

Minutes

DVD No. 377

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 Tuesday, September 6, 2016. Mayor Peggy Dunn presided.

**Councilmembers Present:** Jim Rawlings, Andrew Osman, Debra Filla, Chuck Sipple, Julie Cain, Lisa Harrison, James Azeltine and Dr. Steven Kaster

**Councilmembers Absent:** None

**Staff Present:** Scott Lambers, City Administrator  
Joe Johnson, Public Works Director  
Mark Andrasik, Info. Services Director  
Chris Claxton, Parks & Recreation Director  
Chief Dave Williams, Fire Department  
Debra Harper, City Clerk  
Patty Bennett, City Attorney  
Dawn Long, Finance Director  
Chief Troy Rettig, Police Department  
Nic Sanders, Human Resources Director  
Cindy Jacobus, Assistant City Clerk

**Others Present:** Kevin Jeffries, President, Chief Executive Officer and Director of Economic Development, Leawood Chamber of Commerce

1. **PLEDGE OF ALLEGIANCE** – Lead by Boy Scouts from Troop 10.

2. **APPROVAL OF AGENDA**

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

3. **OATH OF OFFICE ADMINISTERED TO DR. STEVEN KASTER, AS WARD TWO COUNCILMEMBER TO FILL FORMER COUNCILMEMBER RASMUSSEN'S UNEXPIRED TERM UNTIL JANUARY 2018**

4. **ROLL CALL OF NEW COUNCIL**

Mayor Dunn welcomed Dr. Kaster, and stated it was a pleasure to have him join the Governing Body and to have all Council seats filled.

Councilmember Kaster introduced family members in attendance including his wife, son, parents, in-laws and brothers. Mayor Dunn noted his large team of support would be an asset in carrying out his duties and she invited all to stay for the duration of the meeting.

**5. 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.**

**6. PROCLAMATIONS** **Constitution Week, September 17-23, 2016**

Mayor Dunn stated Ms. Deborah Quirk, Westport Chapter of the Daughters of the American Revolution, had requested the proclamation. Mayor Dunn read the proclamation into the record. No one was present to accept.

**7. PRESENTATIONS/RECOGNITIONS – None**

**8. SPECIAL BUSINESS**

- A. **Ordinance No. 2801C**, granting to Sprint Communications Company L.P., a Contract Franchise to construct, operate and maintain a telecommunications system in the City of Leawood, and prescribing the terms of said contract franchise and repealing Ordinance No. 2585 [ROLL CALL VOTE]

Ms. Bennett stated the item was a continuation of an ongoing franchise contract agreement that was set to expire next month.

**A motion to pass the ordinance was made by Councilmember Osman; seconded by Councilmember Sipple. The motion was approved with a unanimous roll call vote of 8-0.**

- B. **Resolution No. 4679**, approving and authorizing the Mayor to execute a renewal to that certain Public Lands Use Agreement between the City of Leawood and Sprint Communications Company, L.P., dated November 16, 2012, pertaining to the installation and maintenance of communications facilities within existing conduit

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

- C. Discuss yard waste pick-up issues with WCA/Town & Country Representative, Tom Coffman

Mr. Tom Coffman, 6601 Nall Drive, Mission, stated Mr. Bob Mathis, District Manager who is new to this market, was also in attendance. He expressed appreciation for the invitation to address the Governing Body, and apology and embarrassment for having unexpectedly missed the prior Governing Body Meeting.

WCA acquired Town & Country last October, assuming coverage of 14 Leawood Home Owner Associations [HOAs], with 4,900 households for three different types of solid waste collections. Since the acquisition, the company has been playing catch-up on staff, especially drivers. The driver challenge comes at a bad time as there is a national shortage in the transportation sector and this market is not immune. WCA has taken action and feels a corner has been turned in regard to staffing

and is seeing the benefits of aggressive recruiting, better training, and enhanced compensation and benefit packages. WCA is getting people in the door, into the company pipeline and into trucks. Despite increased remedial effort, there have been flare-ups in reduced service at various locations in the City. WCA realizes they are on the cusp of yard waste collection season. Of utmost importance is getting materials off the street in a reliable way, which will be addressed by Mr. Mathis.

Mr. Bob Mathis, 5615 SW 88<sup>th</sup> Court, Gainesville, FL, stated he had been in the Kansas City area two months and would be relocating to the metro area with his family and become a permanent resident. WCA's focus is on hiring quality drivers and re-staffing management. In the last week, the company hired three managers, including an operations manager, in the last two months 15 drivers have been hired, and currently there are six drivers in training to be productive on the streets in two weeks. WCA has a plan in place. Leaf season is rapidly approaching, with October and November expected to have heavy volume. WCA is working to solidify outsourcing contracts with small haulers in the area such as Compost Connection, to assist with yard waste collection. During that time, unlimited yard waste is run, so it is important for WCA to have business partners to ensure expected service.

Councilmember Sipple thanked the WCA representatives for attending and answering questions. In his HOA and adjacent HOAs, no-show on stated date of collection is the largest issue for residents. He questioned how much advance internal notice WCA has for non-collection and if there was a method to notify impacted customers and HOAs. Mr. Mathis stated WCA expects to begin each business day fully-staffed, but a high number of drivers call in sick. The morning launch begins at 5:30 A.M. and WCA is aware of the day's collection challenges by 7:00 A.M. At that time, impacted customers should be notified and advised of the duration of delay, whether a delay of 24 or 48 hours. WCA must and will improve at proactive notification, something the company lacks first thing in the morning. The Customer Service Manager reviews emails she has received from managers regarding delays and her customer notifications emails do not go out until mid-to-late morning. Customer notifications need to be out by 7:00 or 8:00 A.M.

Councilmember Azeltine noted issues arose for both WCA and Waste Management after their acquisitions of the smaller companies, Town & Country and Deffenbaugh respectively, and he inquired if the acquisition was a cause. Mr. Mathis stated the reason for loss of drivers was because Town & Country had not performed the required Department of Transportation [DOT] random drug screens and mandatory items; many private haulers are non-compliant with DOT regulations. The DOT gave only two months to comply and 53% of drivers refused to submit to testing and left the company. Deffenbaugh went through the same; they are very short of drivers and attempting to recruit.

Councilmember Filla thanked WCA for making trash and recycling collection their first priority. Based on the large size of the Leawood HOA, 1,500 homes, she suggested WCA establish a call-in notification line as not all HOAs have an outbound resident notification method. Mr. Mathis stated WCA can set-up automated customer calls by geographical area if telephone numbers are in their database or customers can contact their Customer Service Agents. Unfortunately, WCA's eight Customer Service Agents are over-tasked with 800 to 1,000 calls per day from Missouri and Kansas. Customers also contact WCA via email, and these emails are received and reviewed by the Customer Service Manager throughout the day, and then he tries to forward the customer emails to specific managers by midnight on the day of receipt.

Councilmember Rawlings commended WCA for proactive subcontracting of yard waste in advance of leaf season. He stated that for the last two weeks in Leawood Estates, all three types of solid waste were collected by 11:00 A.M.; yard waste was left today. He stated he had noticed simple wicket signs to notify residents of the neighborhood placed on key street corners, and inquired if these were placed by WCA to notify of delayed collection. Mr. Mathis said WCA was not responsible, but agreed with Councilmember Rawlings that use of such signs would be a good idea. Councilmember Rawlings thanked Mr. Mathis for proactively addressing the approaching leaf season.

Councilmember Cain pointed out it was unfortunate that WCA had followed suit with issues previously brought forth with Deffenbaugh, as WCA had been favored by a great deal of residents and the Sustainability Advisory Board, because of WCA's policy to collect an unlimited number of yard waste bags. She asked for the location of the landfill where yard waste is deposited. Mr. Mathis stated yard waste collected by WCA is hauled to either the facility at 90<sup>th</sup> and Hickman Mills in Missouri or a facility in Lenexa. Compound Connections uses the facility at 90<sup>th</sup> and Hickman. He stated the City of Lee's Summit also has a facility. He needs to research the laws on moving yard waste across state lines.

Councilmember Osman asked Mr. Lambers for follow-up on the policy on the maximum number of yard waste bags that can be placed curbside for collection and who governs the amount of bags, which he had requested at the Governing Body Meeting where Waste Management/Deffenbaugh attended. Mr. Lambers stated he thought the information had been previously distributed to the Council. The Johnson County Manager has advised the County does not govern the maximum. The maximum number of bags is a private sector function, per contract between the HOA and the service provider. Mr. Mathis confirmed to Councilmember Osman that WCA does not have a limit on the number of yard waste bags for collection per contract. Councilmember Osman pointed out Deffenbaugh does have a limit and this has caused issues in the past.

Mr. Mathis confirmed to Councilmember Osman that if customer service call volume to WCA's local office reaches a certain limit, the calls roll to the next nearest customer call center in Springfield, Missouri. Deffenbaugh handles customer service call routing in the same manner. Councilmember Osman suggested to avoid problems when customers attempt to contact WCA, that WCA consider implementing an online service ticket system on the WCA website, which is completed by the customer, similar to the online service ticket used by Kansas City Power & Light. Mr. Mathis stated WCA could implement such a system.

Mayor Dunn advised that for her neighborhood, Oxford Hills, collection delays have gone from about four days to a week. Mr. Mathis reiterated company policy and delay is typically 24 to 48 hours, with Saturday collection undertaken as a "crunch" recovery. He stated the week delay was unusual, unacceptable and he would follow-up this evening.

Mayor Dunn pointed out that Waste Management/Deffenbaugh had advised of the same factors regarding driver shortage and they were now paying overtime and working beyond sundown; City code had been revised to lengthen the hours of collection to assist. Mr. Mathis stated WCA had done the same thing to be competitive, implementing hourly pay and in March increased pay by 20%. Town & County used a day pay wage regardless of actual hours worked. Most drivers work 12 hour days, 50 to 60 hours per week, beginning at 5:30 to 6:30 A.M. and returning by dark, 7:30 to 8:30 P.M.

Mr. Lambers asked if WCA's prioritization practice placed collection of longest delays ahead of shortest delays. He noted collection in his subdivision had been missed twice. Mr. Mathis confirmed WCA's first priority would be collection of the longest delay, and their goal is to service every customer, every week. Mr. Lambers stated predictability of pick-up is most important to residents, regardless of timing. The City has received complaints about missed trash and recyclables pick-up, which is unacceptable due to public health hazard. If additional trash complaints are received, Mr. Lambers would contact WCA. Mr. Lambers expressed concern the approaching yard waste season would only compound the current issues of collection delays. He stated a six-month rather than annual City Solid Waste Permit was issued to Waste Management/Deffenbaugh, and he gave notice that the City plans to suspend WCA's City Solid Waste Permit and re-issue the permit for a period of only six months to focus WCA corporate attention that service is not acceptable.

Mayor Dunn thanked both Mr. Coffman and Mr. Mathis for their attendance. Mr. Mathis apologized service failures and for missing the last meeting; he was attending a Leawood HOA meeting and did not know he had been scheduled to attend. He stated each day WCA staff are working hard to provide quality seamless service. Mayor Dunn wished him good luck with issue resolution.

## 9. 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. 2016-31, 2016-32, 2016-33 and 2016-34
- B. Accept minutes of the August 15, 2016 Governing Body minutes
- C. Accept minutes of the June 2, 2016 Leawood Foundation meeting
- D. Accept minutes of the April 21, 2016 Leawood Foundation meeting
- E. Approve Mayoral Appointments for Councilmember Steven Kaster to fill unexpired term of former Councilmember Lou Rasmussen
- F. Approve Mayoral Appointment of Councilmember Rawlings as Council Liaison on Artist Selection Panel for art piece to be located in Sculpture Garden
- G. Approve Mayoral Appointment of Councilmember Sipple as Council Liaison on Artist Selection Panel for art piece to be located in south Leawood
- H. Approve Renewal of Retail Liquor License for Ranchmart Wine & Spirits, LLC, located at 3748 W. 95<sup>th</sup> Street
- I. Approve Renewal of Retail Liquor License for Lancaster Liquor, located at 3731 W. 133<sup>rd</sup> Street
- J. Approve Renewal of Retail Liquor License for Harry's Liquor Store [formerly d/b/a Camelot Court Wine & Spirits, at 4630 W. 119<sup>th</sup> St.], located at 11721 Roe Avenue, Suite A
- K. Approve purchase in the amount of \$23,624.00 from Shawnee Mission Ford for a 2017 Transit Connect Cargo Van for Fire Department
- L. **Resolution No. 4680**, approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$424,264.55 between the City and Realm Construction, for the Mission Road Repair Project between 103<sup>rd</sup> Street and Indian Creek [Project 72052]
- M. **Resolution No. 4681**, approving and authorizing the Mayor to execute an Independent Contractor Agreement in the annual amount of \$7,768.00, between the City and C & C Group, Inc., for Full Annual Service and Generator Monitoring
- N. Declaration of Surplus Property: [1] 2010 Ford Fusion last 4 VIN/6301, Unit # 9163; and [1] Ford F-250 [PW] last 4 VIN/0374, Unit # 9420

Councilmember Azeltine requested Consent Agenda Item 9.L. be pulled.

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

- L. **Resolution No. 4680**, approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$424,264.55 between the City and Realm Construction, for the Mission Road Repair Project between 103<sup>rd</sup> Street and Indian Creek [Project 72052]

Councilmember Azeltine requested additional information on the type of work, possible explanation for why only two bids had been received on a large contract, one with clerical error disqualification, and the basis for the percentage cost split between the City and Overland Park.

Mr. Johnson stated the maintenance work would be joint depth repair on concrete streets, similar to repairs made on the interstate highway system by the Department of Transportation [DOT]. Joints requiring repair would be milled to 18 inches wide and 3 to 4 inches deep, and filled with a special concrete mix rather than asphalt patching. Realm Construction performs this work for the KDOT; one of a few contractors who do such work. During discussions held with potential contractors, many reported a backlog of work at this time. The percentage split was based on the areas requiring repair.

Mayor Dunn stated she would personally like to see three bids for comparison; a recent Parks & Recreation project received only one bid. With cut-backs at the KDOT, many contractors would not be as busy as in the past. Mr. Johnson stated that several contractors had been contacted and some had picked up plans, but they could not fit the project into their schedule or cost would be doubled. Currently, many cities have a large amount of projects out for bid. Mr. Lambers stated contractors and crews would leave Kansas to go other states where work was available.

Councilmember Sipple inquired if better timing of bids would be beneficial. Mr. Johnson confirmed that bidding near the end of a year or beginning of the year, when contractors are looking for work, typically results in more bidders.

**A motion to approve Consent Agenda Item 9.L. was made by Councilmember Azeltine; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 8-0.**

## **10. MAYOR'S REPORT**

- A. We were saddened to recently lose a 10-year staff member of our Public Works Department, Dave Creviston. He had been ill for only a few weeks and leaves behind a wife, six children and eight grandchildren. Our sincere sympathies to his family and friends.
- B. The August 24, 2016 KC Star "913 Section" had two great articles on our newest City Councilmembers, Lisa Harrison and Steven Kaster.
- C. I was joined by Councilmembers Jim Rawlings, Lisa Harrison, Julie Cain and James Azeltine at the Leawood Chamber of Commerce ribbon cutting for Mission 106, the new residences at Mission Farms. Tours were conducted, and they are very beautiful and leasing quickly. It was nice to hear the developer share his praise for our Planning Staff as well as his appreciation for the encouragement of zoning the project "mixed use". He called it the "wave of the future." This bodes well for the fact that our 135<sup>th</sup> Street Community Plan is all master planned for mixed use.

- D. Councilmembers Jim Rawlings and Lisa Harrison joined me at the 26<sup>th</sup> Annual Blue Valley Education Foundation Community Breakfast. Superintendent Dr. Todd White delivered his first State of the District Address delineating much good news for the district.
- E. Police Chief Troy Rettig arranged an informative presentation for our Leawood Rotary Club regarding the ALICE [Alert, Lockdown, Inform, Counter, Evacuate] Program. Officer Mark Chudik was informative and entertaining. Rotarians Lisa Harrison and Jim Rawlings were also in attendance.
- F. There were a number of metro bicycle rides during this past Labor Day weekend. Leawood was host to “Kermis on the Parkway,” a bicycle race and festival that included family activities and food trucks. My thanks to Councilmember Chuck Sipple, Chair of the Sustainability Advisory Board, who came out to direct traffic, members of the Bicycle Friendly Committee and Parks Superintendent Brian Anderson for organizing this first-ever event for Leawood.
- G. Appreciation to Leawood Hen House owner David Ball for the gift of Wisconsin cheese sculpted by an award-winning artist with our City of Leawood logo. This was delivered to City Hall and enjoyed by all.
- H. Congratulations to all involved with Ironhorse Golf Course on its ranking as the Number 5 top course in Kansas in the September Golf Magazine.
- I. Reminder of two great Leawood Stage Company and Leawood Historic Commission events. The Leawood Stage Company will present “Sweeney Todd, the Demon Barber of Fleet Street,” September 29 through October 1, 7:30 P.M., and a matinee October 2, 2:00 P.M., inside the Lodge at Ironwoods Park. The production is a musical thriller. The docents of the Historic Oxford Schoolhouse will host a lecture on Victorian Penny Dreadful literature by Dr. Chris McCoy, October 1, 6:30 P.M., just prior to the Sweeney Todd performance at the Lodge.
- J. Reminder that on Monday, September 19, photographs of the new Council and individual headshots of Councilmembers will be taken after the conclusion of the 6:00 P.M. Work Session and before the start of the 7:30 P.M. Council Meeting. If any Councilmember cannot attend, the City Clerk would need to reschedule the photographer.

## **11. COUNCILMEMBERS’ REPORT**

Councilmember Osman expressed appreciation to Parks & Recreation Director Chris Claxton for wonderful family experiences at the Second Annual Food Truck Festival in City Park and tonight’s Doggie Dunk at the Aquatic Center. Both events were fabulous and fun.

## **12. STAFF REPORT**

Mr. Lambers provided an update on Kansas State finances. Once again as in prior months, Kansas did not meet their revenue expectations for August in excess of \$10 Million. State revenue is now short by \$20 to \$30 Million, being two months into the fiscal year; expect shortage to continue. The state had borrowed \$900 Million from itself to cover cash flow that must be repaid at the end of the fiscal year. Since the state could not balance the budget, the state borrowed \$800 Million from KPERS [Kansas Public Employees Retirement System] with \$75 Million in interest due in October; that money will not be available. The state’s dire financial situation continues to worsen. Hopefully, media will cover so residents are aware and understand.

**COMMITTEE RECOMMENDATIONS**

**13. PLANNING COMMISSION**

**[From the August 9, 2016 Planning Commission meeting]**

Resolution approving the Planning Commission’s recommendation to deny a request for a Revised Final Plan and Revised Final Sign Plan for Park Place – Revised Signage, located north of 117<sup>th</sup> Street and east of Nall Avenue - **CONTINUED TO THE SEPTEMBER 19, 2016 GOVERNING BODY MEETING**

**14. OLD BUSINESS – None**

**15. OTHER BUSINESS – None**

**16. NEW BUSINESS**

Approve Councilmember Jim Rawlings as a voting delegate at the 2016 Annual League of Kansas Municipalities Conference, held October 8-10, 2016, in Overland Park, KS

Mayor Dunn thanked Councilmember Rawlings for volunteering to attend and represent the City as a voting delegate. The conference venue rotates annually between Overland Park, Topeka and Wichita.

**A motion to approve Agenda Item 16. was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.**

Mayor Dunn recognized Mr. Jay Senter, Editor and Publisher, Blue Valley Post. Mr. Senter, 4121 W. 74<sup>th</sup> Street, Prairie Village, stated the former Prairie Village/Shawnee Mission Post publication had been renamed to the Blue Valley Post with an expanded resources and coverage area south of I-435. He stated they were happy to report Leawood news items and events.

**ADJOURN**

There being no further business, the meeting was adjourned at 8:24 P.M.

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Debra Harper, CMC, City Clerk

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Cindy Jacobus, Assistant City Clerk