Regular Meeting

THE LEAWOOD CITY COUNCIL

March 6, 2017

Minutes

DVD No. 386

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 6, 2017. 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
Mark Andrasik, Info. Services Director
Patty Bennett, City Attorney
Chief Troy Rettig, Police Department
Chris Claxton, Parks & Recreation Director
Chief Dave Williams, Fire Department
Mark Klein, Planning Official
Nic Sanders, Human Resources Director
Dawn Long, Finance Director
Joe Johnson, Public Works Director
Debra Harper, City Clerk
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 – Led by Boy Scouts from Troop 10.

2. APPROVAL OF AGENDA

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

3. 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 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.

4. PROCLAMATIONS – None

Councilmember Filla arrived [weather delay].
5. PRESENTATIONS/RECOGNITIONS  Presentation of AAA Award to Police Department to recognize Community Traffic Safety efforts

Police Chief Troy Rettig introduced Mr. Bob Hamilton, Law Enforcement Liaison through the Kansas Department of Transportation. Mr. Hamilton was with the Johnson County Sheriff’s Office for 33 years.

Mr. Hamilton stated he was one of four Kansas Law Enforcement Liaisons assigned to the northeast area of the state. Since he lives and works in Johnson, he has the opportunity to continually speak with agencies about their traffic safety efforts, and Leawood sets their goals very high. Out of over 300 law enforcement agencies in Kansas, the Leawood Police Department was one of 32 agencies to be recognized and one of 14 receiving the highest-level platinum award. Leawood has received the platinum award for four consecutive years. Leawood was selected based on the following:

1. Operation Impact - Community-based traffic safety committee that meets regularly to identify traffic safety problems and solutions on both sides of the state line.
2. Safety and Passenger Safety Programs and Education - bike patrols and rodeos, school and youth day camps presentations and citizen traffic safety academy.
3. Enforcement - “Click It or Ticket It” to happen over the Memorial Day holiday weekend. Last Friday was the conclusion of “Seat Belts are For Everyone” [SAFE] program conducted at high schools. High school age kids wear seat belts more often than any other age group.
4. Engineering - Recognized for speeding surveys and complaint area enforcement.
5. Recognition for working with injury accidents, the overall number of which has decreased. Topeka had the highest number of traffic fatalities in the state in 2016. The millennial generation’s practice of texting and speeding may be a factor; parents should instruct them to put their cell phones away when driving and not risk their own or someone else’s life.

Chief Rettig thanked Mr. Hamilton and accepted the award on behalf of the Sergeant Yoder and his Traffic Control Unit, noting that Officers Curtis Rice and Mark Chudik were present with their 5th grade sons.

Mayor Dunn stated the award is one of many accolades the department has received. The City is very proud of the department and Chief Rettig’s leadership. She offered congratulations to Chief Rettig and thanked Mr. Hamilton for the presentation.

6. SPECIAL BUSINESS
Discuss yard waste pick-up issues with WCA/Town & Country Representatives, Bob Mathis, District Mgr., and Tom Coffman, Marketing Consultant [previous discussion on September 6, 2016]

Mr. Lambers stated the request for WCA representatives to provide an update was a continuance of attempts by the City to facilitate corrective action of solid waste services in the City. The City hopes that corrective actions have been taken and improvements made. Service and personnel issues still remain, including complacency when staff, residents or Home Owner Associations [HOAs] call to report issues.
Ms. Harper distributed an updated complaint log containing two additional complaints received by the City since the meeting documentation packet had been prepared.

Mr. Tom Coffman, 67th and Nall, Mission, stated WCA was now a very different company than the company of September 2016, still in the process of change. At that time, the company received about 20,000 calls about service from residential and commercial clients, not all of these in Leawood. In February 2017, the number of calls about service had reduced to 7,800. The decreased volume of calls related to service is indicative of service delivery improvements and hopefully a better customer service experience. Additional customer service agents have been added. WCA has been proactive in preparation for the spring launch of yard waste collection by adding personnel, routes, equipment and contracting with two third-party haulers to troubleshoot.

Mr. Bob Mathis, District Manager, Greenwood, Missouri, elaborated on Mr. Coffman’s comments. He stated WCA had improved staffing and is 100% fully staffed at this time, in both customer service and drivers. Customer service, both on the street and in the office, has improved. Training has been conducted and customer service calls are tracked. In September 2016, the company was non-compliant with Department of Transportation regulations, but is now compliant. The company does not anticipate any challenges with the upcoming yard waste season.

Mr. Mathis confirmed to Councilmember Azeltine that approximately 30% to 40% of yard waste service in Leawood is outsourced. WCA has contracted again this year with Compost Connection, a Grandview, Missouri company, whose only business is yard waste collection, and another company. Councilmember Azeltine stated appreciation and noted a huge improvement in yard waste collection.

Mr. Mathis confirmed to Councilmember Sipple that it is “urban legend” that drivers collecting trash and recycling relay back to company office the residences with yard waste, and only these residences have a yard waste pickup. He stated yard waste is collected along the entire route per HOA contract, typically April through December only. WCA and contractor drivers are provided a list of client addresses and maps to facilitate collection. There have been calls for yard waste collection already this year and WCA has negotiated some early pickups with HOAs. Any HOA interested should contact WCA’s office to negotiate this service.

Councilmember Sipple noted in 2016 fall yard waste collection tended to slip by a day. Mayor Dunn stated for her neighborhood yard waste collection was not good last December, with a delay of two weeks despite multiple calls to WCA. Residents leaving waste at the curb is a violation of City Code. Mr. Mathis confirmed all three types of waste collection should occur on the same day and in 2016 WCA was running three to four days behind, but this should now be remedied by additional staffing.

Councilmember Filla inquired how repeated service complaints regarding a handicapped resident were handled. Mr. Mathis stated the service need had been identified by the HOA and the address was highlighted on driver route sheet. He would have to look into instances where the service was not provided.

Mr. Mathis confirmed to Councilmember Filla that Compost Connection was not affiliated with the former owner of Town & Country Disposal.
Councilmember Rawlings stated service in his area of 103rd and Lee Boulevard had a great increase in service and was excellent, but as a member of this neighborhood HOA Board he was aware of the lack of return calls for complaints. Mr. Mathis stated WCA has eight customer service representatives in Harrisonville, Missouri, working 8:00 A.M. to 5:00 P.M., Monday through Friday. After 5:00 P.M., calls received are placed “in queue” and at 7:00 A.M. the next business day the calls are distributed by the Customer Service Manager. Calls are returned by customer service representatives in 24 hours. In addition, about 10 to 12 emails per day are received and processed, as soon as an answer is available. Both communication processes are monitored and tracked.

Mr. Lambers stated the City would monitor activities and hope for continued improvement. WCA would be granted a solid waste permit to expire June 30, 2017. He stated if the same issues, yard waste in particular, that fail to meet City standards are encountered, it would be considered WCA had been provided notification and the City could take more severe action. WCA would continue to be notified of complaints.

Mr. Lambers advised Mr. Mathis that he should contact the City Clerk in regard to licensing WCA contractors for work in the City. Mr. Mathis stated he would contact the City Clerk tomorrow.

Mr. Mathis stated he was looking forward to a much smoother spring and summer service season. Mayor Dunn thanked Mr. Coffman and Mr. Mathis for their presentations.

7. **CONSENT AGENDA**

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted upon 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 No. 2017-7 & 2017-8

B. Accept minutes of the February 20, 2017 Governing Body meeting

C. Accept minutes of the February 20, 2017 Governing Body Executive Session

D. Accept minutes of the January 10, 2017 Parks & Recreation Advisory Board meeting

E. Accept minutes of the November 15, 2016 Parks & Recreation Advisory Board meeting

F. Accept minutes of the October 27, 2016 Ironhorse Advisory Board meeting

G. Accept 2017 Governing Body Goals & Objectives

H. Approve Change Order No. 2 in the amount of $32,391.00, to Excel Constructors pertaining to the Ironhorse Clubhouse Expansion Project [Project # 49133]


J. Approve Co-op Bid in the amount of $29,200.00 from Roberts Auto Plaza for the purchase of [1] Colorado Pickup


L. **Resolution No. 4740**, approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of $74,490.00 between the City and Tracker Door Systems, for garage doors located at the Justice Center, 4205 Town Center Drive [Project # 74085]
M. **Resolution No. 4741**, approving and authorizing the Mayor to execute an Inter-local Cooperation Agreement between the City and the Board of County Commissioners of Johnson County [BOCC]; Johnson County Sheriff; Johnson County District Attorney; Board of Park and Recreation Commissioners of Johnson County Park & Recreation District; City of Fairway; City of Gardner; City of Lenexa; City of Lenexa; City of Mission; City of Olathe; City of Overland Park; City of Roeland Park; City of Prairie Village; City of Shawnee; City of Spring Hill; City of Westwood; pertaining to a coordinated Law Enforcement Records Management System for Johnson County, Kansas

N. **Resolution No. 4742**, approving and authorizing the Mayor to execute a Real Estate Sale Agreement between the City and Camelot Court, LLC, and all other documents necessary to effect the sale of 0.42 acres of land adjacent to Camelot Court Shopping Center.

O. **Resolution No. 4743**, approving an Eligible Facilities Request for the addition of RRHs (Remote Radio Heads) and associated equipment at Parkway Plaza Cell Tower for AT&T, located north of 135th Street and west of Briar Street. (PC Case 42-17)

P. **Resolution No. 4744**, approving an Eligible Facilities Request for the addition and replacement of wireless antennae along with associated equipment at Pinnacle III Office Building for Clearwire, located at 11440 Tomahawk Creek Parkway (PC Case 41-17)

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

8. MAYOR’S REPORT

A. Sincere sympathies to families of two Leawood residents who recently passed away: First, to the family of Jerry Nerman. He was a tremendous philanthropist, and he and his wife donated the Nerman Museum to Johnson County Community College. Second, Dick Hawk, owner of Gaslight Grill in Parkway Plaza, died over this past weekend. Dick was a regular at the keyboard in his jazz room at his restaurant. They will both be dearly missed.

B. Leawood Police Chief Troy Rettig joined me at the 56th Annual Greater Kansas City Mayors’ Prayer Breakfast. Kansas City, Missouri, Police Chief Darryl Forté was the keynote speaker. The theme of the event continues to emphasize ethics, morality and spirituality in metropolitan mayors, business, labor, the professions and government.

C. Congratulations to Sustainability Advisory Board Chair Councilmember Chuck Sipple, Vice-Chair Councilmember Debra Filla and their board for organizing another successful Home Owners Association [HOA] educational event. Councilmembers Jim Rawlings, Lisa Harrison and James Azeltine were also in attendance. My personal thanks to Parks & Recreation Director Chris Claxton and her team, Information Services Director Mark Andrasik and his department, as well as our Police, Fire and others who participated to ensure a very rewarding evening for all.

D. Thanks to Councilmember James Azeltine for standing in for me at the Leawood Chamber of Commerce ribbon cutting for Cycle Bar at Town Center Plaza.
Councilmember Filla recapped Community Garden highlights as reported by the Superintendent of Parks, Mr. Brian Anderson, in the draft minutes of the Parks & Recreation Advisory Board meeting of January 10, 2017, included in the meeting documentation packet. Highlights include:

1. Review of different properties, including church properties and City-owned property at Mission and Lee Boulevard, near Johnson County Wastewater Treatment Plant.
2. Properties in north Leawood may be too tree-shaded and the treatment plant site is planned for expansion/construction.
3. Water One has an underground water tank on property at 147th and Nall Avenue. The property is open, flat and may be suitable for a garden. Water One was not opposed to the suggested use.
4. Group garden rather than individual garden plots.
5. Pleased to continue to use the site at Fire Station No. 1 as a pilot.
6. Johnson County Extension Agent Mr. Dennis Patton has confirmed the red clay soil of Ironwoods Park would be costly to mediate for use by the Master Gardeners. In addition, the City must balance the use of large tracts of land for the need and good of the greater community.

Councilmember Filla stated the Community Garden Task Force would continue to work on partnerships. The Task Force desires to make the Community Garden self-managed to reduce staff work/involvement. She estimated the Task Force has another three months of work.

A motion was made to extend the duration of the Task Force until June 30, 2017 by Councilmember Azeltine; seconded by Councilmember Kaster. The motion was passed by a unanimous vote of 8-0.

Councilmember Filla asked for referral to the Stormwater Management Committee in regard to matching dollar grant for Stormwater Best Practices Program, in accordance with Goal No. 6 of the committee. The topic could be added to the committee’s next meeting, scheduled for March 29, 2017. She stated Leawood and other cities have not taken advantage of this entire grant in the past.

A motion was made to make referral to the Stormwater Committee regarding matching funds for Stormwater Best Practices Program was made by Councilmember Filla; seconded by Councilmember Harrison. The motion was approved with a unanimous vote of 8-0.
10. STAFF REPORT
Deb Harper, City Clerk; 2017 Election Information

Ms. Harper stated election dates and procedures had changed per Kansas election law. In the past, candidates for Governing Body seats filed through the City Clerk’s office, who would forward to the Johnson County Election Office. Now, candidates can file directly with the Johnson County Election Office, who then notifies the City Clerk. The filing deadline for upcoming elections is Noon on June 1, 2017 and incumbents are already filing for re-election. The Primary Election would be August 1 and the General Election November 7, with positions effective January 15, 2018. Filing forms are available from the Johnson County Election Office.

Ms. Bennett confirmed for Councilmember Rawlings that if four or more applications for a Ward seat are received, a primary election would be required.

COMMITTEE RECOMMENDATIONS
11. PARKS & RECREATION ADVISORY BOARD
[from the November 15, 2016 Parks & Recreation Advisory Board meeting]

Resolution No. 4745, accepting Policy for gifts, sponsorships, and Naming Rights – CONTINUED FROM THE FEBRUARY 20, 2017 GOVERNING BODY MEETING

Ms. Claxton stated a formal policy was needed due to increased opportunities to receive gifts and to solicit naming rights for longer periods of time, as well as to be proactive rather than reactive. The draft policy is broader than anticipated and development has taken longer than anticipated. The Parks & Recreation Advisory Board, Ms. Bennett and Legal staff have thoroughly reviewed. She stated appreciation for Mayor Dunn’s comments incorporated in the submitted draft.

Councilmember Cain stated Ms. Claxton and Parks & Recreation staff had research policy examples from around the nation. A large amount of time was expended to develop and review the four prior drafts. The policy would be reviewed every three years. Mayor Dunn acknowledged their hard work.

Mayor Dunn requested the ability to decline any gift, not just naming, before Governing Body review had been included in the policy, similar to the Arts Policy. Ms. Bennett stated gifts would be vetted by City staff and the Parks & Recreation Advisory Board, before presentation to the Governing Body. The gift could be declined prior to Governing Body review. Ms. Claxton stated gifts have been declined in the past.

Councilmember Azeltine pointed out omission of Roman numerals VII. and VIII. on Page 15. Ms. Claxton stated she would review; possible typographical error.

Councilmember Sipple inquired how many named items had been given to the City in the past. Ms. Claxton stated the new inclusive playground at City Park, Merz soccer field and Lions shelter and fountain. There are plaques that do not include individual names, but recognize the donor. Most have what has been done is memorial gifts, trees and benches. Mayor Dunn stated that Brook Beatty, Gezer and I-Lan Parks were all done to honor certain individuals.
Mr. Lambers confirmed to Councilmember Azeltine that all recommended gifts would be brought before the Governing Body for ultimate disposition. There would be no need to include specifics in the policy at this time. Mr. Claxton stated all sponsorship money had been placed in the General Fund.

A motion to approve Agenda Item 11, with minor edits was made by Councilmember Cain; seconded by Councilmember Rawlings. The motion was approved with unanimous vote of 8-0.

12. PLANNING COMMISSION
[from the January 24, 2017 Planning Commission meeting]

Ordinance No. 2821, approving a Special Use Permit for a mausoleum/columbarium, Revised Preliminary Plan, and Revised Final Plan for the Church of the Resurrection Columbarium and Memorial Garden, located south of 137th Street and east of Nall Avenue. (PC Case 07-17) [ROLL CALL VOTE]

Mr. Dick Cooper, Facilities Director for the Church of the Resurrection, 13720 Roe Avenue, introduced architect Mr. Robert Whitman, Gould Evans, 4041 Mill Street, Kansas City, Missouri.

Mr. Cooper displayed a colored rendering of the proposed mausoleum / columbarium “memorial garden” showing the full build-out of the project. The project would be constructed in phases. The first phase would be a circular area facing the sidewalk to 137th Street and would contain 900 niches of a total of 3,600 niches. The proposed plan includes a water feature and garden landscaping to create a beautiful, safe and peaceful area. Funds from first-phase sales would be used for future construction of “rooms” of niches on either side of the circular area. The church has filled all of their current 450 niches located in the courtyard of the old sanctuary, typically sold in pairs as “companion niches.” If the proposed plan was approved, the Church would have two inurnment areas. Due to the difficulties involved in moving human remains, no relocation of the original 450 niches was expected, but the Church will make an effort to contact family members to offer. Based on data review of the last 15 to 16 years, the Church determined approximately 12 to 20 niches filled annually and the proposed 3,600 niches should suffice for many years. A 14-slot bicycle rack would be located to the right of the memorial garden in keeping with the City’s master bicycle-pedestrian plan.

Councilmember Harrison stated she supports memorial garden concepts as being forward thinking and practical. She anticipated the 900 niches of the first phase would sell quickly.

Councilmember Kaster inquired about the hours of operation. Mr. Cooper stated the hours would generally be during the day, seven days per week, and during special services. The area would be modestly lit and locked by a gate when closed.

Councilmember Filla asked the Church to keep the Community Garden in mind should they have a suitable space in a parking lot.

Mayor Dunn stated the proposed project was a lovely addition.

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

13. OLD BUSINESS – None

14. OTHER BUSINESS – None
15. **NEW BUSINESS**


Councilmember Cain questioned the reason for the proposed revision. Mr. Johnson stated residents had requested larger containers, which the City’s ordinance restricted size to 55 gallons. Container size was sometimes determined by the waste hauler and their equipment, or by the HOA. Research into container size used by other area cities was conducted. Both WM/Defenbaugh and WCA/Town & Country disposal services can utilize larger containers, so the potential to see a change to larger containers could be seen. Typically, customers may contact their provider to request the size container, larger or smaller, that is optimal for their needs.

Councilmember Filla stated when Johnson County’s solid waste management plan was developed years ago it allowed 96 gallon containers. She stated 96 gallon containers for solid waste and recyclables may be difficult to store in a garage or move to the curb.

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


Mr. Johnson confirmed to Councilmember Sipple that Leawood residents would see no visible change in their neighborhood or streets, since the City had been using the most current best practices. City Code only requires update to reference the new version date of the best practices manual.

A motion to pass the ordinance was made by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with a unanimous roll call vote of 8-0.
C. **Ordinance No. 2824C**, adopting a new Section 6-101A, of the Code of the City of Leawood, 2000, entitled ‘Candidacy; Petition’, pertaining to the required number of signatures on a nominating petition, and repealing ordinances in conflict herewith [ROLL CALL VOTE]

Councilmember Filla questioned why a petition would be required to file for Governing Body candidacy. Ms. Bennett stated Kansas law now provides two ways to get on the ballot, petition or payment of a $35 filing fee. The City is required to set the number of signatures required for a successful petition. The Election Commissioner would determine the sufficiency of the petition. Ms. Bennett would check to clarify if qualified electors of a Ward would be registered voters in that Ward; votes for Mayor would be at-large. She clarified if there are three filings there would be a General Election. If there were four or more filings, there would be Primary Election. Mr. Lambers stated the number of filings would be considered per seat, per Ward. He stated there must be four filings for any of the Ward seats to trigger a Primary Election.

Mayor Dunn shared that confusion regarding the number of filings required for elections and that the City may not have a Primary Election when other local cities may, was because the City had not chartered out.

A motion to pass the ordinance was made by Councilmember Rawlings; seconded by Councilmember Kaster. The motion was approved with a roll call vote of 7-1; Nay vote from Councilmember Osman to voice support for local control and destiny, and against the transfer of balance city-county-state and state’s meddling in local non-partisan elections.

Mayor Dunn stated her belief the Governing Body shared Councilmember Osman’s position.


Chief Rettig stated the proposed revision was for consistency between the ordinance and annual fee schedule, and to facilitate future adjustments. Mr. Lambers pointed out revision to change the appeal procedure for denial parade from the Governing Body to the City Administrator was to ensure timeliness in the appeal process that twice-monthly Governing Body meetings might not provide.

Councilmember Sipple inquired about the number of parades in the City each year. Chief Rettig stated charity run events were more popular than parades. The City has about 15 to 25 events each year, typically the same runs year-after-year with a few new additions.

A motion to pass the ordinance was made by Councilmember Filla; seconded by Councilmember Sipple. The motion was approved with a unanimous roll call vote of 8-0.
Chief Rettig provided an update on the weather event that had been announced by Mr. Lambers during the Governing Body meeting. A suspected micro-burst had been experienced in the 3100 block of 147th Street, the first block north of Ironwoods Park, east of Mission Road, Steeplechase subdivision. There are reports of roof damage.

Councilmember Cain shared that she had received notice that electricity in that area had been out for 15 minutes.

**ADJOURN**

There being no further business, the meeting was adjourned at 8:53 P.M.

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Debra Harper, CMC, City Clerk

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Cindy Jacobus, Assistant City Clerk