

Minutes

DVD No. 382

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, December 5, 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

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| Staff Present: Scott Lambers, City Administrator | Patty Bennett, City Attorney |
| Karl Weinfurter, Info. Services Specialist II | Chief Troy Rettig, Police Department |
| Chris Claxton, Parks & Recreation Director | Joe Johnson, Public Works Director |
| Richard Coleman, Comm. Dev. Director | Chief Dave Williams, Fire Department |
| Dawn Long, Finance Director | Nic Sanders, Human Resources Director |
| Debra Harper, City Clerk | Cindy Jacobus, Assistant City Clerk |

Others Present: Alice Hawk, Chair, Leawood Foundation
Kevin Jeffries, Chief Executive Officer, Board President 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 Cain. The motion was approved with a unanimous vote of 8-0.

3. **CITIZEN COMMENTS**

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 use profanity or 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.**

Mayor Dunn stated the four citizens who had signed in to speak would be recognized when Agenda Item 11. was discussed.

4. **PROCLAMATIONS** – None

5. **PRESENTATIONS/RECOGNITIONS** – None

6. SPECIAL BUSINESS

- A. **Public Hearing-** Amendments to the 2016 Fiscal Budget for the City of Leawood, Kansas

Mayor Dunn opened the public hearing. No one was seen or heard to speak.

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

- B. **Resolution No. 4710**, adopting amendments to the 2016 Fiscal Budget for the City of Leawood, Kansas

Ms. Long stated amendments to the Special Parks and Recreation Fund and the Street Improvements Fund were for projects started in 2015 that did not complete until 2016.

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

- C. **Resolution No. 4711**, approving Sponsorship Agreement between the City and Variety of Greater Kansas City-Tent 8, Inc., pertaining to the All Inclusive Playground, located at Leawood City Park, 10601 Lee Boulevard

Mayor Dunn acknowledged Ms. Claxton, Leawood Foundation Chair Ms. Alice Hawk and Ms. Deborah Wiebrecht, Executive Director, Variety Children's Charity of Greater Kansas City. Ms. Claxton introduced Ms. Wiebrecht who would answer any questions. Ms. Wiebrecht introduced her special friends and their parents: Olivia, age 4-1/2 years; Delaney, the Royals' biggest fan and Joseph who frequently volunteers for Variety. She presented a 3-minute video on Variety, featuring Variety kids, Max and the Rivard family.

Ms. Wiebrecht stated Variety is a volunteer-based organization that changes the lives of kids, birth to age 21, which has been in our community for 80 years. One in four families has a member in need. Variety provides freedom just to be a kid, empowering them to be the best they can be and supporting their dreams. Variety kids do not always need special treatment, just special equipment which Variety tries to provide. Special equipment can be expensive and is often not covered by insurance; an adaptive physical education bike costs several thousand dollars. All-inclusive playgrounds facilitate parallel play for all kids, nurturing friendship, diversity, tolerance and acceptance. Americans with Disabilities Act [ADA] facilities does not always mean all-inclusive. Variety currently has three all-inclusive playgrounds in the area: Independence and Olathe, both with adaptive baseball fields, and pirate ship-themed Tiffany Hills near Zona Rosa. It is a fundamental right for a child to play on a playground. Parents recognize facilities branded with Variety's "Mr. Heart" mascot and have awareness of the all types of support Variety provides.

All donations stay in the community and Variety had a 200% increase in gifts given in 2015 over 2014. Ms. Wiebrecht encouraged donations to Variety tonight or in the future. She praised and thanked the Governing Body for including the entire community, moving forward. Mayor Dunn expressed appreciation for Variety's partnership.

Special messages were made by Olivia, Olivia's Mother and Delaney.

Ms. Wiebrecht confirmed to Councilmember Cain the name of the playground would be Variety KC Playground. Ms. Claxton stated she would work closely with Variety on the appearance of signage and its placement. Equipment installation is in progress. She stated when people see a Variety sign they are assured of inclusivity. City Park is typically very active, but would become more so for a broad range of children. She acknowledged the hard work of Ms. Hawk, the Foundation and others.

Councilmember Rawlings inquired about funding to goal. Ms. Claxton stated a slightly reduced cost for tipping fees has been seen and the goal had almost been met. The Leawood Foundation has a few more inquiries outstanding. Mayor Dunn shared the upcoming Foundation's annual appeal letter states the fundraising campaign is within \$20,000 of goal. Ms. Hawk confirmed the funding status and stated the amount raised was all from private funding. Ms. Hawk thanked the Council, Variety, Leawood residents and the Kansas City community for their support. It is anticipated the playground, located on State Line, will be used by both Kansas and Missouri residents similar to Leawood Dog Park.

Councilmember Rawlings expressed his joy and appreciation for the Foundation's work and Variety's partnership, with his motion to approve Agenda Item 6.C.; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

Mayor Dunn thanked Ms. Wiebrecht, her friends and their families for attending. She thanked Ms. Hawk for her leadership. She wished all happy holidays.

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 minutes of the November 21, 2016 Governing Body minutes
- B. Accept minutes of the October 20, 2016 Leawood Foundation minutes
- C. Approve Appointment of Presiding Officers for 2017
- D. Approve renewal of Cereal Malt Beverage [CMB] License for Walgreen's, located at 5230 W. 151st Street
- E. Approve 3rd and Final Pay Request in the amount of \$36,997.62 to Realm Construction, Inc., pertaining to the 2016 Mission Road Partial Depth Repair Project, on State Line Road from 103rd Street to 300 feet south [Project # 72052]
- F. Approve 13th and Final Pay Request in the amount of \$85,965.17 to Miles Excavating, Inc., pertaining to the 143rd Street Improvement Project between Nall Avenue and Windsor Street [Project # 80162] [KDOT Project # 46 N-0426-01]
- G. Approve proposal from Travelers Insurance Company for 2017 Property/Liability Insurance and additional coverage
- H. **Resolution No. 4712**, approving the recommended distribution of alcohol taxes by Johnson County Drug and Alcoholism Council [DAC] for allocations of the 2017 alcohol tax fund for an amount not to exceed \$300,000
- I. **Resolution No. 4713**, approving and authorizing the Mayor to execute a Letter of Understanding in the amount of \$10,000, between the City and Johnson County Human Services pertaining to the 2017 Johnson County Utility Assistance Program
- J. **Resolution No. 4714**, approving a Final Sign Plan for Bukaty Companies Wall Sign, located south of College Boulevard and east of Roe Avenue. (PC Case 114-16) *[from the November 22, 2016 Planning Commission meeting]*
- K. **Resolution No. 4715**, approving a Final Plan for Cornerstone – BRGR (Restaurant), located south of 135th Street and west of Briar. (PC Case 115-16) *[from the November 22, 2016 Planning Commission meeting]*

Mayor Dunn requested Consent Agenda Item 7.H. 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 Rawlings; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

- H. **Resolution No. 4712**, approving the recommended distribution of alcohol taxes by Johnson County Drug and Alcoholism Council [DAC] for allocations of the 2017 alcohol tax fund for an amount not to exceed \$300,000

Mayor Dunn recognized Ms. Marya Schott, Community Initiatives Director and Ms. Julie Brewer, Executive Director, United Community Services of Johnson County [UCS], and Ms. Cathy Lawless, Leawood's Representative on the Drug and Alcoholism Council of Johnson County [DAC].

Ms. Schott thanked the City for their many years of support. In 2015, 65,000 people received a wide range of services including prevention, education, treatment and recovery support. The 2017 Recommendation Report has been provided.

Mayor Dunn stated the City is happy to provide support and partner with UCS, assured by Ms. Schott's careful review and prudent expenditure of funds. She noted Ms. Brewer is in her first year as UCS Executive Director, with the retirement of Ms. Karen Wulfkuhle who served UCS for 32 years, 20 as Executive Director. Ms. Brewer acknowledged the work of Ms. Schott and team, who coordinate both the Alcohol Tax and Human Services Funds to which Leawood contributes.

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

- I. **Resolution No. 4713**, approving and authorizing the Mayor to execute a Letter of Understanding in the amount of \$10,000, between the City and Johnson County Human Services pertaining to the 2017 Johnson County Utility Assistance Program

Councilmember Filla asked Ms. Long if all previous funding had been utilized and sufficient, and if Johnson County Human Services augments City funds with County funds up to \$150 to eligible City applicants per calendar year. Ms. Long stated she would need to research usage, but believed the \$150 augmentation to be correct. Mr. Lambers stated the City allots ample funds that are not depleted each year. The amount of funding would be increased if there was a shortfall.

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

8. MAYOR'S REPORT

- A. Attended the 2016 Annual Meeting and Awards Presentations of United Community Services [UCS] of Johnson County. Programs and activities of past year were reviewed and copies of these, as well as their 2017 Public Policy Platform, are at your seats. The main focus areas of UCS are to inform and educate, lead collaborations and mobilize resources.
- B. Attended the Leawood Chamber of Commerce ribbon cutting ceremony for the Kansas City Orthopedic Institute's Ortho Urgent Care Unit. They will have both evening and weekend hours offering a convenient and economic alternative to hospital emergency rooms. We wish them much success.
- C. Much appreciation to Parks & Recreation Director Chris Claxton and her team for another great Breakfast with Santa this past Saturday. Everyone had a grand time, especially my family. The Oxford School House and Nature Center were also open with additional activities for guests.
- D. Within the past few weeks, the Leawood Citizen's Police Academy concluded their 10-week course. I want to thank Chief Troy Rettig and recognize Sgt. Erik Butler for leading this popular program. I also want to congratulate Councilmembers Lisa Harrison and Chuck Sipple as recent graduates. In addition, Councilmember Rawlings is a past graduate.
- E. Congratulations are in order for three members of the Johnson County Delegation after leadership elections took place this morning in Topeka. Representative Ron Ryckman, Jr., Olathe, was elected House Speaker; Representative Scott Schwab, Olathe, was elected House Speaker pro tem and Senator Jim Denning, Overland Park, was elected House Majority Leader.

9. COUNCILMEMBERS' REPORT – None

10. STAFF REPORT – None

COMMITTEE RECOMMENDATIONS

11. PUBLIC WORKS COMMITTEE

[from the November 2, 2016 Public Works Committee meeting]

Recommendation: Recommend Sidewalk Plan to be installed on Mission Road between 119th Street and 123rd and 123rd to 124th Street be referred to a Governing Body Work Session to be held on Tuesday, January 3, 2017 at 6:00 P.M.

Councilmember Osman said based on the extensive number of residents that attended a Public Works Committee meeting a few months ago on the topic, it was appropriate to schedule a Governing Body Work Session to discuss the City's Master Plan in its entirety to come up with a policy for the street. He stated the expectation that concerned residents would discuss and delegate two representatives to provide their position at the Work Session, rather than have numerous residents attend and voice the same information at the 1-1/2 hour session.

A motion to approve the refer the topic to a Governing Body Work Session on Tuesday, January 3, 2017 was made by Councilmember Osman; seconded by Councilmember Filla.

Mayor Dunn said Governing Body discussion on the item could occur and four citizens would be called upon to address the Governing Body.

Councilmember Cain asked if the public would be allowed to comment at the Work Session, which is not customary. Councilmember Osman stated it was expected that residents would have two reps in attendance. Mr. Lambers stated the goal of the Work Session would be to see if Council could reach a consensus to direct Staff to proceed, which is normal administrative procedure for a typical Public Works project. It would not be a separate Governing Body Agenda item thereafter. This would be a special opportunity based on public opposition. It is Staff position the sidewalk should be installed.

Mayor Dunn called upon members of the public to address the Governing Body on the topic, in the order of their sign-in.

Ms. Mary LeCluyse, 3905 W. 122nd Street, stated she also represented her husband, Paul, and neighbor Ms. Susan King, 12200 Mission Road, who could not be present. She asked for the appropriate time and place for neighbors to voice position on the matter.

Councilmember Azeltine reminded Work Sessions are open to the public, but are not an open forum. He stated opinions should be given at tonight's meeting. Councilmember Filla suggested residents write a letter addressed to all Governing Body members.

Mayor Dunn added the Council would have the benefit of information provided by residents and presented in minutes from the Public Works Committee meeting. She added that typically, if there is a Home Owners Association [HOA], the HOA President or Board Member speaks on behalf of the HOA residents. Ms. LeCluyse could represent others, but the Governing Body could not delegate her to do so.

Mr. Lambers clarified to Ms. LeCluyse that no decision could be made at a Work Session, just a potential consensus of Governing Body opinion reached. He stated the sidewalk is a very small portion of a major street improvement, already approved and which needs to move forward. After the Work Session, a decision would be made and Staff move forward accordingly. Mayor Dunn stated there had been a previous decision to approve and there had been a long-time intent for the sidewalk.

Ms. LeCluyse stated property owners on Mission Road from 119th to 123rd are strongly opposed to the sidewalk, especially those which would have the sidewalk going through smaller front yards. Also, there is a sidewalk on the east side of Mission.

Mayor Dunn stated for the record that Ms. Sue King was recognized, but was not in attendance.

Ms. Amy Rodriguez, 12212 Mission Road, stated she and her husband had lived five years at the location. A sidewalk installed in the City's right-of-way on the west side of Mission Road would adversely impact mature frontage of neighboring properties abutting the road. She requested to know when adequate notifications to residents were given, if the decision was made and approved in the past. She stated she was not aware of notification.

Mr. Johnson stated there are basically two projects being talked about. Consideration of the sidewalks north of 124th Street in conjunction with Mission Road improvement scheduled for 2018 was undertaken based on a resident request made in the summer with an estimated additional cost of \$300,000. Mission Road improvement will include removal of curb and paving, and replacement of corrugated metal storm sewer piping. The sidewalk request was reviewed by the Public Works Committee, recommendation to include the sidewalk was made, and the Governing Body approved the funding. Notices and an invitation to attend a Public Works Committee Meeting were distributed to the original sidewalk requestor and impacted residents; many attended and provided comments at that meeting. To ensure the Council was aware of property owner/resident concerns, the Public Works Committee recommended the Council re-review the plan. Tonight's agenda proposes to schedule a Governing Body Work Session in this regard. The sidewalk is listed in the City's Comprehensive Plan and is part of the City's bicycle-pedestrian plan.

Ms. Rodriguez stated her strong opposition and that the sidewalk is extremely opposed by 10 to 12 residents negatively affected between 119th and 123rd. The addition of a bicycle lane is supported for safety and in that it requires only pavement striping. There are already sidewalks on Mission Road. Nativity School students and parents use the east sidewalk, picking up students at Bradford Place entrance or the school safely. She questioned the need for expenditure and disruption of mature landscaping in the City's right-of-way. She suggested a study be conducted on use in advance of a quick decision a part of a project scheduled for 2018, and thanked the Council for consideration.

Mr. Glen Carrigan, 12216 Mission Road, spoke on behalf of his wife, Yvette, who could not attend, and concurred with other neighbor comments that had been made. He stated in his daily experience, he has seen only a handful of people walking. The current sidewalk is in good condition and is under-utilized. Spending \$300,000 of taxpayer dollars for a sidewalk on the other side of Mission Road would not make sense. The bike lane for safety would be beneficial. He seconded the need for a study before further Governing Body review and consideration.

Councilmember Cain pointed out there is a section of sidewalk missing in the sidewalk currently located on the east side of Mission Road, which had been noted by the original sidewalk requestor. She inquired if a count of walkers could be conducted prior to the Work Session proposed on January 3, 2017. Mr. Lambers stated due to the sidewalk gap existing for a long time, inclement weather not optimal for pedestrian traffic and seasonal school closures, a count would be unlikely. It is the City's policy to have sidewalks installed on these types of streets and very unusual to have a sidewalk gap in a major thoroughfare. He was unaware there had been a deferral related to sidewalks made at the time of development or if there was any language in the plat of the subdivision in this regard. Sidewalk installation would remedy the situation. He reiterated that Staff recommends the sidewalk.

Councilmember Azeltine stated the sidewalk funding had been approved as part of future street improvement and a separate process issue had been created which was confusing to residents. He stated his desire to have his constituents heard. Councilmember Azeltine preferred to have the item come back to a Governing Body meeting in order to have a definitive motion on the decision.

Mayor Dunn stated she would not be opposed to discussion at a Governing Body meeting to ensure public comments would be heard.

Councilmember Osman stated the process should be handled similar to the development of a major shopping center, by having a Governing Body Work Session to review succinct Staff information and perhaps reach a consensus, before coming to Governing Body meeting open to public comment and vote; Mayor Dunn agreed.

Councilmember Filla assured residents that throughout the process they are being heard by the Public Works Committee and Governing Body. The most productive use of time at the Work Session would be a few delegated representatives present, rather than 25 to 30 people making similar comments. She recommended letters be sent to the Governing Body detailing concerns and opinions.

Councilmember Osman stated the Council reads and take to heart every single communication they receive. The ratio of pro-to-con information is also considered. Master planning for street improvement must be done years in advance and funds used appropriately on public projects, but a proactive response can happen now.

Ms. LeCluyse stated her understanding that resident voices are being heard in a meaningful way and they can influence the outcome.

Councilmember Kaster requested Staff provide photographs rather than plans of the area. Mr. Johnson stated a walk-by pictures of the front yards could be made and the Johnson County Automated Information Mapping System [AIMS] be used for virtual-reality viewing of the area and challenges along Mission Road.

Mayor Dunn asked residents inform Staff of the names of their spokespersons in advance of the Work Session, if possible, so the information could be included in the meeting documentation.

The motion was approved with unanimous vote of 8-0.

12. OLD BUSINESS – None

13. OTHER BUSINESS – None

14. NEW BUSINESS – None

ADJOURN

There being no further business, the meeting was adjourned at 8:37 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk