

Minutes

DVD No. 389

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, April 3, 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	Nic Sanders, Human Resources Director
Dawn Long, Finance Director	Joe Johnson, Public Works Director
Chief Dave Williams, Fire Department	Cindy Jacobus, Assistant City Clerk
Debra Harper, 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 four Boy Scouts from Troop 10

Mayor Dunn welcomed individuals from the Fire Department who were attending the Governing Body meeting as part of their officer training.

2. APPROVAL OF AGENDA

Mayor Dunn noted the agenda had been amended to indicate there would be no Governing Body meetings on May 15, 2017, a report from Councilmember Kaster would be added as Agenda Item 9.B. and report from Councilmember Filla would be numbered 9.A., and topic of “Old Business” Agenda Items 12. and 13. had been duplicated.

Councilmember Cain pointed out there were no Governing Body meetings scheduled for August 21, 2017, the date of the next total solar eclipse taking place at 1:08 P.M.

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 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 no citizens had signed in to speak except on behalf of the Safe Havens for Newborns Day proclamation to be presented in Agenda Item 4.

4. PROCLAMATIONS Fair Housing Month, April, 2017

Mayor Dunn read a portion of the proclamation into the record. No one was present to accept.

Safe Havens for Newborns Day, April 6, 2017

Mayor Dunn read the proclamation into the record and thanked Ms. Lori Cull-Deshmuth, who works for Children’s Mercy Kansas. Ms. Cull-Deshmuth expressed appreciation for the opportunity to attend. She stated a coalition had been formed in 2009 as part of a Child Abuse and Neglect Roundtable where laws of all states set provisions to protect babies. Families have 45 days to relinquish an unharmed child they are unable to care for without charges. The coalition worked hard to train city and county agencies, hospitals, and Fire and Police Departments. Without the work of partners, education could not have happened. She was grateful for their support and for the proclamation.

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 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 Nos. 2017-11 and 2017-12
- B. Accept minutes of the March 20, 2017 Governing Body meeting
- C. Accept minutes of the March 27, 2017 Governing Body Executive Session
- D. Accept minutes of the February 15, 2017 Parks & Recreation Advisory Board meeting
- E. Accept minutes of the November 1, 2016 Historic Commission meeting
- F. Reaffirm approval of Retail Liquor License for MBFC II, LLC, d/b/a Lancaster Liquor, located at 3731 W. 133rd Street
- G. Approve purchase in the amount of \$25,977.82 from Securmar for security equipment [metal detector & x-ray inspection system] for Municipal Court, to comply with State Law
- H. Approve Change Order No. 3 in the amount of \$31,488.00 to Excel Constructors, pertaining to the Ironhorse Clubhouse Expansion Project [Project # 49133]
- I. **Resolution No. 4761**, approving and authorizing the Mayor to execute a Retainer Agreement between the City and Bottaro, Kubin & Yocum, P.C., pertaining to the Smith v. Leawood litigation

- J. **Resolution No. 4762**, approving and authorizing the Mayor to execute a Professional Engineering Service Agreement for an amount not to exceed \$16,000.00, between the City and Continental Consulting Engineers, Inc., pertaining to the Tomahawk Creek Trail Rehabilitation Project [Project # 71024]
- K. **Resolution No. 4763**, approving and authorizing the Mayor to execute a Professional Service Agreement between the City and Shafer, Kline & Warren, in the amount of \$342,930.00, pertaining to the Leawood South Stormwater Project, TM-04-008 [Project # 80255]
- L. **Resolution No. 4764**, approving and authorizing the Mayor to execute a Professional Service Agreement in the amount of \$22,150.00, between the City and Shafer, Kline & Warren, regarding Replacement of HVAC Equipment for Fire Station No. 2, [12701 Mission Road]; Fire Station No. 3, [14801 Mission Road]; and Parks & Recreation Maintenance Building [2008 W. 104th Street]
- M. **Resolution No. 4765**, approving and authorizing the Mayor to execute Amendment No. 1 to that certain Professional Engineering Service Agreement dated February 1, 2017, in the amount of \$22,950.00, between the City and Affinis Corporation, pertaining to the Roe Avenue and 133rd Street Project
- N. **Resolution No. 4766**, approving and authorizing the Mayor to execute an Interlocal Agreement between the City and Board of County Commissioners of Johnson County, Kansas, pertaining to the approval process for the improvement of the Tomahawk Creek Wastewater Treatment Facility, located at 10701 Lee Boulevard

Councilmember Sipple requested Consent Agenda Item 7.A. be pulled.

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

Councilmember Kaster requested Consent Agenda Item 7.H. be pulled.

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

- A. Accept Appropriation Ordinance Nos. 2017-11 and 2017-12

Councilmember Sipple stated he would recuse from voting because his wife was listed as a payee. She is an independent contractor providing services to the Parks & Recreation Department.

A motion to approve Consent Agenda Item 7.A. was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 7-0; Councilmember Sipple recusing for reason stated.

- E. Accept minutes of the November 1, 2016 Historic Commission meeting

Councilmember Filla stated she pulled the item to draw attention to two paragraphs under meeting dates on Page 2, 5. New Business of the minutes, concerning preservation of Fire Station No. 1 structure in conjunction with old City Hall. She pointed out the optimal scenario of the Leawood Historic Commission [LHC] would be if the old City Hall needed to be moved for construction of the new fire station, it would move close to the historic Fire Station. The two-bay fire station would continue to house the historic fire truck and be part of a small complex of historic buildings telling the history of Leawood. She stated her verbal option to the LHC about rebuilding old City Hall rather than moving was not well-received.

Mayor Dunn stated she had noted the discussion documented in the meeting minutes. She stated there had not been a consensus of the Governing Body that the historic Fire Station would be kept, but there had been consensus the old City Hall would be kept somewhere on site. Acceptance in the minutes would not be affirmation of the disposition of old City Hall. The historic fire house has been extremely costly to maintain due to many issues, which is one reason for construction of a new fire station. Numerous buildings would reduce the amount of desired green space.

Councilmember Filla clarified her statements were in regard to whether the open bay of the fire station could become part of a shelter.

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

- H. Approve Change Order No. 3 in the amount of \$31,488.00 to Excel Constructors, pertaining to the Ironhorse Clubhouse Expansion Project [Project # 49133]

Councilmember Kaster noted there had been two prior change orders in one month totaling \$60,000 and inquired if additional change orders were anticipated. Ms. Claxton stated one additional change order, rather than several change orders, could be expected. A force account containing \$50,000 had been set-up and project cost with three change orders is 6% over base bid and typically within the 5% to 10% range. The project is on schedule to be complete by May 12, 2017, with first event scheduled for May 19, 2017.

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

8. MAYOR'S REPORT

- A. Joined Police Chief Troy Rettig at the St. Michael the Archangel Drug Abuse Resistance Education [D.A.R.E.] graduation. Office Brett Leathers has provided an outstanding program for many years and will be retiring from the Police Department later this month. This was his last D.A.R.E. graduation, and all in attendance gave him a standing ovation. We wish him well with his future endeavors.
- B. Councilmembers Jim Rawlings and Chuck Sipple joined me at the State of the County luncheon where County Chair Ed Eilert provided highlights of 2016 activities. Copies of informational flyers handed out at the event are in your packets.
- C. Councilmembers Lisa Harrison, Jim Rawlings and Chuck Sipple joined me at the April Fools Run along Tomahawk Creek Parkway on Saturday morning. This was a Rotary Fundraiser with 200 participants. There were 16 City of Leawood professional staff representing the largest team. Human Resource Director Nic Sanders was leading that effort. Congratulations to all involved.

Councilmember Azeltine stated that Councilmembers Kaster, Sipple and Harrison had joined him at the grand opening of the new sanctuary of the Church of the Resurrection. He stated regardless of an individual's faith or denomination, the sanctuary is a "must see." Pastor Adam Hamilton had recognized each councilmember in attendance and praised Mayor Dunn for her assistance and cooperation on the project, as well as for high standards and quality throughout the City.

Mayor Dunn expressed appreciation for the kind words and those that adhere to high standards want others to do the same. She had seen the stained glass sanctuary window at various stages of construction and looks forward to seeing the completed window. She offered congratulations for the project.

9. COUNCILMEMBERS' REPORT

A. Councilmember Filla- Main Routes to School

Councilmember Filla pointed out the one page summary in the agenda packet regarding the goal and benefits of City's Main Routes to School [MR2S] Program. The goal is to form a collaborative and coordinated activity with schools, staff and parents, to bring attention and resources to improve safety and increase the number of children who walk and bike to school. Mayor Dunn has reached out to school superintendents and principals. Mission Trail Elementary School will be the pilot for the initiative, through Principal Debbie Bond and leadership from Mr. Gareth Matthews, Sustainability Advisory Board member. Walking and biking to school have been shown to have significant impact on children, almost equivalent to eating breakfast. It definitely increases social interaction of neighbors. Once the last mile is documented in Self-Propelled Leawood, the City's bicycle-pedestrian plan, the City's Master Plan will be updated. This will allow the City to prioritize resources, attention, formulate unique solutions, and work with Police and crossing guards on scheduling. The City will be able to prioritize related Capital Improvements Program projects and potentially cue up federal funding. Most importantly, we have great staff and schools, and we will be able to best leverage time with a cohesive program to build upon.

Mayor Dunn stated that she had the pleasure with Mr. Lambers to listen to Councilmember Filla's impressive one-hour presentation regarding the pilot at Mission Trails Elementary School. School superintendents are excited about the program.

B. Councilmember Kaster- Will not seek re-election for Ward 2 seat

Councilmember Kaster announced with a heavy heart that he would not seek re-election for his Ward 2 seat. He has accepted a hospital executive position in Dallas and would relocate mid-summer. His time as a councilmember had been brief, but he has thoroughly enjoyed being part of an amazing Governing Body team, deeply committed to the City and citizen welfare. He has enjoyed working with the tremendous staff who have the same dedicated commitment. He was grateful for the opportunity to serve Ward 2 and looks forward to welcoming a new Ward 2 councilmember elected in November. He thanked everyone who had made the time a blessing and wished the City continued success.

Mayor Dunn confirmed with Councilmember Kaster that he would stay as long as possible into the summer, planning to keep his home for at least another six months. She thanked him for making the announcement, and stated his leadership and wisdom would be greatly missed.

10. STAFF REPORT – None

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION – None

12. OLD BUSINESS – None

13. OTHER BUSINESS – None

14. NEW BUSINESS

Ordinance No. 2833, finding as to the advisability of and authorizing the construction of Storm Water Drainage Improvements within the City of Leawood, Kansas at an estimated cost of \$42,000,000 plus interest during construction and costs of financing; providing for the issuance of General Obligation Bonds of the City to provide funds to pay the costs thereof, and for the issuance of Temporary Notes of the City pending the issuance of said Bonds; expressing the intent to reimburse costs of the project so incurred from proceeds of such Temporary Notes and General Obligation Bonds; and authorizing and approving certain related matters and actions [Project #80255] [ROLL CALL VOTE]

Mayor Dunn recalled previous program cost had been \$35 Million, \$5 Million per year over a seven-year timeframe. The program would now be done in phases over a period of 25 years at a cost of \$3 Million every other year. Increased overall cost was due to interest. Mr. Lambers thanked the Governing Body for their prior support to replace inferior curb and guttering of the 1990s, and now undertaking this important program to maintain infrastructure. Being proactive and having foresight sets the City apart. Many cities are not addressing deteriorating infrastructure, which only exacerbates problems and costs.

Mayor Dunn pointed out that corrugated metal pipes are rusting and failing, and are replaced with concrete pipes expected to last 75 to 100 years.

Councilmember Filla noted former Councilmember Lou Rasmussen had been a champion of ensuring infrastructure was sound. The longer she is part of the Governing Body, the more she can appreciate his position. Stormwater projects rarely receive attention.

Councilmember Azeltine inquired if the General Obligation Bonds, partially funded by mill levy, would have any immediate or future budget impact. Mr. Lambers stated prediction for 10 to 20 years from now would be difficult. Since this is a large amount of money, it might have an impact in the “out” years. However, this is unlikely as the City is retiring debt, and starting in 2027 the City is scheduled to take on less debt than it is retiring. He anticipates the mill levy of three in the Capital Improvements Program would remain and perhaps eventually be reduced. Cost would be absorbed similar to the curb replacement and residential improvement programs. Under current Kansas legislation, the City is exempt for money borrowed, but if that were to change and a tax lid imposed, the City might need to go to the voters for a mill levy increase for funding to complete the program.

Councilmember Azeltine stated his opinion that for such a large bond issue, other cities would automatically require a mill levy increase. He expressed appreciation for sound fiscal management. Mayor Dunn stated she would have liked to see the project completed in seven years, but analysis revealed that to do so would have a dramatic impact on mill levy.

Councilmember Sipple asked where replacement work would begin in the City. Mr. Lambers stated most of the corrugated piping was used in the central part of the City and pipe in worst condition would have the highest priority. Mr. Johnson stated replacement of approximately 1,600 linear ft. of pipe would begin in Leawood South at cost of \$1.5 Million. There are Stormwater Management Advisory Council [SMAC] projects planned in that area. Future locations would be better defined by 2020.

Mr. Johnson confirmed to Mayor Dunn that he was Chairman of the SMAC. Councilmember Filla expressed appreciation for project coordination by Public Works, minimizing disruption so that construction does not occur in the same location year after year.

Mayor Dunn asked for an update on Roe Avenue work. Mr. Johnson stated inclement weather has been a factor. If the weather clears, Roe Avenue would be open from Town Center Drive to 119th Street by Wednesday. The project would be complete, graded and sodded by the first week of May, followed by a week of mill and overlay work. The project should be complete by the end of May, with instances of lane closures lessening over the next three weeks if the weather cooperates.

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

ADJOURN

There being no further business, the meeting was adjourned at 8:04 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk