

Minutes

DVD No. 408

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, February 5, 2018. Mayor Peggy Dunn presided.

**Councilmembers Present:** Jim Rawlings, Chuck Sipple, Julie Cain, James Azeltine, Lisa Harrison and Mary Larson (post-swear in)

**Councilmembers Absent:** Debra Filla and Andrew Osman

<b>Staff Present:</b> Scott Lambers, City Administrator	Patty Bennett, City Attorney
Ross Kurz, Info. Services Director	Chief Troy Rettig, Police Department
Chris Claxton, Parks & Recreation Director	Dawn Long, Finance Director
Mark Tepesch, Info. Services Specialist III	Nic Sanders, Human Resources Director
Richard Coleman, Community Dev. Director	April Bishop, Cultural Arts Coordinator
Mark Klein, Planning Official	Chief Dave Williams, Fire Department
David Ley, Public Works Director	Debra Harper, City Clerk
and City Engineer	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 522, 3777 and 396
2. **APPROVAL OF AGENDA**

Mayor Dunn stated the agenda had been amended to add Agenda Items 5.A. Roll Call, 9. Councilmembers' Report by Councilmember Julie Cain on banners, 10. City Administrator Report and 15. Other Business by Mr. Lambers to address Work Session discussion; and to withdraw Consent Agenda Item 7.N.

**A motion to approve the amended agenda was made by Councilmember Sipple; seconded by Councilmember Azeltine. The motion was approved by a unanimous vote of 5-0.**

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**

**5. OATHS OF OFFICE ADMINISTERED TO COUNCILMEMBER-ELECT MARY LARSON [TERM EXPIRES 2022]**

City Clerk Debra Harper administered the Oath of Office which was thereafter signed by Councilmember Mary Larson. Congratulations and a round of applause followed. Councilmember Larson acknowledged both her 91 year-old father and husband Dave, seated in the first row. She stated she had enjoyed the Leawood community for more than 21 years and is now ready to serve the community. Mayor Dunn expressed delight and congratulations on Councilmember Larson's election last November, noting Ms. Larson had been present at meetings and reviewing documentation since that time, and that she would be a dedicated public servant. Mayor Dunn thanked Councilmember Larson's father and husband for their attendance.

**5.A. ROLL CALL OF MAYOR AND COUNCILMEMBERS**

**6. SPECIAL BUSINESS**

**Approve City Administrator's recommendation of appointment of David Ley as City of Leawood's Public Works Director**

Mr. Lambers stated during his tenure as Interim Public Works Director, Mr. Ley had demonstrated the technical expertise and personality skills that warrant appointment to the position of Public Works Director. Mayor Dunn stated Mr. Ley had provided excellent services residents and those outside the community. Councilmember Sipple echoed Mr. Lambers' thoughts, stating it had been a pleasure to work with Mr. Ley, who chairs the Public Works Committee, and that Mr. Ley had proven his ability to interact with the community. Councilmembers Cain and Azeltine agreed with the statements made about Mr. Ley. Councilmember Azeltine stated Mr. Ley's institutional knowledge and history with the City are invaluable assets to the Stormwater Committee and that Mr. Ley had deftly handled issues at the committee meetings. Councilmember Cain stated Mr. Ley had earned the position and that the City was fortunate. Mr. Ley thanked Mr. Lambers, the Governing Body and all those who gave support, stating he had been with the City for 26 years. Mayor Dunn and Mr. Ley shook hands, which was followed by a round of applause and standing ovation.

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

**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. 2017-52, 2017-53, 2017-54, 2017-55, 2017-Final, 2018-1, 2018-2, 2018-3 and 2018-4
- B. Accept minutes of the January 2, 2018 Governing Body meeting
- C. Accept minutes of the January 8, 2018 Organizational Governing Body meeting
- D. Accept minutes of the November 14, 2017 Parks & Recreation Advisory Board meeting
- E. Accept minutes of the November 14, 2017 Historic Commission meeting
- F. Accept minutes of the November 9, 2017 Leawood Foundation meeting
- G. Accept minutes of the September 14, 2017 Leawood Foundation meeting
- H. Accept 2018 Governing Body Goals & Objectives

- I. Approve payment of \$59,225.00 to Leawood Chamber of Commerce pertaining to the 2018 Economic Development Agreement
- J. Approve purchase in the amount of \$37,507.50 from KA-Comm, for the purchase of ten [10] police mobile radios
- K. Approve purchase in the amount of \$187,785.65 from Carter Energy, a division of World Fuel Services, Inc., for 2018 fuel services utilizing the City of Olathe's cooperative bid
- L. Approve 12<sup>th</sup> and Final Pay Request in the amount of \$31,087.00 to Excel Constructors, pertaining to the Ironhorse Clubhouse Expansion Project [Project # 49133]
- M. **Resolution No. 4878**, approving and authorizing the Mayor to execute an Inter-local Agreement between the City and Kansas Department of Transportation [KDOT] pertaining to the Special Traffic Enforcement Program [STEP]
- N. Resolution approving and authorizing the Mayor to execute a Service Agreement between the City and State Line Animal Hospital providing for the impoundment and disposition of animals - *WITHDRAWN*
- O. **Resolution No. 4879**, approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Pepsi Beverage Company, for soft drink purchases
- P. **Resolution No. 4880**, approving and authorizing the Mayor to execute an Inter-local Agreement and Letter of Understanding by and between the City of Leawood and the cities of Fairway, Merriam, Mission, Prairie Village, Roeland Park, and the Johnson County Parks and Recreation District, pertaining to the SuperPass Program at the Leawood Aquatic Center, located at 10601 Lee Boulevard
- Q. **Resolution No. 4881**, waiving the bidding process, in accordance with Charter Ordinance No. 39, pertaining to the transportation and installation of the artwork known as Dancers
- R. **Resolution No. 4882**, approving and authorizing the Mayor to execute a Service Agreement in an amount not to exceed \$46,595.00, between the City and Kissick Construction Company, pertaining to transportation, site work and installation of the art piece, Dancers, to be located in the 11500 block of Roe Avenue [north of Town Center Drive and west of Roe Avenue] [Project # 79021]
- S. **Resolution No. 4883**, accepting total value of takings and authorizing Public Works Director or Interim Public Works Director to negotiate acquisition of required easements or right-of-way for 143<sup>rd</sup> Street Improvement Project from Windsor to Overbrook [Project # 80129]
- T. **Resolution No. 4884**, approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and K & W Underground, Inc., for an amount not to exceed \$60,557.23, for installation of fiber optic connections at Fire Station No. 3, and Ironhorse Golf Course, located at 14801 Mission Road and 15400 Mission Road, respectively [Project # 76048] – *CONTINUED FROM THE JANUARY 2, 2018 GOVERNING BODY MEETING*
- U. **Resolution No. 4885**, accepting new Public Infrastructure [New Development] in connection with Leabrooke Town Manor Villas in the vicinity of 146<sup>th</sup> Place; 146<sup>th</sup> Terrace; and 146<sup>th</sup> Street & Meadow Lane, in accordance with GASB-34 Guidelines of Reporting Inventory of Assets [2018 GASB-34 Inventory of Assets]

- V. **Resolution No. 4886**, accepting new Public Infrastructure [storm sewers] in connection with the 2017 Storm Sewer Replacement Project [8208 Wenonga; 8504 Belinder; and 2507 W. 98th Street]; and area inlet replacement [9320 Mohawk Lane] damaged by July/August area floods in accordance with GASB-34 Guidelines of Reporting Inventory of Assets [Project # 74095]
- W. **Resolution No. 4887**, accepting new Public Infrastructure [fiber optic; storm sewers; and street lighting] in connection with the Roe Avenue Improvement Project from College Boulevard to 119<sup>th</sup> Street, in accordance with GASB-34 Guidelines of Reporting Inventory of Assets [2017 GASB-34 Inventory of Assets] [Project # 80253]
- X. **Resolution No. 4888**, approving a Final Plan for Parkway Plaza – Thee Gin Mill (Retail: Restaurant), located north of 135<sup>th</sup> Street and east of Briar Street. (PC Case 01-18) *[from the January 23, 2018 Planning Commission meeting]*
- Y. **Resolution No. 4889**, approving a Final Sign Plan for LeaBrooke Town Manor Villas – Monument Sign, located north of 148<sup>th</sup> Street and west of Kenneth Road. (PC Case 02-18) *[from the January 23, 2018 Planning Commission meeting]*
- Z. **Resolution No. 4890**, approving a Revised Final Sign Plan for Larson Building Company-Wall Signs, located north of 104<sup>th</sup> Street and west of State Line Road. (PC Case 06-18) *[from the January 23, 2018 Planning Commission meeting]*
- AA. Police Department Monthly Report [December, 2017]
- BB. Fire Department Monthly Report [December, 2017]
- CC. Municipal Court Monthly Report [December, 2017]

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

Councilmember Larson requested Consent Agenda Item 7.Z. be pulled.

Mayor Dunn requested Consent Agenda Item 7.AA. be pulled.

**A motion to approve the remainder of the Consent Agenda was made by Councilmember Sipple; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 6-0.**

- 7.A. Accept Appropriation Ordinance Nos. 2017-52, 2017-53, 2017-54, 2017-55, 2017-Final, 2018-1, 2018-2, 2018-3 and 2018-4

Councilmember Sipple stated he would recuse from voting because his wife, who provides contract services to the City's Parks & Recreation Department, was listed as a payee.

Ms. Long confirmed to Councilmember Azeltine that checks payable to Commerce Bank with the description of "Purchasing Cards" are payments made on purchasing credit cards issued to and used by certain employees. Ms. Long and Mr. Lambers confirmed employees with these cards must sign the City's use policy and create payment requests which are submitted to, reviewed and signed by the employee's supervisor. Mr. Lambers stated payment requests against the purchasing card issued to him are submitted to, reviewed and signed by the Mayor.

Councilmember Azeltine asked for details regarding the check payable to the Kansas State Treasurer for "Reinstatement Fees." Ms. Bennett stated certain Municipal Court violations require suspension of a driver's license. When defendants pay the fine to the City, the City in turn pays the State for reinstatement of license.

Mr. Ley confirmed to Councilmember Harrison the check payable to Olsson Associates for \$13,048.86 is for their review of the 2017 North Bicycle Loop Plan.

**A motion to approve Consent Agenda 7.A. was made by Councilmember Azeltine; seconded by Councilmember Rawlings. The motion was approved with a unanimous vote of 5-0; Councilmember Sipple recusal for reason stated.**

7.Z. **Resolution No. 4890**, approving a Revised Final Sign Plan for Larson Building Company-Wall Signs, located north of 104<sup>th</sup> Street and west of State Line Road. (PC Case 06-18) *[from the January 23, 2018 Planning Commission meeting]*

Councilmember Larson stated she has no familial or financial relationship with the Larson Building Company.

**A motion to approve Consent Agenda Item 7.Z. was made by Councilmember Larson; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 6-0.**

7.AA. Police Department Monthly Report [December, 2017]

Mayor Dunn acknowledged the recent graduation of Officers Roy Owens and Max Williams from the Johnson County Regional Police Academy on December 21, 2017, who are now onboard with the City's Police Department for on-the-job training. She pointed out that Officer Williams had won the Denis Plumley Overall Achievement Award for his work during the 16-week academy. Mayor Dunn asked Chief Troy Rettig to pass along her welcome and congratulations to Officers Owens and Williams.

**A motion to approve Consent Agenda Item 7.AA. was made by Councilmember Rawlings; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 6-0.**

## **8. MAYOR'S REPORT**

- A. Delighted and thrilled to receive another generous donation from The Cloisters Homes Association of \$1,925.00, just after the holidays. Their letter expresses appreciation for both the Police and Fire Departments, and for the first time, they recognized the City's willingness to satisfactorily resolve resident concerns about a proposed drainage project by working with David Ley, Public Works Director, and Councilmember James Azeltine, Stormwater Committee Chair. To my knowledge, The Cloisters Homes Association is the only homes association in the City to make an annual donation. The City does not take this for granted and the residents of The Cloisters will be thanked by Police Chief Troy Rettig and Fire Chief Dave Williams and informed of intended use.
- B. Attended the Johnson & Wyandotte Counties Council of Mayors meeting hosted by Merriam Mayor Ken Sissom where nine newly elected mayors were introduced by their out-going counterparts.
- C. Chief Troy Rettig and his leadership team joined me at the Martin Luther King Legacy & Scholarship Awards Dinner sponsored by the NAACP representing Olathe, Overland Park and Leawood. Johnson County Board of Commissioners Chair Ed Eilert was honored with the Legacy Award.
- D. Participated in a ribbon cutting for St. Luke's Community Hospital at 13200 State Line Road in the Village of Seville in Leawood. This is the first of a number of community hospitals that St. Luke's will be opening in Kansas.

- E. Nearly all Councilmembers and Department Heads were attendees at my annual State of the City luncheon last week. My thanks to City Clerk Deb Harper, Information Services Director Ross Kurz and Parks and Recreation Director Chris Claxton for their help with arrangements. Thank you also to the Police and Fire Honor Guard for their involvement. United Methodist Church of the Resurrection was a lovely venue for the event, and I thank Pastor Adam Hamilton for his hospitality.
- F. Police Chief Troy Rettig hosted a lovely retirement reception for Officer Mike Pelger who served with our Police Department for 30 years. After service as a D.A.R.E officer and patrolman, he was primarily involved with information technology and successfully garnered \$2 Million in grants for the City of Leawood during his tenure. We wish him the best on his life's journey.
- G. Sympathies for family and friends of Wendell Castle, a Kansas boy who went on to famously blur sculpture with functionality in creating art pieces that sit in museums all over the world. He was 85 years old and known as the "father of the art furniture movement." The City is thrilled to have a one-of-a-kind art piece of Mr. Castle's in Brook Beatty Park. The bench was one of the first art pieces in the City. An article on Mr. Castle from the January 23, 2018 Kansas City Star was passed for review.
- H. Congratulations in order for:
  - a. Parks & Recreation Director Chris Claxton who became President of the Kansas Recreation and Park Association on January 24, 2018.
  - b. Police Chief Troy Rettig for Leawood's No. 2 ranking of the safest cities in Kansas for 2018 by the National Council for Home Safety and Security.
  - c. Kansas native and longtime Senate Republican leader and Republican 1996 presidential nominee Bob Dole for receipt of the Congressional Gold Medal. Senator Dole's achievements were praised by Democrats and Republicans alike. He is renowned for his ability to compromise, stating in his Republican presidential nomination speech, "In politics, honorable compromise is no sin. It is what protects us from absolutism and intolerance".
  - d. Former Kansas Governor Sam Brownback for his appointment as Ambassador-at-Large for International Religious Freedom and former Lt. Governor Jeff Colyer for becoming Kansas Governor.
- I. Reminders:
  - a. Arti Gras juried art show on February 16, 17 and 18, with reservations required for the opening night reception to be held Friday, February 16. Art will be on display all that weekend at the Lodge in Ironwoods Park.
  - b. Lunar New Year, hosted by the I-Lan Sister City Committee, on Sunday, February 18, at Vista 154 at the Ironhorse Golf Club. Seats are available and reservation deadline extended until tomorrow, February 6.
  - c. Individual member and group photographs of the Governing Body are scheduled at 7:00 P.M. on Monday, February 19, and need to be completed prior to the start of the Governing Body meeting at 7:30 P.M.

## **9. COUNCILMEMBERS' REPORT**

### **Councilmember Julie Cain – Banners**

Councilmember Cain, appointed Council Liaison to the Banner Selection Committee, provided background and an update on the project. She stated the City's current banners have flown on street light posts for over 10 years. The committee envisions five themes for new banners. Size and materials of new banners are dictated by the existing mounting brackets and the committee must work within budget limitations. The committee plans to distribute a Request for Proposal [RFP] to artists of all calibers. The RFP will include a series of meetings with the selected artist before the banners are created. It is hoped that many RFP responses will be received, which the committee will review and narrow to a short-list of three. The committee wishes to collaborate with City Staff and receive input from the Governing Body before final selection is made. Councilmember Cain suggested a Governing Body Work Session be scheduled for discussion. Mayor Dunn agreed with the suggested process and stated the committee may wish Governing Body input more than once.

Ms. Bishop anticipated the RFP would be released at the end of February with response date of the end of March, allowing artists time to create their proposals. The RFP asks for two designs, covering two of the five theme areas. Final artist selection would likely occur in May or June and that artist would produce all five designs. She stated the banners had been up for 20 years, which is a lengthy commitment, and suggested scheduling a Governing Body Work Session for early May.

Ms. Claxton stated the draft RFP has been reviewed by Ms. Bennett and requires review by the City Administrator. The RFP would be distributed after finalization.

**A motion to schedule a Governing Body Work Session with the Banner Selection Committee on May 7 to present the banner finalist was made by Councilmember Cain; seconded by Councilmember Larson. The motion was approved with a unanimous vote of 6-0.**

Councilmember Cain stated she could provide additional updates once the RFP timeline is finalized. Mayor Dunn stated the date of the Governing Body Work Session could be adjusted accordingly. She thanked Councilmember Cain for representing the Governing Body on the Banner Selection Committee.

## **10. CITY ADMINISTRATOR REPORT**

### **Update on undergrounding of power lines**

Mr. Lambers pointed out that development of a strategy for undergrounding power lines was listed as a Near-Term Goal [1-2 Years] in Consent Agenda Item 7.H. just approved by the Governing Body. He stated the City has an opportunity in regard to 2018 projects to expand those projects to allow undergrounding of power lines to occur. He recalled it had been stated at the goal setting Work Session that the City was restricted for this use in regard to debt. The reason this could not be done on 135<sup>th</sup> Street was because there was no road improvement associated with the planning of the project. In consultation with Mr. Bill Hess, City Bond Counsel, Mr. Hess confirmed any type of road resurfacing or reconstruction qualifies the City to use its bonding authority for this activity. Mr. Lambers recommended the Governing Body direct City Staff to ascertain if the City would want to proceed with inclusion of undergrounding of power lines in 2018 projects. He stated there is a two-month time restraint to make a decision and the topic would need to come back before the Governing Body at a February or March meeting. Although Councilmember Osman, Public Works Committee Chair, is not present tonight, he is aware of this opportunity.

**A motion to direct City Staff to review and make recommendation was made by Councilmember Sipple; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 6-0.**

Mayor Dunn stated her belief that Councilmember Osman intended to inform the Public Works Committee in this regard at the committee's meeting this Wednesday. She thanked Mr. Lambers for his recommendation.

**11. STAFF REPORT – None**

**COMMITTEE RECOMMENDATIONS**

**12. ARTS COUNCIL**

**[from the November 28, 2017, Arts Council meeting]**

**Resolution No. 4891**, approving and authorizing the Mayor to execute an Artwork Contract in an amount not to exceed \$80,000.00, between the City and Michael Stutz for the art piece, temporarily named, 'Walking Woman' to be located on the east side of Tomahawk Creek Parkway, near the entrance to the soccer fields [southeast of the Justice Center]

Ms. Bishop stated the art piece has been discussed previously. The Arts Council is excited to get started on the project. Construction of the art piece will take approximately six months and it is hoped the piece would be installed before the winter weather season later this year.

Ms. Bishop confirmed to Councilmembers Rawlings and Sipple that although the meeting documentation packet presents a graphic of a male, the sculpture would be a female. The City has males represented in other art pieces. This piece would be unique. The female would appear to be fit and not just out for a walk during business. The female would be walking towards the Justice Center.

**A motion to approve Agenda Item 12. was made by Councilmember Rawlings; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 6-0.**

**13. PLANNING COMMISSION**

**[from the October 24, 2017, Planning Commission meeting]**

Resolution approving a Revised Final Plan for Leawood Elementary School – Parking Lot Addition, located north of 123<sup>rd</sup> Street and east of Norwood Drive. (PC Case 83-17) – ***CONTINUED FROM THE DECEMBER 4, 2017 GOVERNING BODY MEETING— APPLICATION WITHDRAWN***

**14. OLD BUSINESS**

**15. OTHER BUSINESS**

City Administrator – Work Session discussion update on self-storage facility use

Mr. Lambers stated the consensus at the Governing Body Work Session held tonight on self-storage facility use was that the Governing Body preferred to prohibit use in the City. He had requested the Governing Body to either direct City Staff to amend the Leawood Development Ordinance [LDO], a process that requires approximately 90 days, or, place the topic on a Governing Body meeting agenda where a motion to reaffirm prohibition by omission in the existing LDO could be made.

Councilmember Azeltine stated his preference that the use be explicitly prohibited, to preclude future ambiguity.

**A motion to direct City Staff to amend the LDO to prohibit the use was made by Councilmember Azeltine; seconded by Councilmember Rawlings. The motion was approved with a unanimous vote of 6-0.**

Mayor Dunn thanked Staff for providing documentation and attendees for thoughtful discussion at the Work Session. She inquired if the topic would come back before the Governing Body. Mr. Lambers stated Staff would initiate an application that would be presented to the Planning Commission. The Planning Commission's recommendation would be presented to the Governing Body, probably in May.

**16. NEW BUSINESS**

- A. **Ordinance No. 2876**, repealing Ordinance No. 2345, establishing a Transportation Development District [TDD] pertaining to the One Nineteen Shopping Center [now known as Town Center Crossing]; terminating the One Nineteen Transportation Development District; and authorizing certain related matters and actions [ROLL CALL VOTE]

Mayor Dunn stated termination of the TDD had occurred sooner than anticipated.

**A motion to pass Agenda Item 16.A. was made by Councilmember Rawlings; seconded by Councilmember Harrison. The motion was approved with a unanimous roll call vote of 6-0.**

- B. **Ordinance No. 2877C**, amending Chapter 1, Article 8 of the Code of the City of Leawood, 2000, by repealing Sections 1-839 through 1-842 pertaining to the One Nineteen Transportation Development District [TDD] Agency Fund [ROLL CALL VOTE]

**A motion to pass Agenda Item 16.B. was made by Councilmember Azeltine; seconded by Councilmember Larson. The motion was approved with a unanimous roll call vote of 6-0.**

- C. Schedule an Executive Session on Monday, March 19, 2018 at 6:00 P.M., for Personnel Matter; City Administrator's 6-month review

Mayor Dunn stated written documentation would not be provided for this informal evaluation.

**The motion to schedule the Executive Work Session was made by Councilmember Rawlings; seconded by Councilmember Cain. The motion was unanimously approved with a unanimous vote of 6-0.**

**ADJOURN**

There being no further business, the meeting was adjourned at 8:15 P.M.

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Debra Harper, CMC, City Clerk

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Cindy Jacobus, Assistant City Clerk