

Minutes

DVD No. 409

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 19, 2018. Mayor Peggy Dunn presided.

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

Councilmembers Absent: None

Staff Present: 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	Brian Anderson, Parks Superintendent
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

The Pledge of Allegiance was led by Boy Scouts from Troops 282, 395 and 786. Mayor Dunn thanked the Scouts and wished them good luck on their way to Eagle rank.

2. APPROVAL OF AGENDA

A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion was approved by a unanimous vote of 8-0.

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. PRESENTATIONS/RECOGNITIONS Presentation of AAA Award to Police Department to recognize Community Traffic Safety efforts

Chief Troy Rettig confirmed to Mayor Dunn the presenter had not arrived and no communication had been received. Mayor Dunn stated the presentation could be made later in the meeting or be rescheduled for a future meeting.

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 No. 2018-5 and 2018-6
- B. Accept minutes of the February 5, 2018 Governing Body meeting
- C. Accept minutes of the February 5, 2018 Governing Body Work Session
- D. Accept minutes of the November 29, 2017 Stormwater Management Committee meeting
- E. Accept minutes of the September 6, 2017 Public Works Committee meeting
- F. Approve Mayoral Appointments of Council Liaisons and Volunteers for Committees, Commissions and Boards [Effective March 1, 2018]
- G. Approve purchase in the amount of \$39,935.56 from Heritage Tractor, Inc., for the purchase of [4] zero-turn rotary mowers for the Parks & Recreation Department
- H. Approve Co-op Bid in the amount of \$333,477.00 to Shawnee Mission Ford for Police Units, Animal Control Unit, Public Works Units, and Community Development Inspector Vehicles
- I. Approve Co-op Bid in the amount of \$54,180.00 to Overland Park Dodge for [2] Police Units
- J. Approve Co-op Bid in the amount of \$32,818.00 to American Equipment for Police Unit and snowplow for Unit # 421
- K. Approve 3rd and Final Pay Request in the amount of \$500.00, to Kissick Construction Co., for storm sewer repairs [8208 Wenonga; 8504 Belinder; and 2507 W. 98th Street]; and area inlet replacement [9320 Mohawk Lane] caused by July/August area floods [Project # 74095]
- L. **Resolution No. 4892**, approving and authorizing the Mayor to execute Amendment No. 1 to that certain Professional Service Agreement dated April 16, 2016, in the amount of \$55,300.00, between the City and Burns & McDonnell Engineering Company, Inc., pertaining to the design of 143rd Street between Windsor Lane and Kenneth Road [Project # 80129]
- M. **Resolution No. 4893**, accepting a General Warranty Deed from Super Market Developers, Inc., pertaining to land located adjacent to and directly south of Gezer Park, located at 13251 Mission Road
- N. Declaration of Surplus Property: 2007 Victor Phillips Trailer last 4 VIN/0150, Asset Tag # 1333; Unit # 692
- O. Police Department Monthly Report [January, 2018]
- P. Fire Department Monthly Report [January, 2018]
- Q. Municipal Court Monthly Report [January, 2018]

Councilmember Filla requested Consent Agenda Item 7.A. be pulled.
Councilmember Sipple requested Consent Agenda Item 7.G. be pulled.
Councilmember Azeltine requested Consent Agenda Item 7.O. be pulled.

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

7.A. Accept Appropriation Ordinance No. 2018-5 and 2018-6

Councilmember Filla pulled Consent Agenda Item 7.A. for the opportunity to point out flood replacement costs for many vehicle units and power tools lost due to flood damage at the 103rd and State Line Road facility. The City did an outstanding job during the two 100-year floods that occurred in one month. The City worked hard to continue providing services during this time. Mayor Dunn agreed all would concur with Councilmember Filla's statements.

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 8-0.

7.G. Approve purchase in the amount of \$39,935.56 from Heritage Tractor, Inc., for the purchase of [4] zero-turn rotary mowers for the Parks & Recreation Department

Councilmember Sipple stated he had pulled Consent Agenda Item 7.G. to ask a general question, not specifically to this purchase. He inquired where the Parks & Recreation Department is parking and storing new vehicles and turf equipment being purchased. Mr. Anderson stated the Parks Maintenance Department had been broken into three areas. One crew reports to work at the Maintenance Building at City Park, one crew reports to Ironwoods Park and one crew is using a portion of one bay at the Public Works facility. Storage containers have also been installed at various locations. If the mowers are approved for purchase, they would be loaded on a vehicle that is driven between locations. No vehicles or equipment are located at the 103rd and State Line Road facility, except for a few old golf carts. Weather is monitored and relocation will occur as necessary.

A motion to approve Consent Agenda Item 7.G. was made by Councilmember Sipple; seconded by Councilmember Larson. The motion as approved with a unanimous vote of 8-0.

7.O. Police Department Monthly Report [January, 2018]

Councilmember Azeltine noted the number of thefts from motor vehicles increased substantially in December 2017 and he asked if this was expected because of the holiday season. Chief Rettig stated this was not an uncommon spike in the number of such crimes. The City is aware of an organized crime group in the metro area, but no arrests have been made.

Mayor Dunn requested Chief Rettig address vehicle break-ins that occurred in City Park over the weekend. Chief Rettig stated purses had been left in plain view in the vehicles. He reminded to please keep garage doors closed and items out of cars.

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

8. MAYOR'S REPORT

- A. Request a moment of silence for families and friends of school shooting victims in the Parkland, Florida, tragedy last week. Our sincere sympathies during this painful time.
- B. My thanks to Presiding Officer Councilmember Julie Cain for participating in the Leawood Chamber of Commerce's New Member Debut while I was out of town.
- C. Much appreciation to I-Lan Sister City Committee Chair Bette Monson and her Committee for organizing a terrific Lunar New Year dinner celebrating the Year of the Dog. Vista 154 was a perfect venue, and Bo Ling's provided delicious cuisine. My thanks to Staff Liaison Julie Berger for her assistance as well. Besides Council Liaisons Councilmembers Debra Filla and Jim Rawlings, Councilmembers Mary Larson, Chuck Sipple and James Azeltine were also in attendance.
- D. Another successful Arti Gras was held this past weekend. Congratulations to Arts Council Committee Chair Mary Tearney, Leawood Foundation Chair Alice Hawk and Cultural Arts Coordinator April Bishop. Ninety-three artists participated, 450 people attended opening night, and 250 visitors over the weekend. Art can be viewed on-line.
- E. Congratulations to Fire Chief Dave Williams on the terrific 2017 Annual Report. Very informative and creative design.
- F. Reminder of the all-City Home Owners Association [HOA] Sustainability Summit this Thursday, February 22, at 5:00 P.M. in the Lodge at Ironwoods. Dinner, vendor booths and great information will be shared. Thank you to Sustainability Advisory Board Chair Councilmember Chuck Sipple and Vice-Chair Councilmember Debra Filla for organizing the event.

9. COUNCILMEMBERS' REPORT - None

10. CITY ADMINISTRATOR REPORT - None

11. STAFF REPORT - None

COMMITTEE RECOMMENDATIONS

12. STORMWATER MANAGEMENT COMMITTEE

[from the January 31, 2018 Stormwater Management Committee meeting]

Assignment: Discuss Dykes Branch Creek between 82nd Street and 82nd Terrace from Wenonga to City Limits

Recommendation: Public Works to develop a map reflecting private and public owned sections of the creek with length totals, and research whether private channels have been previously cleaned by City. This information will be reviewed at the April Stormwater Committee meeting.

Councilmember Azeltine, Stormwater Management Committee Chair, stated residents have requested the City make improvements to creek banks that abut their properties. The City's policy is that property owners are responsible for creek cleanup and restoration of erosion damage that may occur. The Stormwater Management Committee requests a map of all streams located on private properties and in public easements to facilitate discussion and explore the issue from a global perspective, and recommends the Council direct the Public Works Department to develop the map and research if past work done has been done by the City to clean out channels. Anticipated return of the requested map/information would be by the April 25, 2018, Stormwater Management Committee meeting.

A motion to approve the recommendation of the Stormwater Management Committee was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

13. PUBLIC WORKS COMMITTEE

[from the February 7, 2018 Public Works Committee meeting]

Recommend waiving the bidding process and select design/build team for Public Works Facility Expansion Project

Mr. Ley stated the Public Works Committee is requesting to waive the bidding process and to work with Bruner Construction directly on the project. He displayed a map of the Public Works Facility, with red area representing the proposed expansion of two bays/four-door of the facility in 2018 and yellow area representing the parking lot expansion. Expansion is desperately needed to accommodate growth, providing another bay to outfit Police Department vehicles and additional space that could be utilized by Parks. Former Public Works Director Joe Johnson and Bruner Construction explored project cost last year. Bruner built a total of six buildings for the City beginning in 2000 and all have performed very well. Bruner knows the site and soil conditions, and they would construct the project without change orders unless requested by Staff.

In his review, there would be a few items to be added to Bruner's proposal, but with the additions cost would remain below \$1 Million budget. Bruner's proposal includes the cost of geotechnical services for the foundation. If a more cost efficient proposal for foundation is developed by Bruner, the cost savings would be returned to the City.

Councilmember Osman, Public Works Committee Chair, stated although Staff did a great job on the Staff Memo summary, he wanted to provide additional information to that presented in the second paragraph of the memo. The Public Works Committee had lengthy discussion of the topic and method, and determined it was appropriate to include resident non-Councilmember votes. The tie-breaker in the 3-2 vote was based on Bruner's extensive history of the building, at or under-budget cost, and a proposal that included geotechnical and soil separator services. The project needs to be undertaken and completed in a timely manner, proceeding in method similar to the recent College Boulevard retaining wall failure. Staff did an excellent job in presentation and the Committee did its job. Mayor Dunn stated there is a vast amount of citizen engineering expertise on the Public Works Committee, and she thanked everyone for their due diligence.

Councilmember Azeltine requested highlights of dissention points since no meeting minutes were available. Councilmember Osman stated dissention was in regard to whether the project should be competitively bid, regardless of project cost. Expertise and Staff recommendation weighed heavily in the ultimate recommendation.

Councilmember Azeltine inquired how many months would be required to competitively bid the project. Mr. Ley stated about four months would be needed to distribute a bid proposal.

Mr. Lambers stated he was not present at the meeting and he would have reminded the Public Works Committee that per policy the Council can waive the bidding process with justification, as has been done in similar situations, typically with the contractor used previously. Bidding is an expectation, not a rule. Mayor Dunn noted the anticipated cost savings.

A motion to approve the recommendation of the Public Works Committee was made by Councilmember Rawlings; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 8-0.

14. PLANNING COMMISSION

[From the January 23, 2018 Planning Commission Meeting]

Resolution No. 4894, approving and authorizing the Mayor to execute a Second Addendum to that certain Interlocal Agreement dated April 6, 2017, as amended by Addendum approved August 7, 2017, between the City and the Board of County Commissioners of Johnson County, Kansas, pertaining to the Tomahawk Creek Wastewater Treatment Facility, located at 10701 Lee Boulevard (PC 03-18)

Mayor Dunn recognized Johnson County Commissioner Ron Shaffer and thanked him for his attendance.

Ms. Tami Lorenzen, Managing Engineer, Johnson County Wastewater [JCW], 4800 Nall, Mission, made a brief presentation of general highlights, which had been discussed at prior Governing Body meetings. The facility is located between Mission Road and City Park, south of Interstate 435 and north of College Boulevard. The facility has been at the location since the 1950s and the majority of equipment has been in use since the 1960s. The facility needs improvements and expansion. Approximately 60% of flow is sent to Kansas City, Missouri, for processing. At the January 2, 2018 Planning Commission meeting, concerns were potential flooding due to improvements, building aesthetics and the need for future expansions. Ms. Lorenzen stated the expansion is sized for complete build-out with a small amount of growth. There would be no future expansion unless there was a need in regard to additional rehab projects which was approved.

Ms. Lorenzen displayed several mock-ups of building facades. A red clay color brick body with light blonde color accents, based on original building façade, had been initially proposed. Staff had requested that body and accent colors be switched, using blonde color No. 3-18 chosen by Staff. A sample brick was displayed by Mr. Klein. Ms. Lorenzen presented façade mock-ups depicting east-west elevation views of the Administration Building in a balanced red-blond color scheme initially proposed and also a tonal color scheme with a majority of exterior in blonde with darker blonde accents in the color “Dakota.” A sample brick was displayed by Mr. Klein. She stated if no further discussion was needed, color selection could be made. Mayor Dunn stated the new proposed color schemes were preferred.

Councilmember Cain thanked Ms. Lorenzen for the presentation and for listening, acknowledging she was most outspoken in regard to red brick. She stated in 1950, a correct decision had been made to use a buff color for the façade. Ms. Lorenzen thanked Councilmember Cain.

Ms. Lorenzen displayed a landscape plan which had been developed and previously shown to the Council. Landscaping would be placed along Lee Boulevard for additional screening. The majority of existing trees to the west and southwest would remain. A few mature trees would need to be removed, but JCW will work with the City on replacement planting of equivalent diameter of trees. Some flexibility in tree location may be needed to accommodate sight lines. The overflow channel would have plantings. The channel provides two benefits: it takes water during a flood that tops the bank of Indian Creek on the south side of the site and also prevents flooding of additional properties because of elevating the site. The current outfall discharge to Indian Creek on the east side would flow into the channel, so the end of the outfall discharge pipe will no longer be visible from the trail on the opposite side of the creek.

Councilmember Filla inquired if the landscaping was chosen to serve any purpose other than screening. Ms. Lorenzen stated there were some other benefits in the overflow channel, but not necessarily wildlife habitat. Councilmember Filla stated Johnson County has a matching dollar program for stormwater plantings along creek banks and rain gardens, and she requested this be used to create a “show and tell” demonstration area. Ms. Lorenzen stated she would contact Johnson County for any opportunities. Councilmember Filla requested the small corner parcel of City property be considered for use as a community garden with any fill that would otherwise be hauled away. Ms. Lorenzen stated she would speak with Mr. Ley in this regard, noting there has been flooding in the area.

Councilmember Sipple asked if low-hanging wires to the east would be addressed. Mayor Dunn stated the wires seem so low they can be touched. Ms. Lorenzen stated Kansas City Power & Light [KCP&L] have been alerted to the unusually low telecommunication lines that do not meet code on distance and separation clearance. When KCP&L is working on the site, the telecommunication lines will be tightened. This effort will be coordinated by JCW, KCP&L and City Staff.

Ms. Lorenzen confirmed to Councilmember Sipple there would still be utility poles located along the south side of Lee Boulevard between Mission Road and City Park.

Councilmember Cain, Parks & Recreation Advisory Board Council Liaison, stated she had been requested to present several items from the Board, three of which had already been addressed in the meeting. Items presented were in regard to the landscaping plan, site elevation and trails.

Landscaping Plan

Councilmember Cain stated approximately 50 trees located within 35 ft. of either side of Lee Boulevard would be removed for construction. Ms. Lorenzen stated her estimate was about 33 trees. Some of the trees would be removed when the west side of the site is raised with fill and some trees would be removed for utilities and work done close to the road. Trees in the area of such work would likely be damaged in the process and would be replaced.

Councilmember Cain asked about irrigation of landscaping. Ms. Lorenzen stated JCW has a full-time ground maintenance crew who would be responsible for watering and replacement of any dead landscaping.

Councilmember Cain requested the height of the native plants to be placed in the overflow channel, estimating they would be 2 ft. to 4 ft. in height and have an un-manicured appearance. Ms. Lorenzen stated she did not know the mature height of the plants. The intent would be to provide a natural looking space and discourage people from crossing the channel.

Councilmember Cain asked if the current chain link fence would remain. As shown on photographs she had brought, one of which was displayed, the 6 ft. chain link fence is full of debris and vegetation from flooding. Ms. Lorenzen stated a number of sections had been identified for replacement prior to construction because flooding had pushed the fence material away from supporting posts. All fencing is being replaced with the project.

Site Elevation

Councilmember Cain pointed out the road was being raised up to 6 ft. in one area. Ms. Lorenzen the amount had been up 6 ft., but upon further the amount would be just 4 ft. on the west end to raise above the flood plain and allow safe access to the facility.

Trails

Councilmember Cain asked about the two trails. Ms. Lorenzen stated trails have been discussed by Parks & Recreation Staff, JCW, design engineers and contractor. On the south side of Lee Boulevard, a section of trail between City Park and Mission Road would be closed because of heavy construction traffic and work. Detour route signs would be posted, so trail traffic can move from Mission Farms around to the south and connect with City Park. There would be five detour signs with alternate routes and information posted on an active website that will be updated. The most direct path to City Park would be closed for safety for the duration of the project.

Councilmember Cain thanked Ms. Lorenzen for the responses, which she will pass along to the Parks & Recreation Advisory Board.

Mayor Dunn asked Mr. Klein to discuss points in the Staff Memo, specifically reflective or mirrored glass and construction hours stipulations. Mr. Klein stated Staff had worked with JCW regarding the glass and now the Administration Building glass would have a 50% translucency, which Staff feels will match. Spandrel glass would have a matching color backing, and Staff is comfortable with this. A separate Memorandum of Understanding [MOU] is proposed to address construction hours.

Mayor Dunn stated she did not favor removal of the construction hours stipulation. Concerned residents would likely contact the Governing Body, who in turn would contact Commissioner Shaffer and others. She had discussed removal with Mr. Lambers and Mr. Lambers had indicated he would not have an issue with removal now and return before the Governing Body in the future.

Mr. Lambers confirmed Mayor Dunn's comment and he stated the construction hours issue could be returned to complete the planning process. The reason for the change in construction hours is because certain activities would require work between the hours of 6:00 A.M. and 9:00 P.M. to be exceeded. Some examples would be one-time transfer of flow to Kansas City, Missouri, needed to occur at low flow hours of 2:00 A.M. to 4:00 A.M., and significant all-at-once concrete pours requiring many delivery trucks. The MOU would state construction hours of 6:00 A.M. to 9:00 P.M., unless otherwise specified in the MOU. Specific tasks and timeframes could be identified that require exception to the MOU's construction hours and these brought back before the Governing Body.

Mayor Dunn stated she was uncomfortable with removal of the construction hours and suggested leaving the stipulation and adding "unless otherwise agreed in the MOU" to be clear and on the record as part of the approved item. Councilmember Filla suggested specific language regarding the forthcoming MOU be included, rather than just a reference. Mr. Lambers stated this would be acceptable. Ms. Lorenzen stated JCW recognizes, understands and would take into consideration the concerns. Mayor Dunn stated providing specifics would also be appreciated by residents.

Councilmember Sipple inquired if there would be notification to neighbors of the rare occasions when work would need to be done between 2:00 A.M. and 4:00 A.M. Mr. Lambers stated the HOAs would be alerted and asked to provide notification to their residents, and to direct issue calls to him.

Councilmember Harrison requested the City's website be updated monthly with information/construction schedule. The City does not have many three-year construction projects and callers could be referred to the website. Mayor Dunn stated Information Services Director Ross Kurz could work with Community Development in this regard.

Ms. Lorenzen confirmed to Councilmember Sipple that changes/construction would be visible in 2018 and no blasting of bedrock was anticipated. Typically, blasting is not allowed on JCW projects. Councilmember Sipple stated residents had been concerned when the road was built north of Hallbrook.

Mayor Dunn summarized discussion as follows: 1) Facade color would be dealt with by Mr. Coleman and Mr. Klein, 2) remove Planning Commission Stipulation 3 and 3) keep Planning Commission Stipulation 25 and add "exceptions to this may be agreed upon in a future MOU which will be forthcoming." She reminded an override of the Planning Commission's recommendation would require a super-majority of six votes.

A motion to approve Agenda Item 14. as amended was made by Councilmember Filla; seconded by Councilmember Harrison. The motion was approved with a unanimous vote of 8-0.

Mayor Dunn thanked Ms. Lorenzen for addressing concerns and stated she looked forward to a smooth project.

15. OLD BUSINESS - None

16. OTHER BUSINESS

Mayor Dunn stated she had overlooked pulling Consent Agenda Item 7.F. regarding approval of Mayoral Appointments of Council Liaisons and Volunteers for Committees, Commissions and Boards. She thanked the Councilmembers for their extra work as Council Liaisons and the 300 volunteers who work in conjunction with Staff to serve the City.

17. NEW BUSINESS

- A. **Ordinance No. 2878C** amending Sections 3-201 and 3-207 of the Code of the City of Leawood, 2000, entitled, 'Definitions' and 'Consumption of Alcoholic Liquor Prohibited in Certain Places,' respectively, and adopting New Section 3-216A, entitled, 'Common Consumption Areas' and repealing existing Sections 3-201 and 302-7 and any other sections in conflict herewith [ROLL CALL VOTE]

Ms. Bennett stated last year the legislature gave cities the ability to provide common consumption areas if a developer would request. The proposed ordinance change would provide that opportunity if the Governing Body wished to consider. If the Governing Body favored, the developer to submit to the State and get a State license for liquor consumption outside the confines of a licensed establishment. This would be similar to the green area/ice skating rink at Park Place.

Councilmember Azeltine inquired how this would be different from events such as Taste of Leawood. Ms. Bennett stated the permit for Taste of Leawood is a temporary Special Event Permit. State permits would be for one year, but the City could approve with further restrictions.

A motion to pass Agenda Item 17.A. was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion was approved with a unanimous roll call vote of 8-0.

- B. Schedule a Joint Governing Body/Planning Commission Work Session at 6:00 P.M., on Monday, March 5, 2018, for Presentation and Discussion of 135th Street Corridor Study

Mr. Coleman confirmed to Mayor Dunn that documentation of approximately 188 pages would be distributed this week, earlier than the typical schedule for the next meeting. Mr. Coleman stated the Work Session would begin at 6:00 P.M. in the Oak Room of City Hall and the City's consultant would be present. Mayor Dunn thanked Mr. Coleman for the arrangements.

A motion to approve Agenda Item 17.B. was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

ADJOURN

There being no further business, the meeting was adjourned at 8:31 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk