on September 23. Tom was a founding member of the Leawood Rotary Club and his wife, Kay, was a long-time member of the I-Lan Sister City Committee. They both participated in the delegation visit in 1998 to celebrate our 10-year relationship with I-Lan, Taiwan.
- C. Attended the Greater Kansas City Chamber of Commerce announcement of their newest "Big 5" idea, focused on early childhood education, to empower every child, every family, and every community in Greater Kansas City to be "kindergarten ready". Efforts for this initiative will be strategically organized through collaboration, data analysis, and investment.
- D. Participated in a very special occasion as the Lord Mayor of the City of Westminster, the Right Worshipful Catherine Longworth, extended a formal invitation to the Blue Valley North Marching Mustangs to participate in the 2016 New Year's Day parade in London, England.
- E. Participated in the ribbon-cutting ceremony for the Madison Dental Group, located at 135th and State Line in Missouri. They provide care for both adults and children.
- F. Attended the Shawnee Mission Education Foundation 2014 Fall Breakfast, where Superintendent Dr. Jim Hinson presented the "State of the District Address". Dr. Hinson delivered a great update on all of the numerous accomplishments that have taken place in the Shawnee Mission School District this past year.
- G. Had the privilege of participating as a Leadership Exchange Delegate in the Greater Kansas City Chamber of Commerce best practices tour to Silicon Valley. There were a total of 110 delegates and we all learned a great deal about entrepreneurship, which is also a Greater Kansas City Chamber of Commerce "Big 5". All arrangements and numerous details were very capably handled and organized by Cathy Bennett, sister of Leawood City Attorney Patty Bennett.

- H. Congratulations to Leawood Police Chief John Meier and Officer David Winders on the approved application for participation in the Drug Enforcement Agency [DEA] National Rx Drug Take Back Event and the free drug collection unit receptacle located in the Justice Center. In addition, Leawood also participates with CVS' Drug Disposal for Safer Communities Program.

Councilmember Filla inquired if the drug take-back includes needle disposal and if there are any other take-back receptacles in Leawood. Chief Meier replied that he would need to check in regard to needles and that he believes this is the only receptacle in Leawood. He continued by saying that CVS Pharmacy provided the grant for receptacles at various police stations and that Leawood's receptacle is located in the lobby of the Justice Center.

9. COUNCILMEMBERS' REPORT

Referral to Public Works Committee for consideration of Pedestrian Crossing at 135th Street and Mission Road

Councilmember Rezac stated a resident had advised the City that no pedestrian crossing button was provided at 135th Street and Mission Road. Public Works has gathered information, including cost, and she would like the Public Works Committee to evaluate. In response to Mayor Dunn's inquiry, Councilmember Rezac stated the next meeting of the Public Works Committee is the first week of November.

A motion to recommend the Public Works Committee evaluate the situation was made by Councilmember Rezac; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 7-0.

10. STAFF REPORT

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[From the July 22, 2014 Planning Commission meeting]

- A. Ordinance approving a Special Use Permit for Town Center Plaza – Macy's – Sprint Antennae and Associated Equipment, located east of Nall Avenue and north of W. 119th Street (PC 98-14)] - *Continued From the September 2, 2014 Governing Body meeting - CONTINUED TO THE OCTOBER 20, 2014 GOVERNING BODY MEETING*

[from the September 9, 2014 Planning Commission meeting]

- B. **Resolution No. 4329**, approving a Revised Final Plan and Revised Final Plat for Church of the Resurrection – Church Expansion, located south of 137th Street and east of Nall Avenue (PC 113-14)

Reverend Adam Hamilton, founding Pastor of the Church of the Resurrection, 13720 Roe Avenue, appeared before the City Council and spoke about the church expansion. The church hired HGA Architects and Engineers [HGA] of Minneapolis for this project. This firm won an award for the University of Missouri-Kansas City Performing Arts Center and has won five awards for sacred-space design. Rev. Hamilton spoke of the Church of the Resurrection becoming a landmark in Leawood and his dream for a building to last 100 years. He is excited the building will proclaim meaning and

intimated details of various design elements. He described the poetic design of the building that represents biblical themes, including a concept-stage stained glass window, 90-ft. by 35-ft. in 5-ft. panels, which the church hopes will become an icon in the City. The overall design is intended to create a sense of intimate community. Mayor Dunn inquired and Rev. Hamilton confirmed that the Applicant will return before the Council with a final stained glass plan.

Mr. Dick Cooper, Head of Facilities Team at the Church of the Resurrection, introduced his team which included Mr. Brad Sonner of Olsson and Associates, and Mr. Robert Whitman, Landscape Architect at Gould Evans. Mr. Cooper stated they hope to begin construction in early spring and anticipate a two-year build process.

Mr. John Justice, Lead Architect at HGA, 420 5th Street North, Minneapolis, Minnesota, thanked City staff and the Planning Commission. He provided a brief overview of the project through a presentation of 15 slides, which showed few changes from the Preliminary Plan stage. The project is surrounded on three sides by residential and commercial to the north. The plan changes include additional landscaping along Nall, building height increase from 85-ft. to 85-ft.-3 in., parapet height increase, slight parking space increase and revised building footprint.

Mayor Dunn congratulated the team on using sustainable products and asked about the wall that was in question and how this was resolved. Mr. Justice replied the cooling tower will be replaced with a larger one, to serve both the new and existing building. The current cooling tower wall will be extended and contain a gate. Wall height will remain unchanged, the wall will contain louvers and match the off-white raked texture of the existing wall.

Councilmember Cain expressed appreciation for the choice of Zahner for construction. She also thanked the church for patience during the moratorium on building and inquired about the project timeline. Mr. Justice replied the structure will be complete in 2016, and they hope to have service on Easter Sunday of 2017.

Councilmember Azeltine asked staff if the vote taken on this item will be an override vote. Mr. Coleman replied that it would only be an override vote if the Council changed staff's recommendation. Councilmember Azeltine asked if a stoplight is planned for 137th and Nall. Mr. Johnson replied a signal should be installed in 2015, with a design currently underway.

Mayor Dunn thanked Reverend Hamilton and expressed appreciation for this Leawood church.

A motion to approve Item No. 11.B. was made by Councilmember Cain; seconded by Councilmember Rawlings. The motion was approved with a unanimous vote of 7-0.

[from the July 23, 2013 Planning Commission meeting]

- C. 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, 2013, The January 6, 2014, The February 3, 2014, The April 7, 2014, The June 2, 2014, The July 7, 2014, and the August 4, 2014 Governing Body Meetings - THE APPLICANT HAS REQUESTED THIS ITEM BE REMANDED BACK TO THE NOVEMBER 25, 2014, PLANNING COMMISSION MEETING***

Mr. John Petersen, Polsinelli Law Firm, 6201 College Boulevard, Overland Park, Kansas, appeared on behalf of the owner of Ranch Mart. He stated the project has had some changes that will require Planning Commission review and hopes to be back before Council by the end of the year. Mr. Peterson considers this a normal course for remand.

Mayor Dunn stated that staff had not had a chance to review the plan, but as the new plan has a number of changes, she asked about the potential need for another Interact Citizen Meeting. Mr. Petersen replied the Applicant would be happy to have another Interact Citizen Meeting.

Discussion was held regarding the recommendation and remand process, and required votes needed. Ms. Bennett suggested a stipulation on the remand that would not be objectionable to Mr. Petersen. She said the stipulation could state the remand will not change the procedural voting requirements agreed to by the Applicant. Mayor Dunn stated the stipulation would be to abide by the same rules that are generally in place, in which a stipulation that is modified after the Planning Commission has recommended approval requires a super-majority versus a simple majority.

Mr. Peterson agreed to the stipulation and stated he is hopeful to be back before the Council in December.

Councilmember Rawlings inquired about the timeline after the plan is approved. Mr. Petersen replied issues with existing tenants have been resolved and new tenants are anticipated. He was hopeful for construction beginning in 2015. Mayor Dunn stated that tenants have contacted City Councilmembers, as they are anxious to see the improvements.

A motion to remand Item No. 11.C. to the Planning Commission with the stipulation that the remand will not change the procedural voting requirements as agreed to by the Applicant was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 7-0.

12. OLD BUSINESS

- A. **Ordinance No. 2690C**, amending Sections 11-101 through 11-106 of the Code of the City of Leawood, 2000, pertaining to regulating Public Offenses within the corporate limits of the City of Leawood, Kansas; incorporating by reference the 'Uniform Public Offense Code for Kansas Cities,' 2014 Edition, with certain amendments and omissions, such incorporation being authorized by K.S.A. §12-3009 through 12-3012, and K.S.A. § 12-3301 and 12-3302, and repealing existing § 11-101 through 11-106, and other sections in conflict herewith [Roll Call Vote] – *[Continued from the September 15, 2014 Governing Body meeting]*

Ms. Bennett stated this item and Item 12.B. are the annual adoption of the Public Offense Code. The most significant changes are in regard to the City's regulation of firearms and knives, pursuant to the actions in the new statutes passed by the Kansas Legislature.

Councilmember Rezac stated that while the City is obligated to adopt the new statute, it does not imply agreement with the new statute. She believes the City should be able to create its own ordinances regarding weapons.

A motion to approve Item No. 12.A. was made by Councilmember Rasmussen; seconded by Councilmember Rawlings. The motion was approved with a unanimous vote of 7-0.

- B. **Ordinance No. 2691C**, amending Chapter 14, Article 1 of the Code of the City of Leawood, Kansas, 2000, by amending Sections 14-101, 14-103, 14-104, 14-105, 14-106, 14-107, 14-108 and 14-113 and by adding new Sections 14-102E and 14-108A, pertaining to Regulating Traffic within the Corporate Limits of the City of Leawood, Kansas; incorporating by reference the ‘Standard Traffic Ordinance for Kansas Cities, 2014 Edition,’ with certain amendments, and omissions such incorporation being authorized by K.S.A. § 12-3009 through 12-3012, and K.S.A. § 12-3301 and 12-3302; repealing existing Sections 14-101, 14-103, 14-104, 14-105, 14-106, 14-107, 14-108 and 14-113; and other sections in conflict herewith [Roll Call Vote] [*Continued from the September 15, 2014 Governing Body meeting*]

A motion to approve Item No. 12.B. was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 7-0.

- C. **Ordinance No. 2692C**, amending Section 2-202 of the of the Code of the City of Leawood, 2000, pertaining to Animals, Limitations on Ownership and repealing existing § 2-202 and other sections in conflict herewith [Roll Call Vote]

Councilmember Rasmussen asked the City Clerk Deb Harper about the discussion of maximum number of animals since the ordinance has been in effect, and if requests had been overwhelming. Ms. Harper replied the inspection process of the approved ordinance is in effect and that 55 active special animal permits are on file. Councilmember Rasmussen asked if the maximum number of animals should be reduced and Ms. Harper replied it should not.

A motion to approve Item No. 12.C. was made by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 7-0.

13. OTHER BUSINESS - None

14. NEW BUSINESS - None

Mayor Dunn asked if the Councilmembers would be in attendance on November 3rd for a photograph with Mr. Sipple for the City’s website, and to let Ms. Harper know if they would not be.

The meeting was adjourned at 9:15 P.M.

Deb Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk