

Minutes

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, March 16, 2015. Mayor Peggy Dunn presided.

**Councilmembers Present:** Jim Rawlings, Julie Cain, Lou Rasmussen, Debra Filla, James Azeltine and Chuck Sipple

**Councilmembers Absent:** Carrie Rezac and Andrew Osman

**Staff Present:** Scott Lambers, City Administrator                      Patty Bennett, City Attorney  
Mark Andrasik, Info. Services Director                      Brian Anderson, Parks Superintendent  
Joe Johnson, Public Works Director                      Cindy Jacobus, Assistant City Clerk  
Deb Harper, City Clerk

**Others Present:** None

1.     **PLEDGE OF ALLEGIANCE** – Scouts from Troop 395 and Troop 10 led the pledge

2.     **APPROVAL OF AGENDA**

Mayor Dunn added Agenda Item 9.A., report from Councilmember Rasmussen regarding Leawood dog park.

**A motion to approve the amended agenda was made by Councilmember Cain; seconded by Councilmember Rasmussen. The motion was approved with a unanimous vote of 6-0.**

3.     **CITIZEN COMMENTS** – None

4.     **PROCLAMATIONS**                      **Knights of Columbus Founder’s Day, March 29, 2015**

Mayor Dunn read into the record and then presented the proclamation to Mr. Kenneth Lopez of the Knights of Columbus. Mr. Lopez thanked the Mayor and stated the Knights of Columbus had been a great leadership opportunity for him, his family and the community. He expressed gratitude and hoped to inspire his sons and daughters; his daughter Ananda was present at this meeting.

5.     **PRESENTATIONS/RECOGNITIONS** – None

6.     **SPECIAL BUSINESS**

- A.     **Resolution No. 4417**, approving and authorizing the Mayor to execute a Reimbursement Agreement in an amount not exceeding \$900,000.00, between the City and Magellan Pipeline Company, L.P., pertaining to the 143<sup>rd</sup> Street Improvement Project between Nall Avenue to east of Mission Road [Project #80162] [KDOT # 46 N-0426-01]

Mr. Johnson stated the easements were obtained in the late '50s, including the north 53 ft. of the right-of-way. The reimbursement agreement and encroachment agreement would allow for improvements along 143<sup>rd</sup> street. Magellan would need to relocate their pipeline in a number of locations. The 2015 Capital Improvement Program includes appropriate costs for 143<sup>rd</sup> Street. When 143<sup>rd</sup> Street is improved from Windsor to Kenneth Road, the road may be shifted south to minimize or avoid future relocations.

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

- B. **Resolution No. 4418**, approving and authorizing the Mayor to execute an Encroachment Agreement between the City and Magellan Pipeline Company, L.P., pertaining to the 143<sup>rd</sup> Street Improvement Project between Nall Avenue to east of Mission Road [Project #80162] [KDOT # 46 N-0426-01]

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

- C. **Resolution No. 4419**, approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$7,393,264.86 between the City and Miles Excavating, Inc., pertaining to the 143rd Street Improvement Project between Nall Avenue to east of Mission Road [Project # 80162] [KDOT Project # 46 N-0426-01]

Councilmember Filla asked Mr. Johnson if Miles would be able to handle the workload, as they were overscheduled last year. Mr. Johnson replied he was confident they would be, and the City has had no issues with this contractor. He stated the project consists of three phases. Phase 1 is from west of Mission Road to Windsor. This work would begin soon and is scheduled for completion the week before the next school year begins. Phase 2 to Roe is scheduled for completion by the end of 2015. Phase 3 is scheduled for completion in 2016.

The Phase 1 completion date of August 8, 2015, does factor in some weather delays. If weather cooperates, this phase may be completed earlier. The agreement contains liquidated damages and penalties would apply if each phase is not complete on-schedule.

Councilmember Azeltine asked if there is a chance to open Mission Road south of 143<sup>rd</sup> during the 3<sup>rd</sup> and 4<sup>th</sup> weekend of July because the Leawood Stage Company presents "Oliver" at that time. Mr. Johnson replied that weather is a variable. Detour routes will be publicized and well established by then.

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

D. Approve Reorganization of Maintenance Positions for Parks & Recreation Department

Mr. Anderson asked for consolidation of three of the seven long-term seasonal positions into one full-time position. There had been frequent turnover in the seven seasonal positions. The new full-time position would assist year-round with snow removal, tree maintenance and other more specialized work. The position would result in no budget increase, but would add to the level of community service.

Councilmember Cain stated with the addition of the Leawood dog park and Justice Center, the scope of work has increased and the position change was necessary.

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

**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. 2015-7 and 2015-8
- B. Accept March 2, 2015 Governing Body minutes
- C. Accept March 2, 2015 Governing Body Work Session minutes
- D. Accept November 13, 2014 Leawood Foundation minutes
- E. Accept January 22, 2015 Leawood Foundation minutes
- F. Accept January 7, 2015 Public Works Committee minutes
- G. Approve the 3<sup>rd</sup> and Final Pay Request in the amount of \$10,328.00 to Sosaya & Sons Construction, 2014 Residential Street Reconstruction Program-Street Lights [Project # 80214]
- H. **Resolution No. 4420**, approving and authorizing the Mayor to execute an Inter-Local Agreement between the City of Leawood and the City of Overland Park pertaining to the Nall Avenue Improvement Project between College Boulevard [111<sup>th</sup> Street] and 119<sup>th</sup> Street [Project # 72046]
- I. **Resolution No. 4421**, approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$70,734.46 between the City and Alexander Open Systems [AOS], pertaining to Fire Stations Nos. 1, 2 and 3; and Public Work Maintenance Facilities Phone & Wi-Fi Systems [Project # 76029]
- J. **Resolution No. 4422**, approving and authorizing the Mayor to execute a Service Agreement in the amount of \$64,680.00, between the City and Next To Nature Landscape, LLC, pertaining to Right-of-Way and Median Maintenance
- K. **Resolution No. 4423**, approving a Revised Final Plat for Tuscany Reserve Village 5<sup>th</sup> Plat, located north of 137<sup>th</sup> Street and west of Chadwick Street (PC Case 18-15) [*from the March 10, 2015 Planning Commission meeting*]
- L. Fire Department Monthly Report
- M. Municipal Court Monthly Report
- N. Police Department Monthly Report

Councilmember Sipple requested Consent Agenda Item 7.A. be pulled.

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

Councilmember Filla requested Consent Agenda Item 7.I. be pulled.

**A motion to approve the remainder of the Consent Agenda was made by Councilmember Filla; seconded by Councilmember Rasmussen. The motion was approved with a unanimous vote of 6-0.**

A. Accept Appropriation Ordinance Nos. 2015-7 and 2015-8

In regard to Appropriation Ordinance No. 2015-7, Check # 76567, Councilmember Sipple inquired about the definition of “arbitrator microphone packs”. Mr. Andrasik stated these are microphones for the in-car laptop and camera system, which are clipped to the wearer’s clothing.

**A motion to approve Consent Agenda Item 7.A. was made by Councilmember Filla; seconded by Councilmember Rasmussen. The motion was approved with a unanimous vote of 6-0.**

E. Accept January 22, 2015 Leawood Foundation minutes

Councilmember Cain recognized the tireless hard work of the Leawood Foundation to raise money for special projects throughout the City. The Foundation raised \$3,000 for Leawood dog park benches and slabs, as well as \$900 for a Brook Beatty Park plaque and bench.

AMC has contacted the City and will begin an annual event with the City to benefit the Leawood Foundation. Each year, AMC will propose showing a different movie for the event. Mr. Lambers stated the date of the first movie, “Jayhawkers”, has not been set pending confirmation of Coach Bill Self’s availability/attendance. The date is tentatively set during the time Coach Self is in town for youth basketball camps.

Councilmember Filla noted the Council had approved the Foundation’s annual fundraising letter last year, but not this year. Mayor Dunn stated last year’s letter was approved by the Council because it included an initiative for the all-inclusive playground, for which the City would match \$50,000 of private dollars. Councilmember Filla stated that review by the Council places the annual letter into the record for all citizens. Mayor Dunn stated she would share Councilmember Filla’s comment with the Foundation.

**A motion to approve Consent Agenda Item 7.E. was made by Councilmember Cain; seconded by Councilmember Rasmussen. The motion was approved with a unanimous vote of 6-0.**

I. **Resolution No. 4421**, approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$70,734.46 between the City and Alexander Open Systems [AOS], pertaining to Fire Stations Nos. 1, 2, and 3; and Public Work Maintenance Facilities Phone & Wi-Fi Systems [Project # 76029]

Councilmember Filla asked for insight into the plan. Mr. Andrasik stated the goal is to assemble one phone system at City Hall. The system would be video-based and provide real-time video, as well as audio.

**A motion to approve Consent Agenda Item 7.I. was made by Councilmember Filla; seconded by Councilmember Rasmussen. The motion was approved with a unanimous vote of 6-0.**

## **8. MAYOR'S REPORT**

- A. Attended the Johnson and Wyandotte Counties Council of Mayors meeting hosted by De Soto Mayor Tim Maniez on Wednesday, March 4. The majority of the discussion involved legislative matters and bills pending in Topeka, particularly those that will impact municipalities' local control. All mayors present delineated communication plans that would detail concerns with legislators representing their areas.
- B. Participated in the Leawood Chamber of Commerce ribbon-cutting for Catalyst Health Center in the Leawood Plaza Shopping Center. Councilmembers Carrie Rezac and Chuck Sipple joined me.
- C. Stopped by the retirement celebration for Leawood Police Corporal Chris Vaughn who has served our community for 33 years. We thank him for his dedication and commitment, and wish him much success with his future endeavors.
- D. Attended the 54<sup>th</sup> Annual Greater Kansas City Mayors' Prayer Breakfast which emphasized ethics, morality and spirituality in business, labor, and the professions and government. University of Missouri-Kansas City Chancellor and Leawood resident Leo Morton was the key-note speaker. There were 30 of the 120 area mayors present along with 800 other attendees.
- E. Participated in two International Women's Day events. The first was sponsored by Accenture and held at the Blue Valley District's CAPS facility. The second was a roundtable discussion held at H&R Block headquarters with one of this year's "International Women of Courage" awardees from Japan.
- F. Attended an awards reception sponsored by the Greater Kansas City Chamber of Commerce where Leawood resident and former Kansas City Business Journal publisher Joyce Hayhow received the Centurions Leadership Award. Congratulations to Joyce for her recognition as an individual with a spirit of learning, service and leadership.
- G. Joined by Police Chief John Meier at the St. Michael's Drug Abuse Resistance Education [D.A.R.E.] graduation. Congratulations to Officer Brett Leathers on providing an outstanding program for the students.
- H. Reminder of our Monday, March 30, 6:00 P.M. Executive Session for City Administrator's performance evaluation.
- I. Best wishes to all Irish, and all those wishing to be Irish, for a very happy St. Patrick's Day tomorrow.

## **9. COUNCILMEMBERS' REPORT**

- A. Councilmember Rasmussen – Leawood dog park usage statistics

Councilmember Rasmussen stated the Leawood dog park would be closed for turf maintenance tomorrow, Tuesday, March 17<sup>th</sup>. The following park usage statistics have been recorded by gate-counter equipment on loan from the Mid-America Regional Council [MARC]:

- A. The park unofficially opened in October 2014. Excluding dogs, total traffic between the soft opening and Monday, January 26, 2015, was 78,861.
- B. The monthly traffic average during that time period was 19,715.
- C. The busiest day during that time period was 3,073 visitors on Sunday, January 18, 2015. This was a warm day, but might be thought of to be in the winter "slow" period.

Councilmember Rasmussen noted Leawood's population is about 33,000 and the park is being visited by residents of other cities.

Mr. Anderson stated the challenge with turf maintenance is the large number of visitors. The entrance and low areas are devoid of grass and muddy, without any spring rains. The grass that is present might begin to green-up this week. He spoke about options for different types of robust grass, additional concrete at the entrance, a possible second entrance, and temporary and/or permanent fencing of one-half of the area to allow the grass to rest, while the other half is used. The area was recently aerated and will be over-seeded.

Mayor Dunn asked Mr. Anderson what type of grasses would be considered. Mr. Anderson replied a combination of blue grass and tall fescue would be planted. Blue grass grows through rhizomes and if it takes hold, would spread to fill in gaps. Tall fescue can take tough use, such as sports fields. The park area can flood so grasses that prefer drier conditions, like Buffalo grass, may not be suitable. Bermuda grass had been discussed. All grasses would be considered.

**10. STAFF REPORT – None**

***COMMITTEE RECOMMENDATIONS***

**11. PLANNING COMMISSION – None**

**12. OLD BUSINESS – None**

**13. OTHER BUSINESS – None**

**14. NEW BUSINESS – None**

**ADJOURN**

There being no further business, the meeting was adjourned at 8:15 P.M.

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Debra Harper, CMC, City Clerk

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Cindy Jacobus, Assistant City Clerk