

Minutes

DVD No. 383

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 19, 2016. Mayor Peggy Dunn presided.

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

Councilmembers Absent: Chuck Sipple

Staff Present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
Mark Andrasik, Info. Services Director	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: None

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn stated Consent Agenda Item 7.I. had been continued to the January 3, 2017 Governing Body Meeting.

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

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 citizen 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** – None

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. 2016-46, 2016-47 and 2016-48
- B. Accept minutes of the December 5, 2016 Governing Body meeting
- C. Accept minutes of the November 2, 2016 Public Works Committee meeting
- D. Accept minutes of the October 13, 2016 Sustainability Advisory Board meeting
- E. Approve Kansas Department of Transportation [KDOT] Programming Form 1302, for receipt of \$2,525,000 pertaining to the 143rd Street Improvement Project between Windsor and Overbrook Road [Project # 80129]
- F. Approve payment of \$17,646.00 to Creative Displays of Kansas City, Inc., pertaining to the holiday lighting of City Hall
- G. **Resolution No. 4716**, approving and authorizing the Mayor to execute an Amendment to that certain Independent Contractor Agreement dated June 15, 2015, between the City and James Martin, d/b/a/ ArtinKC, pertaining to the Leawood Justice Center Public Art Consulting, extending the term to January 30, 2017
- H. **Resolution No. 4717**, approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$21,500.00 between the City and C & C Group, pertaining to the Ironhorse Clubhouse Expansion Project [Project # 49133]
- I. Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$17,600.46 between the City and American Sentry Electronic System, Inc., pertaining to the security for the Ironhorse Clubhouse Expansion Project [Project # 49133] – ***CONTINUED TO THE JANUARY 3, 2017 GOVERNING BODY MEETING***
- J. **Resolution No. 4718**, approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$79,032.00, between the City and Mission Electronics, Inc., for the installation of a new audio/video system for the Ironhorse Clubhouse Expansion Project [Project # 49133]
- K. **Resolution No. 4719**, approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$37,075.00 between the City and Electronic Technology, Inc., [ETI] for the installation of a new security camera system for the Ironhorse Clubhouse Expansion Project [Project # 49133]
- L. Declaration of Surplus Property: Toro 4000-D Rough mower; Toro 1000 walk mowers [3 units]; and Billy Goat Blower
- M. Fire Department Monthly Report
- N. Municipal Court Monthly Report
- O. Police Department Monthly Report

Councilmember Osman requested Consent Agenda Items 7.C. and 7.J. be pulled.

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

Mayor Dunn requested Consent Agenda Item 7.O. 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 7-0.

C. Accept minutes of the November 2, 2016 Public Works Committee meeting

Councilmember Osman, Chair of the Public Works Committee, wanted to remind the Governing Body had scheduled a Work Session on Tuesday, January 3, 2017, on the matter discussed in the minutes. The minutes are an important summary and should be reviewed in advance of the upcoming Work Session. Mayor Dunn noted the minutes were verbatim, providing a feel of being at the meeting. Mr. Lambers advised the minutes would also be included in the January 3, 2017, meeting documentation packet, for the benefit and interest of others not receiving the minutes at this time. Copies provided tonight could be recycled.

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

E. Approve Kansas Department of Transportation [KDOT] Programming Form 1302, for receipt of \$2,525,000 pertaining to the 143rd Street Improvement Project between Windsor and Overbrook Road [Project # 80129]

Councilmember Harrison stated she and Councilmember Sipple had conversations with a resident who was passionate about the project. She pulled the item to ensure resident comments had been brought forth about traffic calming on 143rd Street near Prairie Star, traffic island as a half-way refuge for drivers when crossing lanes, increased patrolling and speed enforcement efforts. Mayor Dunn noted that Police Chief Troy Rettig was present and has heard the remarks.

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

J. **Resolution No. 4718**, approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$79,032.00, between the City and Mission Electronics, Inc., for the installation of a new audio/video system for the Ironhorse Clubhouse Expansion Project [Project # 49133]

Councilmember Osman stated he had spoken with Information Services Director Mark Andrasik last week about the electronic system. A number of City audio/video systems are outdated and the proposed system would be a test before updates were made to other systems at the Ironhorse Clubhouse, Lodge and perhaps City Hall. The City has lost a couple of events in the City Hall Community Center because the current audio/visual system did not allow use of required electrical components. Mr. Andrasik will eventually present an evaluation of the new system and potential options in the future.

A motion to approve Consent Agenda 7.J. was made by Councilmember Osman; seconded by Councilmember Harrison. The motion was approved with a unanimous vote of 7-0.

O. Police Department Monthly Report

Mayor Dunn noted in the monthly highlights section of the report that Detective Bill Burke and Public Service Officer Jake McGuire were honored on November 12, 2016. She asked that Chief Rettig pass along her public congratulations to both.

Councilmember Filla noted the number of thefts from vehicles had significantly increased and she inquired about the reason. Chief Rettig stated more than one-half of the number was attributable to an organized group operating in the metro area known as the “felony lane gang.” The City had nine thefts from vehicles in one day. The group targets city parks, commercial and day care centers, hitting hard using specific methods and departing the area quickly, using some items for identity theft. As of this morning, in December there are only four thefts from vehicles.

Mayor Dunn reminded purses left visible in a vehicle can be attractive to a potential thief. Chief Rettig stated a day care center can easily have three purses stolen in five minutes.

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

8. MAYOR’S REPORT

A. Nice turnout for the Johnson & Wyandotte Counties Council of Mayors December Social. My thanks to Councilmembers Debra Filla, Jim Rawlings, Dr. Steven Kaster, Lisa Harrison and James Azeltine for joining me at this event which was held at the Embassy Suites & Conference Center in Olathe.

B. City Administrator Scott Lambers and I attended the Annual Kansas Legislative Forecast Breakfast hosted by Lathrop & Gage, LLP. The three legislative speakers were Majority Leader Senator Jim Denning, House Speaker Representative Ron Ryckman, Jr., and new incoming Representative Patty Markley. Some of Senator Denning’s comments on budget:

- 1) Main focus of this legislative session would be to structurally balance the budget.
- 2) There would be short-term pain needed to “right the ship.”
- 3) Goal is to get Kansas on a fiscal, sustainable path forward.
- 4) Want to see positive press rather than negative press.
- 5) Rural recession continues contributing to the \$350 Million deficit for this year.
- 6) Need \$450 Million cuts in budget.
- 7) It will be April or May of 2018 before any results seen in tax changes.

City Administrator Scott Lambers stated an important question was posed to the panel of speakers about the property tax lid for local jurisdictions. Both the Majority Leader and House Speaker declined to respond. Mr. Lambers believes that no response means “no” and there will be no relief in this regard for at least two years. He also believes the budget shortfall is closer to \$2 Billion. In addition, the moderator posed a question about guns in colleges and universities which seemed to have been ignored by the panel.

C. Thank you to Police Chief Troy Rettig for hosting a lovely retirement for Sergeant Tim Anderson, who retired after 27 years of dedicated service to the City of Leawood. Congratulations to Sergeant Anderson.

- D. Councilmembers Jim Rawlings, Julie Cain and James Azeltine as well as City Administrator Scott Lambers joined me at the Leawood Chamber of Commerce’s Annual Meeting celebrating their 20th anniversary. The keynote speaker was Ed O’Malley, President and Chief Executive Officer of the Kansas Leadership Center. The Hall of Fame Award went to Leawood resident and business man Pat Cocherl. Congratulations to Kevin Jeffries, Chamber Chief Executive Officer and President, on the Chamber’s success.
- E. Police Chief Troy Rettig joined me at the Corinth Elementary Drug Abuse Resistance Education [D.A.R.E.] graduation where Officer Emily Craighead was in charge. Officer Craighead does a wonderful job with the students.
- F. Councilmember James Azeltine joined me at the Kendra Scott grand opening in Leawood’s Town Center Crossing. This is the second location in our metro area. Twenty percent of the evening’s proceeds went to the United Way’s “United for Literacy Initiative.”
- G. My thanks to Human Resources Director Nic Sanders for organizing a great Employee Appreciation Luncheon. Councilmembers Andrew Osman and Jim Rawlings were also in attendance. Time and service awards were distributed, and Councilmember Azeltine was recognized for his 10 years of dedicated commitment to our community. Congratulations! Also, a very special honor was given for recognition as 2016 Employee of the Year. This well-deserved award went to Jeff Peevler, Street Maintenance Supervisor, in our Public Works Department. Congratulations and tremendous appreciation to Jeff for this outstanding work.
- H. Wish all the happiest of holidays and a safe and healthy 2017. Since Monday, January 2, 2017, will be observed as a holiday, the City Council will next meet Tuesday, January 3, 2017, for both a Work Session and Governing Body meeting. The second Council meeting in January will also be held on a Tuesday, due to the observance of Martin Luther King, Jr., Day.

9. COUNCILMEMBERS’ REPORT – None

10. STAFF REPORT – None

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[from the November 22, 2016 Planning Commission meeting]

Ordinance No. 2816, approving a Special Use Permit [SUP] for a hospital, Revised Preliminary Plan, and Revised Final Plan for Tomahawk Creek Office Park- Kansas City Orthopaedic Institute Expansion, located south of College Boulevard and west of Tomahawk Creek Parkway [PC Case 116-16]

Mayor Dunn pointed out a revised Staff memo and ordinance for Agenda Item 11 had been provided which inserts “or other financial mechanisms” in Stipulation 9. Mr. Lambers clarified Transportation Development District [TDD] legislation is authorized by the state so it may or may not be available, or other financing mechanisms may be a better fit. It was noted a super majority vote of six of the Council would be required.

Mayor Dunn recused on the item because of potential perceived conflict of interest and turned the meeting over to Presiding Officer Debra Filla. Mayor Dunn left Chambers.

Mr. Kurt Petersen, Attorney, Polsinelli, 6201 College Boulevard, Overland Park, stated Kansas City Orthopaedic Institute [KCOI] Chief Executive Officer Dr. Charles Rhodes and the Pulse Design Group Designer were present.

Mr. Petersen stated agreement to all thirty-three stipulations, including the revision of Stipulation 9. Stipulations 4 and 5 address sound which has been of most concern to neighbors. He stated in 2014, plan had been approved with a few changes made by Dr. Rhodes working with residents to address concerns. All sound ordinances in the Leawood Development Ordinance [LDO] have been complied with in the past for both the generator and rooftop units, and compliance would continue with the proposed expansion. After the expansion, funding would be provided for the City to confirm noise emitting from the facility complies with the LDO. If approved, KCOI plans to move forward quickly.

Councilmember Cain stated her appreciation for ensuring that resident concerns expressed at Citizen Interact Meetings were addressed.

Mr. Petersen confirmed to Councilmember Rawlings that KCOI had no concerns with their ability to comply and not exceed the 60 decibel sound requirement of the LDO.

Presiding Officer Filla applauded the enclosure for recycling, bicycle racks, six electric vehicle charging stations and three traffic speed tables proposed in the expansion [Page 5, Site Plan Comments]. She invited the citizen who had signed in to provide their comments.

Mr. Bob Maher, 11118 Alhambra, stated he was President of The Woods Home Owners Association [HOA] representing homes south and west of KCOI. Mr. Alan Agron, a vocal leader on resident concerns, could not be present due to a family situation. Mr. Maher stated the series of meetings held involving residents were very productive. The first meeting had been uncomfortable, but HOA concerns and engineering information brought forth, and had been incorporated into KCOI plans. At a second meeting the site plan had been reworked. KCOI addressed rooftop units for both the new and old building; the units are to emit much less sound. He pointed out the current ground-level air-handling unit for magnetic resonance imaging [MRI] has no sound attenuation. Due to the age of the MRI, it may be replaced in six months to two years, so this had not been addressed. If a new MRI has a different air-handler, the HOA desires the same degree of concern and cooperation in the replacement process plan.

Mr. Coleman confirmed to Councilmember Azeltine that replacement would require a permit and a new air-handler would need to comply with the LDO. The matter would not come before the Governing Body, but would be handled administratively.

A motion to pass the ordinance including revision of Stipulation 9 was made by Councilmember Osman; seconded by Councilmember Azeltine. The motion was approved with a roll call vote of 7-0.

Presiding Officer Filla thanked the presenters and offered best wishes for the project.

12. **OLD BUSINESS** – None

13. **OTHER BUSINESS** – None

14. **NEW BUSINESS** – None

ADJOURN

There being no further business, the meeting was adjourned at 8:02 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk