

Minutes

DVD No. 396

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, August 7, 2017. Mayor Peggy Dunn presided.

Councilmembers Present: Jim Rawlings, Chuck Sipple, Julie Cain, Lisa Harrison, James Azeltine, Debra Filla and Andrew Osman

Councilmembers Absent: None

Staff Present: Patty Bennett, City Attorney
Chief Dave Williams, Fire Department
Chris Claxton, Parks & Recreation Director
Richard Coleman, Comm. Dev. Director
Mark Tepesch, Info. Services Specialist III
David Ley, Interim Public Works Director
and City Engineer
Brian Anderson, Parks Superintendent
Chief Troy Rettig, Police Department
Ross Kurz, Info. Services Director
Dawn Long, Finance Director
Mark Klein, Planning Official
Nic Sanders, Human Resources Director
Debra Harper, City Clerk
Cindy Jacobus, Assistant City Clerk

Others Present: Mr. Roger Edgar, Municipal Bond Advisor, George K. Baum & Company
Mr. Bill Hess, Bond Counsel, Gilmore & Bell
Mr. Ben Thompson, Bond Counsel, Gilmore & Bell
Kevin Jeffries, President, Chief Executive Officer and Director of Economic Development, Leawood Chamber of Commerce

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn pointed out an amended agenda, replacement documentation for Agenda Items 6.C. through 6.H. and a new memo from Ms. Bennett for Agenda Item 12.A. City Clerk Debra Harper advised there had been a second revision to documentation for Agenda Item 6.F., which she distributed.

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Filla. 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 United Community Services, 50th Anniversary

Mayor Dunn read the proclamation into the record. She personally thanked United Community Services [UCS] Board Treasurer Mr. Maury Thompson, Board Member Ms. Donna Lauffer and former Board Member and Johnson County Board Commissioner Mr. Ron Shaffer, who were in attendance.

Mayor Dunn stated UCS provides excellent service to the broad community and countless social service agencies. She noted Ms. Cathy Lawless, a Leawood resident, serves on UCS’s Drug and Alcoholism Council.

Mr. Thompson thanked the City for a longstanding partnership and for entrusting UCS to diligently distribute funding. Pooling of funds provides a greater impact. He pointed out that Mayor Dunn is a member of UCS’s Advisory Council.

Ms. Lauffer invited everyone to attend the agency’s 50th year celebration luncheon in the Regnier Center at Johnson County Community College on December 5, 2017.

5. PRESENTATIONS/RECOGNITIONS Reaffirmation of City’s Aaa Bond Rating

Ms. Dawn Long stated on August 1, 2017, the City had received formal affirmation of the continued Aaa Bond Rating for the City. The process started with a telephone meeting between Mr. David Arteberry of George K. Baum & Company, the City’s Financial Advisor, Budget Manager Ms. Kathy Byard, Ms. Long and Moody’s Investor Services on July 19. A new analyst, Mr. Nathan Phelps, was assigned to review, and since he had never been to Leawood, he was provided appropriate documentation in advance and was advised of the City’s many outstanding attributes during the telephone interview. Ms. Long stated the Aaa Bond Rating was a tremendous benefit in today’s sales.

Mayor Dunn stated the continued rating was worthy of a round of applause. She thanked Ms. Long and her team for all their hard work.

6. SPECIAL BUSINESS

- A. **Public Hearing** Consider the 2018 Fiscal Budget for the City of Leawood, Kansas

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

A motion was made to close the public hearing by Councilmember Filla; seconded by Councilmember Harrison. The motion was approved with a unanimous vote of 7-0.

Mayor Dunn pointed out the 2018 Budget had been discussed and developed over many months. A pre-budget public hearing was held April 17, and the Governing Body and Citizen Budget Committee conducted a Work Session on June 12. She thanked Mr. Lambers, Ms. Long, Ms. Byard and all involved in the budget process.

- B. **Resolution No. 4822**, adopting the Fiscal Year 2018 annual budget for the City of Leawood, Kansas

Mayor Dunn noted a “2018 Budget-in-Brief” was included in the meeting documentation.

Mr. Lambers stated due to turmoil in the healthcare market across the nation, a larger increase in this cost than currently budgeted may be indicated. The City would take steps to mitigate as best can, but insurers are attempting to recoup their costs with a 25% to 35% rate increase. A budget amendment would probably need to be brought before the Governing Body this year for additional funding and then the issue would be addressed in 2019. Mayor Dunn thanked Mr. Lambers for the proactive information.

A motion to approve Agenda Item 6.B. was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 7-0.

City Clerk Debra Harper distributed a County Certification form requiring signature by all Governing Body members participating in the budget process.

- C. **Ordinance No. 2851**, authorizing and providing for the issuance and delivery of \$14,745,000 General Obligation Temporary Notes, Series 2017-1, of the City of Leawood, Kansas, to provide funds to finance the cost of certain public improvement projects within the City; providing for the levy and collection of an annual tax if necessary for the purpose of paying the principal of and interest on said notes as they become due; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto

Ms. Long stated the City held Temporary Note, General Obligation Bond and a Refunding Bond Issue sales this morning. There was great participation and all three sales went well. Three companies bid on the Temporary Notes, nine companies bid on the General Obligation Bonds and eight companies bid on the Refunding Bond Issue. She stated specific questions about the sales would be answered by Mr. Roger Edgar, Mr. Bill Hess and Mr. Ben Thompson.

Mr. Roger Edgar, Municipal Advisor for the Temporary Notes and Bonds, George K. Baum & Company, stated he was pleased and honored to assist the City with today’s sales. He pointed out that in addition to the Aaa long-term debt rating, the City also has the highest short-term rating debt rating of Grade 1 from Moody’s Investor Services. Bidding opened at 10:30 A.M. for the \$14,745,000 in Temporary Notes to be used for temporary financing of various construction projects. Once the projects are finalized and cost certified, General Obligation Bonds are issued at a later date. Three bids were received with the lowest interest cost of 0.934958% from Jefferies LLC. The interest cost is just 15/100ths higher than notes sold last year, a reflection of two Federal Reserve short-term interest rate increases. Other bidders were J. P. Morgan Securities LLC and First Tennessee [FTN Financial Capital Markets].

Mr. Edgar stated there are two Governing Body action items for each sale; an ordinance which must be adopted and published, and adoption of a resolution related to the ordinance that provides greater detail.

A motion to pass Agenda Item 6.C. was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with a unanimous roll call vote of 7-0.

- D. **Resolution No. 4823**, authorizing and directing the issuance, sale and delivery of \$14,745,000 General Obligation Temporary Notes, Series 2017-1, of the City of Leawood, Kansas; providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connection therewith

A motion to approve Agenda Item 6.D. was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 7-0.

- E. **Ordinance No. 2852**, authorizing and providing for the issuance and delivery of \$18,190,000 General Obligation Improvement Bonds, Series 2017-A, of the City of Leawood, Kansas, to provide funds to finance the cost of certain public improvements within the City; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said Bonds as they become due; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto

Mr. Edgar stated nine bids were received for a principal amount of \$18,190,000 in General Obligation Bonds. The bonds would be used to retire Temporary Notes for projects and they have a 15-year maturity with equal annual payments per City policy. Lowest interest rate bid of 2.230892% was received from Mesirov Financial, Inc. The next two lowest interest rates varied by only three points to the right of the decimal, 2.234181% and 2.234448%, respectively. Bidding was competitive, by companies who understand securities, the tight market and the sale.

Mr. Bill Hess, Bond Counsel, Gilmore & Bell, clarified to Councilmember Osman that the 89th Street Improvement Project was part of the General Obligation Bond sale, so the project was complete and ready for permanent bonding rather than a Temporary Note.

Councilmember Osman stated the City had a number of issues occurring around 89th Street and Mission Road, including a failure of a 500 ft. section of Johnson County Wastewater system that discharged into a private lake in the area. An email in this regard was received a couple of weeks ago and Councilmember Osman had discussed with a resident. Councilmember Osman asked Mr. Ley to explain the issues occurring in Ward One for the benefit of Johnson County Commissioner Shaffer.

Mr. Ley stated the County's wastewater system had failed three times in the last seven years, discharging raw sewage into a lake at the southeast corner of 87th Street and Mission Road.

Councilmember Filla inquired if road failures associated with the wastewater issues had been repaired by Johnson County. Mr. Ley stated Johnson County had repaired the road after the first occurrence, then the City remodeled a culvert. Johnson County repaired the road after the two subsequent failures according to City specifications.

Mayor Dunn stated her assurance that Commissioner Shaffer was glad to be present to personally hear of the issues.

A motion to pass Agenda Item 6.E. was made by Councilmember Rawlings; seconded by Councilmember Sipple. The motion was approved with a unanimous roll call vote of 7-0.

- F. **Resolution No. 4824**, prescribing the form and details of and authorizing and directing the sale and delivery of \$18,190,000 General Obligation Improvement Bonds, Series 2017-A, of the City of Leawood, Kansas, previously authorized by Ordinance No. 2852, of the City; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith

A motion to approve Agenda Item 6.F. was made by Councilmember Filla; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 7-0.

- G. **Ordinance No. 2853**, authorizing and providing for the issuance and delivery of \$1,095,000, taxable General Obligation Refunding Bonds, Series 2017-B, of the City of Leawood, Kansas for the purpose of refunding certain outstanding taxable General Obligation Bonds of the City; providing for the levy and collection of an annual tax for the purpose of paying the principal of an interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto

Mr. Edgar stated the Refunding Bond Issue sale was refinancing a prior small taxable bond which had been sold at interest rate of 5.2%. The project or activity determines whether a bond is taxable or tax-exempt, and any refinancing would have the same tax status. There were eight bidders and the lowest interest rate submitted was 2.002900% by Commerce Bank, cutting the initial interest rate in half. The projected savings of \$113,299 was well worth the sale.

A motion to pass Agenda Item 6.G. was made by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with a unanimous roll call vote of 7-0.

- H. **Resolution No. 4825**, prescribing the form and details of and authorizing and directing the sale and delivery of \$1,095,000 taxable General Obligation Refunding Bonds, Series 2017-B, of the City of Leawood, Kansas, previously authorized by Ordinance No. 2853 of the City; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith

A motion to approve Agenda Item 6.H. was made by Councilmember Filla; seconded by Councilmember Rawlings. The motion was approved with unanimous vote of 7-0.

Mayor Dunn thanked everyone involved in the sales and stated she would provide her signature on required documents later in the week.

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. 2017-28, 2017-29 and 2017-30
- B. Accept minutes of the July 17, 2017 Governing Body meeting
- C. Accept minutes of the June 13, 2017 Parks & Recreation Advisory Board meeting
- D. Approve Renewal of Cereal Malt Beverage [CMB] license for Gordon Biersch Brewery Restaurant, located at 11652 Ash Place
- E. Approve Renewal of Cereal Malt Beverage [CMB] license for RA Sushi Bar Restaurant, located at 11638 Ash Street
- F. Approve Change Order No. 2, in the amount of \$23,500.00, to V. F. Anderson, pertaining to the 2017 Residential Reconstruction Project [Project # 77020]
- G. Approve issuance of Temporary Alcohol Permit to conduct The Taste of Leawood Fundraising Event on Saturday, September 17, 2016, in accordance with Code § 3-216
- H. Approve purchase in the amount of \$22,217.89, from KA-Comm, Inc., pertaining to the purchase of police vehicle equipment
- I. **Resolution No. 4826**, approving and authorizing the Mayor to execute an Inter-local Agreement between the City and the Board of Commissioners of Johnson County, Kansas, pertaining to the design of the Leawood South Subdivision Stormwater Improvement Project, TM-04-008 [Project # 80255]
- J. **Resolution No. 4827**, approving and authorizing the Mayor to execute documents pertaining to the City of Leawood's Agreement with Voya Retirement Insurance and Annuity Company and authorizing certain related matters and actions
- K. **Resolution No. 4828**, approving a Revised Final Plat for Cornerstone of Leawood, Third Plat, located south of 135th Street and east of Nall Avenue. (PC Case 72-17) [from the July 25, 2017 Planning Commission meeting]
- L. Declaration of Surplus Property: [1] HP Designjet Plotter [Asset # 1665]

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

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

- A. Accept Appropriation Ordinance Nos. 2017-28, 2017-29 and 2017-30

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.

Councilmember Filla stated her 68 year-old husband strongly supports the Yoga classes taught by Ms. Sipple. Mayor Dunn stated she has heard nothing but rave reviews about Mrs. Sipple's Yoga classes.

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 6-0, with recusal by Councilmember Sipple for reason stated.

8. MAYOR’S REPORT

- A. Congratulations to the Leawood Stage Company and Chair Dennis Maddox-Phillips and Cultural Arts Coordinator April Bishop on the most successful 17th summer musical production, “Annie”, a personal favorite of all 17 summer musical productions. A few statistics are as follows. Nearly 140 people auditioned age 6 to 80, with 100 auditions for the role of Annie. The cast of 48 featured 30 children, age 6 to 16. Seven members of the cast live in Leawood, with the rest of the talent pool drawn from other parts of Johnson County; Kansas City, Missouri, and Lee’s Summit, Missouri. The orchestra had 21 members plus the conductor. The seven performances attracted approximately 4,300 attendees of all ages. Due to weather, the first night and a portion of the last night of the schedule were rained out. Dr. Chris McCoy directed and is congratulated for the phenomenal sets, costumes and props for this first-class production. The Leawood Stage Company spent 300 hours throughout the year in preparation. The summer musical required 14,500 volunteer hours, the cast spent 8,000 hours in rehearsals and performances, and volunteer technical crews added an additional 1,100 hours with 1,500 hours of front-house volunteer time on performance nights. The orchestra added another 1,500 hours and more than 2,100 hours were spent in set construction. Each night there were at least 80 volunteers on-site working to ensure a great experience for the audience. Thanks to Councilmember James Azeltine for his participation as a volunteer in his sixth Leawood Stage Company production. He played four roles in “Annie,” each involving a costume change. The reputation of the Leawood Stage Company continues to rise in the theater community and with patrons.

- B. Reminder that the Leawood Arts Council will again be hosting the “Sundays in the Park Concert Series” with performances each Sunday evening, August 13 through September 3. All concerts are free and begin at 6:00 P.M. Please go on-line for the schedule.

9. COUNCILMEMBERS’ REPORT

- A. Councilmember Filla Community Garden Update

Councilmember Filla requested an extension of the Community Garden Task Force through another summer until September 1, 2018 to work on further definitions and identification of potential locations of future gardens. Parks & Recreation Staff have been very busy because of recent repeated flooding of trails and flooding of the Parks & Recreation Maintenance Facility. The Task Force would continue to work on possible garden locations on WaterOne, Church of the Resurrection or northern church properties. The small square of City land at Interstate 435 and the entrance to City Park is no longer an option due to the Johnson County Wastewater Treatment Plant expansion construction.

A motion to approve extension of the Community Garden Task Force to September 1, 2018 was made by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with unanimous vote of 7-0.

- B. Councilmember Cain Referral to Stormwater Committee for property located at 3905 W. 122nd Street, in King's Forest Subdivision [LeCluyse] regarding Mission Road Street Project

Councilmember Cain noted the property owner was not in attendance. She stated the property owner had spoken with her and Councilmember Azeltine about ongoing stormwater issues and creek erosion at their residence. The property owner had met with Mr. Ley, a meeting Councilmember Cain was unable to attend. Based on professional staff recommendation, Mr. Ley supports referral to the Stormwater Committee for further review at their next meeting scheduled for August 30.

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

- C. Councilmember Rawlings Dissolution of Justice Center Art Task Force

Councilmember Rawlings stated the Justice Center art piece has been installed with an on-time dedication. He thanked fellow members of the Art Selection Committee, Councilmembers Cain, Filla and Sipple. He recognized City Staff for their effort, including Ms. Bennett for negotiating the contract, the Public Works Department for excavation and installation of sidewalks, and the Parks & Recreation Department for remodel of the irrigation system and beautiful landscaping.

Mayor Dunn thanked Councilmember Rawlings for his leadership and tireless effort as Chair of the Justice Center Art Task Force and all Councilmembers. She stated it is the City's process to dissolve a task force once their work was complete. She noted a celebration with the artist for the extremely successful project had been held, and the piece is a beautiful addition to public art in the City.

Councilmember Azeltine recommended viewing the art piece at night. The lighting is spectacular and the appearance quite gorgeous.

A motion to dissolve the Justice Center Art Task Force was made by Councilmember Rawlings; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 7-0.

10. CITY ADMINISTRATOR REPORT – None

11. STAFF REPORT

Storm Damage Remediation Update

Mayor Dunn expressed tremendous appreciation to everyone for their hard work. The timing of storms has been right before weekends when trails are greatly utilized, and the City has done an excellent job getting the trails ready for the public to enjoy.

Mr. Ley stated pick-up of the tree debris from the storm on Saturday, July 22, had started on Monday, July 31, and concluded on Thursday, August 3. Curbside pick-up of limbs 10 ft. or less in length occurred throughout the City north of 119th Street and 10 requested pick-ups were made south of 119th Street. This project is complete for Public Works. Councilmember Cain gave accolades for this tremendous service to residents.

Ms. Claxton stated the Parks & Recreation Department classified the storm on July 22 as a minor event and an information update had been previously distributed to the Governing Body. Trails, parks and the Leawood Dog Park were closed due to debris and mud. Fairways and bunkers at the Ironhorse Golf Course suffered flooding leaving debris, and the course was closed until 9:00 A.M. that day. No flooding of the Parks & Recreation Maintenance Facility occurred, but the facility was without electricity.

Mr. Ley distributed a colored "2017 July Flood Damage" map, showing locations of known flooded structures, storm sewer structure damage, flooded streets and park flood damage for July 27. The dark blue areas of the map depict the Federal Emergency Management Agency [FEMA] flood plain. Per rainfall sensors, the Ironhorse Golf Course experienced a 100-year event and areas north of 127th Street and Roe, all the way to the north City limit, experienced a 50-year event. Storm sewer damage was mainly to the area of Dykes Branch Creek improvements made about 10 years ago. Current cost estimate is about \$75,000 for channel bottoms and retain wall repairs. About 30 residential and commercial structures, represented on the map by orange dots, were reported or observed to be flooded. Flooded streets included State Line Road at 104th Street, Lee Boulevard through City Park, Mission Road under Interstate 435 and Tomahawk Creek Parkway from College Boulevard to 119th Street. Photographs of various damaged equipment and flooding were shown.

Ms. Claxton stated the Parks & Recreation Department classified the storm on July 27 as a major event, with flooding 2 ft. higher than previously experienced. Many City departments worked together in the clean-up and to continue to maintain services to residents. The Parks & Recreation Maintenance Facility, where equipment is stored, suffered the most damage as everything was underwater. A HAZMAT clean-up was conducted on the first day before Staff entered the facility because of various chemicals stored at the facility. Gasoline pumps flooded, but have been inspected both above and below ground, and are back in operation. The Administration Building is closed and there have been no remediation effort at this time. Building bays are being used for some storage, but certain equipment has been moved to alternate locations such as the Justice Center parking lot and other shops. Ironhorse Golf Course was closed all day, but open for a booked event on Friday, July 28, an auction and 150-person tournament with shotgun start at 1:00 P.M. Not all bunkers of the course were open for the tournament, but the event group wished to proceed and they used the event space, Vista 154. Troon Staff did a tremendous job getting the course ready. Currently, 18 of 48 bunkers are not playable. The bunkers roped off and shown as being under repair, irrigation control was lost on Number 10 Fairway, debris was piled up along creek, erosion and tree and fence damage occurred along the Blue River and water discharge needs to be repaired, and the footbridge on Number 11 Double Fairway was lost. Number 8 Fairway was covered with water at 5:45 P.M. Bunkers did their job with the volume of water, with some bunkers taking on silt that could be scraped away, but others will have to be replaced because material is gone. Flood water at City Park was the worst that has been experienced to-date. Lee Boulevard was closed at Mission Road. Water reached the rim of basketball goals on the east side and the Aquatic Center pump room flooded because there was no electricity for the sump pumps. The pumps had to be rebuilt, one pump was installed and ran for two days, then the second pump was installed. The pool was closed for two days, but open for the weekend. City Park and the pool was closed, and camps were cancelled on Thursday, July 27.

City Park re-opened on July 28, and camps were held. Gates were damaged at the Leawood Dog Park and the dog park experienced less overall damage. There was a mulch washout on the backside of Brook Beatty Park. Trails were flooded and had to be cleared.

Ms. Claxton stated Ms. Bennett is working with insurance companies and adjusters in regard to building, equipment and other losses. Four supervisory Staff are currently working out of the former Information Services space in the eastern quadrant of City Hall. Crews are reporting to the Parks & Recreation Maintenance Facility, receiving daily assignments from Crew Leaders but not entering the building. Needed equipment is being borrowed from the Ironhorse Golf Course, Public Works and equipment dealers. Parks & Recreation Crews are tired, but worked without complaint, which is greatly appreciated.

Mayor Dunn stated that residents rate Parks and public spaces as the second most important factor in ranking Quality of Life in the City, behind public safety. Many departments pulled together to accomplish an impressive amount of work.

Councilmember Rawlings stated he had went to the Parks & Recreation Maintenance Facility and had seen Parks Superintendent Brian Anderson and his crew hosing equipment. Councilmember Rawlings stated he has seen two floods at the facility and viewing first-hand is an eye-opening experience. It was sad to see such damage, with no mercy for the equipment. He stated his appreciation for everyone's effort.

Mr. Ley confirmed to Councilmember Cain the storms did not further exacerbate the rock wall damage along College Boulevard. Mr. Ley stated he had spoken with the contractor and there will be no additional project cost because of the storms.

Councilmember Azeltine asked for information on insurance. Fire Chief Williams, who has been tasked with recordkeeping, provided an update. Chief Williams stated as of last week, loss was estimated at \$200,000, a figure that does not include items such as wages, overtime, recent discoveries or items at the golf course not covered by insurance. Final loss estimate is still being developed. Johnson County declared a County Emergency. Loss levels are \$2 Million for County Emergency and another \$4 Million for State Emergency. Both the County and State will require the City's loss estimate. Mayor Dunn thanked Commissioner Shaffer for declaring a County Emergency related to the storm.

Councilmember Sipple stated the trail he used on Sunday after the Thursday flood was clear, and he thanked Staff for hosing and grading. He inquired if a 2018 Budget adjustment may be needed, depending on the size of loss. Mr. Lambers stated once the loss estimate is finalized it would definitely impact the budget for 2017. Typically, Parks & Recreation does not incur a large amount of overtime and overtime cost may be exceeded in 2017.

Councilmember Harrison noted local news had covered flooding at the intersection of Interstate 435 and Wornall Road, but she had not seen any news coverage of flooding of the car dealership overflow lot at 103rd Street and State Line Road in Leawood. She inquired if the car dealership had managed to remove vehicles in time. Fire Chief Williams stated his belief the business had not managed to remove all vehicles. About 15 cars were seen the next day to have doors open, perhaps to be aired out. Due to rising water during the event, the Leawood Fire Department had prohibited employee entry to the area. However, the amount of water on the Kansas side was less than on the Missouri side of the State Line Road.

Mr. Lambers stated for public knowledge, the conversion of Tomahawk Creek and Indian Creek in Leawood are at the bottom of a watershed that extends from west of Olathe. As development continues to occur throughout the area, the City can only expect more flooding with storms of less intensity. For that reason, the City should look to relocate the facility at 104th Street and State Line Road to higher ground within City limits. The City pays insurance premiums, but coverage has deductibles and reimbursement involves equipment valuations. A claim could raise premium cost the next year. There may be a private business that would take on potential flood risk. He stated he would like to bring forth relocation options for Governing Body consideration at their next meeting on September 5 in his City Administrator's Report. He asked that Governing Body members contact him with any questions in the interim.

Councilmember Filla stated for the benefit of Commissioner Shaffer, that the County and cities have not reached a point where stormwater can be managed by property owners; water is dealt with where it is. Home expansions and impervious surfaces cost those living downstream. A smarter way of dealing with potential impacts further upstream in the watershed needs to be found.

Mayor Dunn thanked everyone for their hard work in storm remediation and a round of applause was given in recognition.

COMMITTEE RECOMMENDATIONS

12. PLANNING COMMISSION

[from the April 25, 2017 Planning Commission meeting]

- A. **Resolution No. 4829**, approving and authorizing the Mayor to execute an Addendum to that certain Inter-local Agreement dated April 6, 2017, between the City and the 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 (PC 13-17) **[Continued from the June 5, 2017, June 19, 2017, and July 17, 2017 Governing Body Meetings]**

STAFF COMMENT:

Due to changes to the Wastewater Treatment Facility Plan, Staff requests the Governing Body remand this item to the Planning Commission to allow for review of new plans for the facility.

Mr. Lambers stated this is an atypical Planning application because it involves Johnson County. Several meetings were held, including one today, to discuss plant improvements. He requested the Governing Body recess into a 30-minute Executive Session for the purposes of discussing items related attorney-client privilege and reconvene thereafter.

A motion to recess into an Executive Session for the purposes of discussing items related to attorney-client privilege was made by Councilmember Cain; seconded by Councilmember Harrison. The motion was approved with a unanimous vote of 7-0.

The Governing Body recessed into Executive Session at 8:45 P.M. The Governing Body reconvened into regular public session at 9:13 P.M. Mayor Dunn thanked attendees for their patience.

Mayor Dunn asked for the applicant presentation and acknowledged that Johnson County Commissioner Ron Shaffer was present.

Ms. Tami Lorenzen, Engineer, Johnson County Wastewater [JCW], thanked the Governing Body their their consideration of the plant expansion application. She stated the existing facility was bounded by Lee Boulevard, trail and Interstate 435 to the north, College Boulevard to the south, Leawood City Park to the east and Mission Road to the west, had been in service since 1955. The plant uses technology from the 1960s which is not advanced enough to meet Kansas Department of Health and Environment and Environmental Protection Agency requirements. New water quality regulations are the project drivers and doing nothing is not an option. The plant treats only 40% of flow received from two large interceptors. One interceptor begins at Highway 169 and runs parallel to Interstate 435 and one interceptor comes from the south and runs parallel to Tomahawk Creek. The remaining 60% of flow is sent to Kansas City, Missouri, who are paid to process. Kansas City, Missouri, is under a 25-year consent decree from the Department of Justice for their treatment program, which will result in significant costs. JCW has determined upsizing and improvement of the existing plant was the most favorable and lowest cost alternative.

Ms. Lorenzen gave a brief presentation and showed the site plan. She stated the compact footprint of the site would be maintained. As noted from a study session conducted 1.5 years ago, much of the screening for the plant, especially to the west between the facility and Mission Road, will be kept. The area is in a flood plan and additional portions of the site would be raised to ensure safety of improvement investments and facility staff. A plan has been development to ensure there will be no additional impact on flooding. The current main entrance would be raised along with a section of Lee Boulevard. The Administration Building would be located close to the entrance for visitor-friendliness. The wastewater facility at College Boulevard and 169 Highway receives many visitors, who are escorted. Additional landscaping would be placed along Lee Boulevard and the stormwater channel.

Ms. Lorenzen reviewed the changes made to the plan. Major changes made to the application since the April 25, 2017, Planning Commission meeting would be of benefit to the City and address the concerns of residents, City Staff or previous or current Governing Body members. The original plan contained an open access flow basin located in the east portion of the site. The existing lagoon was going to be reduced in size and made into a concrete-lined basin. Excess wet-weather flow would be held in the basin, awaiting return to the plant for processing. Based on use of a different technology for flow treatment, the revised plan eliminates the open-hold basin. The original plan contain a 50 ft. to 60 ft. tall structure to be located near College Boulevard and Mission Road, an area with the least amount of tree screening. By eliminating the open-hold basin, the building structure would be moved closer to screening and the heavily-wooded trail of Indian Creek. Required set-back is provided for all structures over 35 ft. Two 15 ft. tall structures located south of the stormwater channel that would have been visible from Lee Boulevard have been combined because of change in filtration technology, and would now be only one-third of the previously proposed height. The aesthetics of outfall/discharge into Indian Creek from the east side of the plant which can be seen from the trail would be improved. The pipe extension would be eliminated and the discharge would be cascaded over a natural-appearance rock formation into the southwest overflow channel, and would not be visible from trail.

Ms. Lorenzen stated other concerns noted at the Planning Commission meeting on April 25, included odor, impact on Lee Boulevard, potential flooding and need for future expansion. She stated closure of Lee Boulevard would be minimized and the proposed application was for ultimate build-out based on development in the service area, not a plan to expand the actual capacity of the facility. There may be future changes for improvements. She stated the Planning Commission had voted unanimously to recommend.

Mayor Dunn inquired about the sizing of the Kansas City Power & Light [KCP&L] substation now proposed for the site. Ms. Lorenzen stated the substation had not been included in the Planning Commission meeting documentation was because JCW had not yet met with KCP&L and JCW were unaware the existing powerlines could not service the expanded facility. After several meetings with KCP&L, it was determined that building a new substation would be the most reliable and cost-effective solution. The substation was discussed with City Staff today. The fenced substation would be located on approximately 2.5 acres to 3 acres shown in blue outline on the site plan. The substation will be a separate application and review process, with KCP&L present at meetings to answer questions.

Councilmember Filla expressed appreciation for the proposed changes to the site plan and asked for details of the revised technology. Ms. Lorenzen stated JCW has talented engineering companies and an at-risk construction manager involved in the project. The filter technology was changed from a method that used long cells of filter material that would periodically be removed from service and back-washed to remove solids. The new technology involves a long drum of cloth drums that are not required to be taken out of service for back-wash, and it eliminates the need for redundant idle cells.

Councilmember Sipple inquired about the number of current and future staff and the area of Lee Boulevard to be raised. Ms. Lorenzen stated the current plant employs a small number of staff. One superintendent manages this plant and another plant. There are three full-time operations employees and one employee that operates a heavy truck. The plant is not manned 24 hours a day. The expanded plant would be manned 24 hours a day by about 30 employees over several shifts. Lee Boulevard would be raised approximately 6 ft. to 8 ft. from Mission Road to slightly past the current entrance road. JCW would work the Public Works Department to ensure a smooth transition.

Councilmember Sipple suggested flood control of Tomahawk Creek be proactively considered by JCW in the future, similar to flood control of Blue River and Turkey Creek featured in local newspapers, perhaps by lowering the channel of Tomahawk Creek and raising the banks on both sides. He pointed out the potential impact of a revised flood control plan in five or 10 years on the expanded plant layout.

Councilmember Filla pointed out the City owes a parcel of land between Interstate 435 and Mission Road which should be raised along with the section of Lee Boulevard that is proposed to be elevated. The City does not want to turn the parcel of land into a pond rather than a Community Garden after plant expansion construction is complete.

Councilmember Harrison noted the occurrence of two 100-year floods in recent memory and the site might want to include a wall or berm to preclude future flooding issues and/or requests to the City for additional land. Ms. Lorenzen stated in the current flood plain map, there is a small island of land in the central portion of the site that is above the flood plain. Other portions of the site would be raised to create a larger island above the flood plain. JCW does not want to create upstream flooding in other areas of Leawood or in Overland Park. Extensive hydraulic modeling has been conducted and JCW will work with the City in this regard.

Councilmember Cain inquired if the substation addition would alter the construction scheduled to begin late 2017 and end 2021. Ms. Lorenzen stated JCW anticipates going to the Johnson County Board of Commissioners in February 2018 for construction phase funding. Construction would begin March in 2018, demolition in July 2018 and construction through 2021. KCP&L typically requires two years from design through construction, and they have been advised the plant would require power by December 2020. Discussion continues between JCW and KCP&L on how to expedite the process, since KCP&L needs to come before the Planning Commission and the Governing Body. This would be included in the February 2018 funding request.

Councilmember Cain stated her favor of the proposed relocation of the 50 ft. building and inquired if more nature-harmonious colors had been considered rather than use of red brick on 10 buildings. The facility would grow to 2.5 times its current size and is now visible from offices at Mission Farms, especially in winter, Tomahawk Creek and College Boulevard. Ms. Lorenzen stated JCW had reviewed commercial architecture south along Tomahawk Creek Parkway and had mimicked their architectural colors. The Administration Building would be red with a cut-stone cladding façade. JCW site buildings typically include some masonry. Materials providing cost-effective use of rate-payer money are selected. Elevation drawings included in the meeting documentation may appear a deeper red or pinkish red. Additional drawings would be submitted for future review.

Mayor Dunn pointed out the revised addendum to the interlocal agreement which includes a revised Stipulation 5 for alternative language regarding powerlines [not to include transmission lines], new Stipulation 19 regarding the local of substation only [substation would move forward through the Special Use Permit process or interlocal process], and deletions of references to “approved Final Plan” or “Final Development Plan” throughout. Ms. Lorenzen stated JCW and their legal staff agree with the revisions.

A motion to approve Agenda Item 12.A. with revised Stipulation 5 for alternative language regarding powerlines [not to include transmission lines], new Stipulation 19 regarding approval of substation location only [substation would move forward through the Special Use Permit process or interlocal process] and deletions of references to “approved Final Plan” or “Final Development Plan” throughout, was made by Councilmember Harrison; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 7-0.

Mayor Dunn stated the City looks forward to seeing the substation, which would hopefully be beautiful and greatly buffered.

13. OLD BUSINESS – None

14. OTHER BUSINESS – None

15. NEW BUSINESS

- A. Schedule a Governing Body Executive Session on Tuesday, September 5, 2017, at 6:00 P.M., for Personnel Matter; City Administrator's Semi-Annual Review

A motion to schedule the Governing Body Executive Session was made by Councilmember Rawlings; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 7-0.

- B. Schedule a Governing Body Work Session on Monday, September 18, 2017 at 6:00 P.M., to Discuss Proposed Art Pieces and Placement

A motion to schedule the Governing Body Work Session was made by Councilmember Cain; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 7-0.

ADJOURN

There being no further business, the meeting was adjourned at 9:46 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk