

Minutes

DVD No. 341

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, 7:30 P.M., on Monday, February 2, 2015. Mayor Peggy Dunn presided.

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

Councilmembers Absent: None

Staff Present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
Dawn Long, Finance Director	Mark Andrasik, Info. Services Director
Mark Klein, Planning Official	Richard Coleman, Comm. Dev. Director
Chief John Meier, Police Dept.	Chief Dave Williams, Fire Dept.
Joe Johnson, Public Works Director	Nic Sanders, Human Resources Director
Chris Claxton, Parks & Rec. Director	Brian Anderson, Parks Superintendent
Deb Harper, City Clerk	Cindy Jacobus, Assistant City Clerk

Others Present: None

1. **PLEDGE OF ALLEGIANCE** – Mayor Dunn led the pledge.
2. **APPROVAL OF AGENDA**

Mayor Dunn added discussion of a revised Work Session topic/schedule under Agenda Item 13.

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 8-0.

3. **CITIZEN COMMENTS**

Mayor Dunn recognized Susan Grogan, 9619 Lee Boulevard, who declined to speak.

4. **PROCLAMATIONS** **United Way 2-1-1 National Day of Awareness, February 11, 2015**

Mayor Dunn read a portion of the proclamation into the record. She stated the program had been ongoing for many years, encouraged her fellow citizens to join in the recognition and utilize this good resource, and that the proclamation had been mailed to the United Way.

5. **PRESENTATIONS/RECOGNITIONS** – None

6. SPECIAL BUSINESS

A. Approval of 2015 Governing Body Goals & Objectives

Mayor Dunn pointed out a minor revision had been made to Near-Term Goals and a revised memorandum had been distributed. Mr. Lambers stated ongoing goals had been removed. Goals regarding standards were included to ensure awareness that standards are becoming more strict for cities the size of Leawood.

Council discussion and resulting revisions as follows:

SHORT-TERM GOALS [1-YEAR]

A. “Restart process for the Art Piece Project at the Justice Center [2015].

Mr. Lambers agreed to the addition of this as Item 12. Councilmember Rawlings stated he would be happy to lead the task force for this effort. Mayor Dunn stated over the next few months, other councilmembers would be appointed to work with him on the project. Councilmember Rasmussen stated the buildings on Indian Creek Parkway were offset from the streetscape and if the new art piece was too large it might prohibit the view of building facades. He felt the committee should evaluate landscaping versus art. Councilmember Rezac stated landscaping would be a viable option if the right piece of artwork could not be obtained.

B. Item 2, Incorporate park and bike/pedestrian consultant study results in the City’s Capital Improvement Program [C.I.P.] [2014].

Revise “Incorporate” to “Initiate” because this goal would not be completed in one year. Mayor Dunn stated staff had begun to follow this goal in all proposals.

C. Item 4, Expand usage of social media to Public Works and Arts [2015].

These departments are generally without controversy and usage should be easy to maintain. Additional departments would be added over time.

D. Item 6, Establish a listing of private planning consultants that have conducted City projects [2015].

Purpose would be to have an alphabetical listing of consultants identified for reference.

E. Item 8, Maintain City’s NPDES designation [2015].

For clarity, “National Pollutant Discharge Elimination System” to be added, and “NPDES” to be revised to “[NPDES]”. Mayor Dunn noted this is also the responsibility of the Public Works Director, Joe Johnson. Councilmember Filla stated the goal would be to incorporate the latest standards, expanding the Green Street project and ensuring the water is clean.

- F. Item 10, Perform annual review of City-owned art pieces and Art Master Plan [2015].

City Council would review the art pieces and the Art Master Plan at an annual Work Session.

- G. Item 11, Fund economic development through Chamber of Commerce [2015].

Mayor Dunn pointed out the next meeting agenda item addresses funding for economic development.

NEAR-TERM GOALS [1-2 YEARS]

- A. Item 4, Evaluate possible impact of placing hi-speed fiber along 135th Street [2013].

This directs Mr. Lambers to coordinate with AT&T to accelerate their plans to place fiber along 135th Street at no expense to the City.

- B. Item 8, Evaluate temporary uses [i.e., community gardens] for undeveloped land at Ironwoods Park [2015].

Community gardens are just one example of temporary uses; “i.e.,” to be revised to “e.g.,” and “horseshoes” to be added as another example. Also, “temporary uses” to be revised to “temporary low-impact uses”.

- C. Item 10, Evaluate upgrades and new improvements to City’s Trail System [2015].

Mayor Dunn stated the goal is to begin to integrate the upgrades, including those evaluated in the Bike/Pedestrian Master Plan.

- D. Item 11, Evaluate new home building codes with other Johnson County cities [2015].

Cities have adopted specific provisions beyond the National Building Code.

LONG-TERM GOALS [2-5-YEARS]

- A. Item 5, Evaluate feasibility/scope of Activity Center at Town Center Drive and Roe Avenue [2015].

The Activity Center would be located across from the Leawood Pioneer Library and scope would be distinctly different from the Community Center/Aquatics project located next to the Justice Center, which was evaluated a few years ago. The Activity Center evaluation will begin with staff visits to different types of centers that have an emphasis on senior services, to obtain a general concept in terms of size and uses.

A motion to approve Agenda Item 6.A. with discussed changes was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

- B. **Resolution No. 4394**, approving and authorizing the Mayor to execute a Service and Funding Agreement between the City and the Leawood Chamber of Commerce to provide funding for certain economic development services

Kevin Jeffries, President and CEO, Leawood Chamber of Commerce, stood for questions. Discussion provided the following clarifications:

Item 6(A), Scope of Services, Item 4 – In the absence of Mr. Jeffries, active promotion of public relations and marketing efforts would be handled by Chamber Membership Director Beth Johnson.

Item 6(B), Scope of Services – The first Action Plan, due 60-days after execution of the agreement, has already been submitted to the City. The Action Plan for 2016, which is due by October 31, 2015, would be discussed at a November Work Session.

Item 7, Reports to the City, Mr. Lambers stated reports would be written with an annual oral presentation. It was accepted that the first annual oral presentation would be scheduled for a Work Session in November and would cover the first three-quarters of 2015.

It was confirmed that if approved, the agreement is the only agreement in force with the Leawood Chamber at this time. This is the beginning of a new contractual relationship, with specific duties and responsibilities to be carried out by Mr. Jeffries.

The Leawood Chamber does not actively fund a lobbyist position at legislature, but the Chamber does have legislative priorities and educates their members broadly about what is occurring with the state. Mr. Jeffries offered to provide a copy of the Hawver's Capital Report. The Kansas League of Municipalities receives financial support and it is their CEO's job to bring attention to issues impacting the City.

A motion to approve Agenda Item 6.B. was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

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. 2014-53 and 2015-2
- B. Accept minutes of January 20, 2015 Governing Body meeting
- C. Approve 2nd and Final Pay Request in the amount of \$2,600.00, to Rock 'N Excavating, for repairs to South Lake located at Tomahawk Creek Parkway and Town Center Drive
- D. **Resolution No. 4395**, calling for a Public Hearing to be heard on Monday, March 2, 2015 at 7:30 P.M., or as soon thereafter as may be heard to consider the 2016-2020 Capital Improvement Program [C.I.P.] for the City of Leawood, Kansas
- E. **Resolution No. 4396**, authorizing and approving the grant of a Public Utility Easement to the City of Leawood for the location, construction, maintenance and use of public utility services for real property approximately located at 9609 Lee Boulevard, Leawood Estates Lot 115

- F. **Resolution No. 4397**, approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$1,986,808.00, between the City and V. F. Anderson Builders LLC, pertaining to the Leawood Heritage Stormwater Improvement Project, SMAC Project DB-04-027 [Project # 77014]
- G. **Resolution No. 4398**, approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$392,182.00 [\$1.799 per sq. yd] between the City and Intermountain Slurry Seal, Inc., pertaining to the 2015 Slurry Seal Program [Project # 70017]
- H. **Resolution No. 4399**, approving and authorizing the Mayor to execute a County Assistance Road System [C.A.R.S.] Agreement between the Board of Johnson County Commissioners [BOCC] and the City pertaining to the 143rd Street Improvement Project between Nall Avenue and Windsor Street [Project # 80162]
- I. **Resolution No. 4400**, approving and authorizing the Mayor to execute an Inter-local Agreement between the Board of Johnson County Commissioners [BOCC] and the City pertaining to the State Line Road Improvement Project between 123rd Street and 135th Street [Project # 72056]
- J. **Resolution No. 4401**, approving and authorizing the Mayor to execute an Inter-local Agreement between the Board of Johnson County Commissioners [BOCC] and the City pertaining to the College Boulevard Improvement Project between El Monte Street and State Line Road [Project # 72061]
- K. **Resolution No. 4402**, approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Pepsi Beverages Company, pertaining to purchase of soft drink products for resale
- L. **Resolution No. 4403**, approving a Revised Final Plan for Ranch Mart – Care Spot – Roof, located north of 95th Street and east of Mission Road (PC Case # 02-15) *[from the January 27, 2015 Planning Commission meeting]*
- M. **Resolution No. 4404**, approving a Final Plan for a Tenant Finish for Town Center Plaza – Athleta, located north of W. 119th Street and west of Roe Avenue (PC Case 03-15) *[from the January 27, 2015 Planning Commission meeting]*

Councilmember Cain requested Consent Agenda Item 7.E. be pulled.

Councilmember Azeltine requested Consent Agenda Items 7.F. and 7.H. be pulled.

A motion to approve the remaining Consent Agenda items was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.

- E. **Resolution No. 4396**, authorizing and approving the grant of a Public Utility Easement to the City of Leawood for the location, construction, maintenance and use of public utility services for real property approximately located at 9609 Lee Boulevard, Leawood Estates Lot 115

Councilmember Cain inquired about the dimensions of the water meter station that would be visible, pending further development. Mr. Johnson replied this easement is north side. The meter station would be located between the existing AT&T cabinet and Lee Boulevard, and placement should not impact the trees. The metering station, which would supply pressure readings to Water One, would have a footprint smaller than the KCP&L meter. The water and KCP&L meters will set together so

they can be landscaped. Mayor Dunn asked if the station is a Video Ready Access Device [VRAD]. Mr. Johnson replied it is smaller, measuring about 15 inches by 15 inches.

Councilmember Filla commented that demolition and removal of the Police Station exposed a large amount of communication antennae. Mr. Johnson stated these would be removed in the future. In the interim, screening of the site may need to be considered.

A motion to approve Consent Agenda Item 7.E. was made by Councilmember Cain; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

- F. **Resolution No. 4397**, approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$1,986,808.00, between the City and V. F. Anderson Builders LLC, pertaining to the Leawood Heritage Stormwater Improvement Project, SMAC Project DB-04-027 [Project # 77014]

Councilmember Azeltine asked about the demolition of a home to accommodate improvements. Mr. Johnson replied the home was already purchased, and it would be demolished.

Councilmember Azeltine and Mayor Dunn thanked Mr. Johnson for his successful Stormwater Management Advisory Council [SMAC] funding for this project and others.

A motion to approve Consent Item 7.F. was made by Councilmember Azeltine; seconded by Councilmember Rasmussen. The motion was approved with a unanimous vote of 8-0.

- H. **Resolution No. 4399**, approving and authorizing the Mayor to execute a County Assistance Road System [C.A.R.S.] Agreement between the Board of Johnson County Commissioners [BOCC] and the City pertaining to the 143rd Street Improvement Project between Nall Avenue and Windsor Street [Project # 80162]

Councilmember Azeltine inquired if additional cost or a change order might arise, and Councilmember Sipple asked for clarification of overall cost. Mr. Johnson replied this agreement was regarding the maximum amount that would be reimbursed by Johnson County for construction. Construction costs would be \$7.9 Million and the \$10.6 Million presented in the Capital Improvement Program [C.I.P.] is the total project cost, which includes design, construction, utility relocation and inspections.

Mr. Johnson stated a bid opening is scheduled for Thursday, February 11th and that he anticipated four to five bidders. All bidders are required to be certified by the Kansas Department of Transportation [KDOT].

A motion to approve Consent Agenda Item 7.H. was made by Councilmember Azeltine; seconded by Councilmember Rasmussen. The motion was approved with a unanimous vote of 8-0.

8. MAYOR'S REPORT

- A. Kansas Governor Sam Brownback was guest at the Greater Kansas City Chamber Board Meeting last week and presented the enclosed slides with information about the Fiscal Year 2015 budget shortfall and plans to remedy. Legislators are now working on resolutions.
- B. Thanks to I-Lan Sister City Committee Co-Chairs Jim Rochel and Delia Tankard, Staff Liaison Julie Berger, and to the entire committee for orchestrating a terrific Lunar New Year celebration. Councilmember Andrew Osman and Council Liaisons Debra Filla and Jim Rawlings were also in attendance. Blue Koi owner Scott Chang and his team provided a wonderful meal. We were pleased to host TECO Director General Jack Yang and his wife, as well as Consular Officer Amber Wang.
- C. Thanks to Scott Lambers, Chris Claxton, Mark Andrasik and Patty Bennett for assistance in organizing my State of the City luncheon meeting. Nearly all City Councilmembers were in attendance, and Julian Viso with Mio did a great job with the cuisine.
- D. Congratulations to both Shawnee Mission and Blue Valley School Districts for voters' overwhelming support of increased local-option budgets. Both districts serving Leawood students enjoyed passage with an over 80% approval rating.

9. COUNCILMEMBERS' REPORT – None

10. STAFF REPORT

COMMITTEE RECOMMENDATIONS

11. PUBLIC WORKS COMMITTEE

[from the December 3, 2014 and January 7, 2015 Public Works Committee meetings]

Resolution No. 4405, establishing policy on requests for sidewalk construction

RECOMMENDATION: Resolution establishing Policy on Requests for Sidewalk Construction

Councilmember Rezac provided background, stating this was borne out of two Public Works Committee meetings and from an email regarding street work being performed in the City. It provides a process for residents to request sidewalks where none existed, incorporated while work is being done on their street. Communications about street projects would be distributed two years prior to start of work, along with traffic calming information.

Mr. Johnson added a request was made for sidewalks along State Line Road and the current sidewalk ordinance does not address how to petition the City for sidewalks. Ms. Bennett drafted the resolution that requires 75% of the people living on the street to sign the petition requesting the sidewalk and stating the side of the street on which the sidewalk should be located.

Councilmember Cain asked if Johnson County has a standard for which side of the street a sidewalk is located. Mr. Johnson replied there is no standard, and placement depends on grade, trees and other factors.

Councilmember Azeltine pointed out that Section 1 is an informal petition that requires signatures of 75% of the legal owners of the lots abutting the subject street of the proposed sidewalk. He stated Section 4 is a formal petition for benefit district financing that requires signatures of 75% of the legal owners of the lots abutting the proposed sidewalk, with assessments to be made against each lot.

Mr. Johnson stated that if interest in a new sidewalk is established, a cost would be determined for the project to allow all parties to make informed decisions. Legal owners on both sides of a street would be responsible for benefit district financing.

Councilmember Filla complimented the Public Works Committee for the referral. She asked if a summary of the action taken could go out to the residents who had initiated the process, thanking them and advising they had helped the City. Mr. Johnson stated the results had been distributed.

Councilmember Cain asked if a homeowner must pull a permit for sidewalk repair. Mr. Johnson stated if a homeowner is performing the work a permit must be obtained, but is no-cost. If a contractor is hired to perform the work, they are charged a fee for the required permit. Either way, the City would inspect the sidewalk.

Councilmember Cain asked if there a list of recommended contractors. Mr. Johnson replied there was not.

Mayor Dunn thanked everyone who worked on the resolution.

A motion to approve the resolution was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.

12. OLD BUSINESS – None

13. OTHER BUSINESS

Mayor Dunn suggested moving the scheduled March 2nd “Safeguarding our City’s Trees” Work Session topic to April 16th, so that continued discussion of the C.I.P. could occur on March 2nd. Mr. Lambers stated the proposed C.I.P. discussion would focus on the unfunded, uncommitted wish list for park projects to determine the Council’s priorities and also to identify funding sources on those projects.

A motion to change the topics was made by Councilmember Filla; seconded by Councilmember Rezac. The motion was approved with a unanimous vote of 8-0.

14. NEW BUSINESS – None

ADJOURN

The meeting was adjourned at 8:35 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk