

Minutes

DVD No. 384

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, January 3, 2017. 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	Karl Weinfurter, IS Specialist II
Marcy Knight, Asst. City Atty./Prosecutor	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
Brian Anderson, Parks Superintendent	Mark Klein, Planning Official
Debra Harper, City Clerk	Cindy Jacobus, Assistant City Clerk

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

1. PLEDGE OF ALLEGIANCE.

2. APPROVAL OF AGENDA

Mayor Dunn stated the agenda had been amended to include a Staff Report from Police Chief Troy Rettig in Agenda Item 10. She pointed out a revised Staff cover memo concerning Stipulation 4, for Agenda Item 11.

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Osman. 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 she would recognize citizens who had signed in to speak when Agenda Item 12 was discussed.

4. PROCLAMATIONS

Martin Luther King Day, Monday, January 16, 2017

Mayor Dunn read the proclamation into the record. She stated since the City observes this holiday, the next Governing Body meeting had been scheduled for Tuesday, January 17, 2017.

5. PRESENTATIONS/RECOGNITIONS – None

6. SPECIAL BUSINESS

- A. Consider extension of Solid Waste Permit to Waste Management [f/n/a Deffenbaugh Industries] to June 30, 2017

Mr. Paul Howe, 11531 South Lakecrest Drive, Olathe, Senior District Manager, Waste Management, provided an update on solid waste services. He stated staffing had improved, but there were still challenges in the overall industry. From October 1, 2016 through December 16, 2016, trash, recycling and yard waste services were provided to 6,000 customers in the City [total 217,000 services]. During this time, 309 reports of service deficiencies were received. Waste Management would continue to strive for zero defects and to make improvements.

Mr. Lambers stated when solid waste issues first surfaced, the City had been inundated with calls about this provider and Town & Country/WCA, as well. The number of complaint calls received about Waste Management have dramatically decreased. He recommended extending the permit for 6 months and at expiration, annual renewal would be handled administratively if service continues to be acceptable.

Mayor Dunn voiced appreciation for Waste Management's efforts.

A motion to approve the solid waste permit extension was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 7-0.

- B. Resolution No. 4720, accepting a Second Amended and restated petition for the creation of a Community Improvement District [CID] for the Camelot Court Shopping Center; and calling for a Public Hearing on the advisability of amending a Community Improvement Development District [CID] in the City of Leawood, Kansas, and financing of certain improvements therein

Mayor Dunn stated the proposed public hearing was scheduled for February 6, 2017.

Mr. Lambers stated Camelot Court had expressed prior interest in acquiring City property located east of Camelot Court and west of the Justice Center for additional shopping center parking. The amended and reinstated petition and public hearing would be the first step in the process.

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 7-0.

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. 2016-49
- B. Accept minutes of the December 19, 2016 Governing Body minutes
- C. Accept minutes of the October 15, 2015 Ironhorse Advisory Board
- D. Approve payment of \$21,862.69 to The League of Kansas Municipalities for 2017 Membership Dues
- E. Approve 3rd and Final Pay Request in the amount of \$17,521.63 to Landscapes Unlimited pertaining to the 2016 Ironhorse Bunker Renovation Project [Project # 71023]
- F. Approve Change Order No. 1 in the amount of \$7,639.00, to Excel Constructors, Inc., pertaining to the Ironhorse Clubhouse Expansion Project [Project # 49133]
- G. **Resolution No. 4721**, approving and authorizing the Mayor to execute a KCBOBCAT Non-Financed Governmental Roll Out Agreement in the amount of \$98,697.00 between the City and KC Bobcat for the purchase of [2] Bobcat S770 Skid Steer Loaders
- H. **Resolution No. 4722**, approving and authorizing the Mayor to execute a Cooperative Agreement in the amount of \$18,000, between the City and Mid-America Regional Council [MARC] for funding operations of Operation Green Light Traffic Control System
- I. **Resolution No. 4723**, accepting new Public Infrastructure [streets] in connection with the 2016 Curb Program & Residential Mill & Overlay [12800 block of Cambridge Terrace, 12800 block of Cambridge Court, 12800 block of Cambridge Circle, and 12800 block of Overbrook] in accordance with GASB-34 Guidelines of Reporting Inventory of Assets [Project Nos. 80253 & 70020]
- J. 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 17, 2017 GOVERNING BODY MEETING***

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

8. MAYOR'S REPORT

- A. Happy New Year to one and all!
- B. The City has once again received a monetary gift from The Cloisters Home Owners Association in recognition and appreciation of the fine public safety personnel of our Police and Fire Departments, for services rendered and available as needed to their residents. The gift of \$2,120 will be evenly split between the departments. I have authored a letter to acknowledge the donation and the Department Chiefs will do the same.

A motion to accept the generous donation with tremendous gratitude on behalf of the City Council was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 7-0.

- C. Attended the Metropolitan Organization to Counter Sexual Assault [MOCSA] luncheon held in Leawood's Oak Room for Johnson and Wyandotte Counties legislators. Discussion was held on policies which impact sexual assault survivors and possible forthcoming legislation in the upcoming session. There was an excellent turnout with 25 people in attendance.
- D. Attended the Leawood Chamber of Commerce's ribbon cutting for the Foot Spot in Ranchmart. This is located in newly renovated space that was formerly occupied in part by Seasonal Concepts. Councilmember Debra Filla also joined me. The Foot Spot has three metro locations and specialize in comfort and beauty. As an added bonus at the ribbon cutting, they also had a \$10,000 product giveaway for patrons who had previously entered a drawing where no purchase was necessary. We wish them much success in this new location.
- E. Holiday greetings were received from both our I-Lan and Gezer Sister Cities, as well as from Taipei Economic and Cultural Office [TECO] - Denver Director General Jerry Chang.
- F. "The Leaven" Catholic newspaper on December 23, 2016 contained an article regarding an assembly held at the Church of the Nativity School in Leawood where Variety Children's Charity announced a \$65,000 gift from Royals Charities and the teams alumni that will assist in building the inclusive playground at Leawood City Park. Congratulations to Leawood Foundation Chair Alice Hawk and the Foundation Board for all their success with this fundraising effort.

9. COUNCILMEMBERS' REPORT – None

10. STAFF REPORT

Police Chief Troy Rettig – January 1, 2017 multiple property shootings

Chief Rettig provided public details of the incident for which Governing Body had been alerted and that had been mentioned on local television today. For unknown reasons, a male suspect fired several rounds into multiple homes in the 4000 block of 112th Street and 11100 block of Buena Vista at 7:00 A.M. Area residents provided an excellent description of the suspect's vehicle, that was found and the suspect arrested. There were no injuries, but residents were frightened. There was no reason to believe residents or the City was targeted. This is a rare incident in the City.

Mayor Dunn expressed her delight that the suspect had been arrested. She thanked Chief Rettig and his team for their swift work.

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[from the November 22, 2016 Planning Commission meeting]

Ordinance No. 2817, approving a Rezoning from Agricultural [AG] and Planned Cluster Residential under a previous Leawood Development Ordinance [RP-4] to Planned Cluster Detached Residential District [RP-2], Preliminary Plan, and Preliminary Plat for Hallbrook East Village, located south of 112th Street and west of State Line Road [PC Case 112-16] [ROLL CALL VOTE]

Mr. Fred Logan, 8610 Mohawk Road, Attorney, Logan Logan & Watson, provided background on the project. Applicant had been working for more than one year with Staff. Hallbrook is a most outstanding residential community in the nation because of the Hall Family that demanded excellence, and the proposed Hallbrook East Village would be no exception. One reason for the high quality and consistency has been the continuity of the development team, attending tonight: Mr. Corey Biggs on behalf of owner; Mr. Rick Jones, principle architect, and Ms. Katie Martinovic, landscape architect, NSPJ Architects; and Mr. Brett Haugland, Continental Consulting Engineers. Also present was Mr. Andrew Logan of Logan Logan & Watson.

Hallbrook East Village would consist of 33 villas. The low-density/low-intensity use would be consistent with the City's Comprehensive Plan and what had been envisioned for the tracts since 1986. The high quality units may be attractive to empty nesters. The project was designed with more open green space than required. The Applicant is agreeable to all 21 stipulations are agreeable, including the revision to Stipulation 4. The Planning Commission approved unanimously. Applicant would continue to work with the City on the project on this exciting project.

Mr. Jones confirmed the development would offer three distinct plans with 3,200, 2,800 and 2,400 sq. ft. of total finished area with villas containing two bedrooms, one bedroom and study, and one bedroom, respectively. All villas would be a story and a half, with similar exterior materials. Rooflines would vary and other modifications could be requested by the homeowner. Basements would be tall enough to be finished.

Mr. Johnson confirmed to Councilmember Osman the long median on 114th Street was public and there was no plan to cut a gap in the median to facilitate traffic into previously built villas. He confirmed to Councilmember Cain a Courtesy Notice had been sent to the property owner for trimming of trees in the site triangle landscaping at Hallbrook South Village. After trimming, City Staff would review the issue to determine if other remedies would be needed.

Mayor Dunn noted public hearing comments from residents to the west were about vehicle speed on Overbrook Road, a public street, with some conversation about traffic speed tables. Mr. Logan stated there had been no further discussion within his group in this regard. He stated his reliance on Staff's traffic expertise and recommendations, and reiterated willingness to work with City Staff to do what would be appropriate.

Mayor Dunn inquired about the timing for the final plan, noting the Planning Commission's estimate of a total build-out in five years.

Mr. Brett Haugland, 9000 State Line Road, Continental Consulting Engineers, anticipated the required Public Works street, sanitary sewer, erosion and stormwater plans required as part of the application would be brought back in four to six weeks. Mr. Logan stated total build-out would be in three years.

Mayor Dunn advised to approve, a super-majority of six votes would be needed due to the revision of Stipulation 4 subsequent to the Planning Commission's approval.

A motion to approve Agenda Item 11 with revised Stipulation 4 was made by Councilmember Cain; seconded by Councilmember Kaster. The ordinance was passed with a unanimous roll call vote of 7-0.

Mayor Dunn thanked the attendees and wished the project success.

12. OLD BUSINESS

Discussion of prior approval of installation of sidewalks on west side of Mission Road between 119th Street and 123rd Street; and 123rd Street to 124th Street

Mayor Dunn stated her belief that most of the people in attendance were also present at the Governing Body Work Session, hearing conversation and providing testimony. She recommended hearing citizens in order of sign-in, before Council discussion. Citizen comments to bring forth new information and/or to indicate agreement would be kept to five minutes or less. Citizens were requested to state their name and address.

Mr. Randoe Dice, 12020 Mission Road, thanked the Council for their service, stating he was a public servant in the federal government for his entire career. He recognized the residents between 119th Street and 124th Street, all were opposed to the sidewalk, but not necessarily to the bike lane, stating others could not be present for various reasons. He stated concern for use of good taxpayer dollars for the sidewalks and questioned safety, not just for pedestrians, but drivers and cyclists. He asked for reconsideration of support of the plan and offered himself and family for questions.

Mr. David Gatchell, 12204 Mission Road, reiterated opposition to the plan and expressed appreciation to the Governing Body for their serious, honest and sincere consideration of the matter.

Mr. Glen Carrigan, 12216 Mission Road, stated there had been two City evaluation criteria not raised at the Work Session: safety and community consensus on the sidewalk. He reiterated citizen comments made at the Work Session about duplication of a very fine, under-utilized sidewalk located on the east side of Mission Road. He stated the sidewalk was not a good use of taxpayer dollars and there was majority opposition to the project.

Ms. Rosalinda Dice, wife of Mr. Randoe Dice, 12020 Mission Road, was recognized to speak, but was no longer present.

Mr. Robert Rodriguez, 12212 Mission Road, stated he had spoken with neighbors on Mission Road from 119th Street to 124th Street and none had been notified of the sidewalks prior to November 2016. He stated sidewalks are typically planned for side or back yards, rather than front yards. The sidewalks would reduce property values for owners along Mission Road and he asked for consideration of this direct impact, as well as concern for other neighbors and drainage issues.

Ms. Thi Nghiem, 3900 W. 120th Terrace, agreed with Mr. Rodriguez in regard to notifications and opposition, and asked for additional time for those who were not aware of the project. She stated three out of seven residents in the cul-de-sac were not notified and they maybe be especially concerned with any drainage or run-off impact.

Mr. Chris Benson, 3900 W. 120th Terrace, stated several private meetings had been held by residents, with consensus they were willing to do and go as far as needed. Residents did not receive proper notification, are serious and unhappy, and he wanted to give fair warning, but was not a threat. He noted his prior military service and stated war was not fun.

Mayor Dunn stated Mr. Benson's comments sounded like a threat and was glad he had clarified. Mr. Benson apologized for any perceived threat, reiterating the residents would do what would be needed to get resolution.

Mr. Steve Gooding, 3900 W. 121st Terrace, expressed appreciation for the opportunity to address the Governing Body and understood notification may not have been given since the project was part of the City's Master Plan. The Master Plan is important, impressive and thoughtful. He stated the sidewalks fail to meet one of the City's Master Plan priorities, safety, for children, pedestrians and joggers using the sidewalk. He has 27 years of driving and accessing Mission Road from his driveway, and depending upon direction of travel, to avoid potential for rear-end collision he typically decelerates, gives a long turn signal and flashes brakes, then drives close to the curb or hugs the centerline of road before his actual turn. He expressed concern about legal use of bike lane for vehicle deceleration or usage by other vehicles passing on the right. He stated the sidewalk on the east side of Mission Road has only one street a pedestrian needs to cross in either direction between 119th Street and 123th Street, while the west side has three public streets and 13 egress/ingress points a pedestrian would need to cross; a 16-to-1 increase in accident potential. The abundance of land on the east side, where the sidewalk is deteriorating, could be used for a very nice 5 ft. wide sidewalk/bike path.

In follow-up to the Work Session, Chief Rettig clarified for Councilmember Azeltine the location is has never been on the high crash list; exact number unknown at this meeting. There had not been a large volume of speed complaints and violations. There was a significant vehicle crash into a home years ago and 119th Street and Mission Road is a crash location in wintery weather. Speeding violations probably would happen heading southbound much further down. He does not doubt there have been vehicles pulled over in the area, but these may be follow-ups from school zone areas.

Councilmember Cain asked Chief Rettig if there could be legalities concerning a vehicle using a bike lane, and passing to the right of a vehicle turning left. Chief Rettig noted there could be safety issues. Ms. Knight stated she was not familiar with legalities of driving in bike lanes, but the hypothetical situation was illegal passing to the right of a vehicle waiting to turn left. Chief Rettig stated it is illegal to drive in an unsafe manner or to leave the roadway.

Councilmember Cain expressed objection to Mr. Benson's comments. She stated the Governing Body members are volunteer public servants, having worked one or two decades for the community, expending an enormous amount of time. She asked Mr. Lambers to review the notification process to make very clear process was followed.

Mr. Lambers stated improvements to existing street and public right of way would involve notification, probably through the use of doorknob hangers, a couple of months in advance. Engineering for Mission Road improvements started in 2015 as part of a typical timeframe. Contention to the sidewalks was not anticipated. He stated it is a rarity to have a gap in a sidewalk and no there was archival documentation for the reason, only speculation. The purpose of sidewalks are to remove the integration of vehicle and pedestrian traffic. If the City does not move forward, conditions would remain as previous 30 to 40 years. His professional recommendation for the long-term best interest of the City, was to move forward with street improvements and include the sidewalks. Mayor Dunn noted the project was slated for 2018 with discussion starting in 2016.

Councilmember Azeltine noted the Governing Body had already approved and to reverse would be "backing up the train."

Councilmember Filla thanked Staff and citizens. She stated sidewalk placement in side or rear yard is a rarity. Homes in north Leawood have small rear yards and sidewalks located in the front yards, and home values have not been diminished because of sidewalk location.

Based on his investigation, Councilmember Rawlings stated he struggled to support sidewalk installation, empathized with the residents and was concerned about safety of 119th Street over the hill. He would support sidewalk connection between 123rd Street to 124th Street to allow walking and crossing Mission to access schools and sidewalk on the east side.

Councilmember Kaster stated from personal family experience, it was dangerous to cross Mission Road to access trail on the east. A sidewalk between 123rd Street to 124th Street would provide safe access for hundreds of people who live south of the location. A sidewalk from 119th Street to 123rd Street would not be necessary.

Councilmember Osman stated throughout his career he had personally experienced improper closed-door treatment in working with other cities. He stated this was not what had or was happening on this issue. Citizens may or may not like the result of discussion, but the City did “back up the train” to hear resident concerns. The City was not required to notify residents when a public improvement has already been master planned. In Leawood north of 95th Street, residents beg for sidewalks for safety. Even without resident request, the City would have examined sidewalk installation and done what was best for the City. He stated his agreement with Councilmember Rawlings in support of connectivity to trail and schools with a sidewalk between 123rd Street and 124th Street only.

Councilmember Harrison confirmed with Mayor Dunn that two separate votes would be taken. She stated she lives and uses the trails and sidewalks in the area, and had examined property values. She noted regardless of outcome, the Governing Body was tasked to consider the greater good for the community and connectivity issues.

A motion to rescind funding for a sidewalk between 119th Street and 123rd Street was made by Councilmember Cain; seconded by Councilmember Kaster. The motion was approved 6-1, with Nay vote from Councilmember Filla for reasons previously stated.

A motion to reaffirm funding for a sidewalk between 123rd Street and 124th Street was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 7-0.

Mayor Dunn thanked everyone for his or her involvement, comments and attendance.

13. OTHER BUSINESS

Councilmember Osman – Blue Valley Post

Councilmember Osman pointed out the Blue Valley Post newspaper would discontinue covering events in south Johnson County, as advertising does not support. He reminded the Governing Body to ensure they continue to speak with their constituents.

Mr. Jerry LaMartina, Writer, Blue Valley Post, stated his editor would like him to continue to cover events in north Leawood. The southern boundary of coverage was indistinct, but coverage would be quite a bit less.

14. NEW BUSINESS

Schedule a Joint Governing Body and Planning Commission Work Session on Tuesday, March 28, 2017 at 6:00 P.M. to discuss the 135th Street Corridor Study

Mayor Dunn noted the proposed joint Work Session would be held on the fourth Tuesday in March. Ms. Harper stated the Oak Room in City Hall would be the location. Mr. Lambers advised the location was chosen to have a meeting space of appropriate size, and to avoid conflict with previously scheduled Lion's Club and Planning Commission meetings.

A motion to schedule the proposed Joint Governing Body and Planning Commission Work Session was made by Councilmember Cain; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 7-0.

ADJOURN

There being no further business, the meeting was adjourned at 8:51 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk