

Minutes

DVD No. 413

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, 7:30 P.M. on Monday, April 2, 2018. Mayor Peggy Dunn presided.

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

Councilmembers Absent: Julie Cain and James Azeltine

Staff Present: Patty Bennett, City Attorney	Chief Troy Rettig, Police Department
Brian Anderson, Parks Superintendent	Chief Dave Williams, Fire Department
Dawn Long, Finance Director	Richard Coleman, Comm. Dev. Director
Mark Klein, Planning Official	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

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 6-0.

3. CITIZEN COMMENTS

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. It is not appropriate to use profanity or comment on pending litigation, municipal court matters or personnel issues. Comments about items that appear on the action agenda will be taken as each item is considered. **CITIZENS ARE REQUESTED TO KEEP THEIR COMMENTS UNDER 5 MINUTES.**

Mayor Dunn stated the citizen who had signed in would be recognized to speak in regard to the next agenda item, the SevenDays[®] Week Proclamation.

4. PROCLAMATIONS

SevenDays® Week, April 10-16, 2018

Mayor Dunn read the proclamation into the record.

Ms. Mindy Corporon thanked the Council for their courage in proclaiming Leawood a SevenDays® city. Everyone needs courage to say that hate cannot win. Leawood is the second city to make such a proclamation and it is hoped other cities will follow, and engage in acts of kindness. In an interview with the Kansas City Star newspaper just prior to the meeting, she stated all evil will never be overcome, but what we can do is band together, know that good can overcome, to be kind and be there for people when and if there is a need. She invited all to join SevenDays® Week activities that begin April 10, 2018. She provided a packet of general and event information to each Governing Body member.

Councilmember Harrison stated that like many, she cannot forget where she was standing when she found out the shootings took place. We are in a unique position to be one of the first cities to join SevenDays®, and she strongly encouraged City employees to choose which activity they would like to be part of and for employees to ask their supervisors to grant an hour or two off to support participation.

Mayor Dunn thanked Ms. Corporon for attending, and for her initiatives and advocacy, during such a painful time. She stated Ms. Corporon has displayed courage and understanding, and is helping to teach everyone forgiveness.

Parkinson's Awareness Month, April, 2018

Mayor Dunn read the proclamation into the record.

Ms. Denise Franklin, Board Member of the National Parkinson's Foundation – Heartland Chapter, stated although based in Leawood, the Heartland Chapter reaches families throughout Kansas, Missouri and Nebraska. The Foundation creates support groups, provides wellness classes, and helps families negotiate treatments to retain and maintain quality of life. She thanked the Council for their acknowledgement and consideration.

Mayor Dunn thanked Ms. Franklin for creating greater awareness. We all have family and friends that suffer with this terrible disease.

Fair Housing Month, April, 2018

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

Child Abuse Prevention Month, April, 2018

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

Donate Life Month, April, 2018

Mayor Dunn read the proclamation into the record.

Ms. Jan Finn, President and Chief Executive Officer, Midwest Transplant Network, stated appreciation for the Council's time and for the proclamation that is part of the launch of campaign "Green Ribbon." Green ribbons will be worn this week and all month, and green lights illuminated throughout many cities to support donation. Green ribbons were provided to the Governing Body. She stated many recipients are awaiting organs.

Mayor Dunn stated her driver's license is marked as an organ donor, sharing that a sister lost a teenage daughter in a car accident and donation was a great comfort to the family. Ms. Finn thanked Mayor Dunn for being so open and sharing a story that is often heard.

5. PRESENTATIONS/RECOGNITIONS - None

6. SPECIAL BUSINESS

Public Hearing

Pre-Budget Public Hearing for 2019 Fiscal Budget

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

Councilmember Osman stated as part of replacing a mechanical technician at one of his business properties, he came to realize he was not getting job applications to the on-line posting because the position's pay scale was not up to par, and he had to re-evaluate compensation. In the next few weeks and in June, the City will be preparing and presenting the 2019 Budget. He requested a comparison of Leawood Staff compensation to other municipalities be made. He stated with all respect to other City Councilmembers, he could not obtain details for each Staff position. He wants the best and brightest talent for Leawood. He pointed out the City must be competitive, stating the Leawood Police Department has several vacancies for Police Officers with starting annual pay of \$40,000 and Lenexa offers \$43,500, Prairie Village \$42,600, Olathe \$43,700, Overland Park \$43,000 and Shawnee \$42,000. A difference of a \$2,000 or \$3,000 in annual pay makes a difference in recruiting and to someone just starting out. This goes beyond the Police Department, and the City wants to get that first applicant, not the last.

Mayor Dunn stated that City Administrator Scott Lambers was not present, but she would share Councilmember Osman's desire for requested information.

A motion to close the public hearing was made by Councilmember Filla; seconded by Councilmember Sipple. The motion was approved by 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. 2018-11 and 2018-12
- B. Accept minutes of the March 5, 2018 Governing Body Work Session
- C. Accept minutes of the March 19, 2018 Governing Body meeting
- D. Accept minutes of the March 19, 2018 Governing Body Executive Session
- E. Accept minutes of the February 13, 2018 Parks and Recreation Advisory Board meeting

- F. Accept minutes of the November 28, 2017 Arts Council meeting
- G. Accept minutes of the March 5, 2018 I-Lan Sister City Committee meeting
- H. Approve payment in the amount of \$24,222.08 to the City of Overland Park, pertaining to 2018 Maintenance Fee for Intergraph Records Management System and Computer Aided Dispatch [CAD] Software
- I. Approve purchase in the amount of \$85,844.67 to Professional Turf Products for the purchase of Ironhorse Golf Course maintenance equipment
- J. Approve purchase in the amount of \$42,629.34 to Professional Turf Products for the purchase of a Deweze 72" Slope Mower for Parks & Recreation Dept.
- K. Approve purchase in the amount of \$46,974.42, to KC Bobcat for Ironhorse Golf Course maintenance equipment
- L. Approve Change Order No. 4 in the amount of \$95,188.70, to V.F. Anderson pertaining to the 2017 Residential Reconstruction Project [Project # 80217]
- M. Approve Change Order No. 5 in the amount of \$9,811.50, to V.F. Anderson pertaining to the Patrician Woods Stormwater Improvement Project, SMAC TM-04-006 [Project # 77015]
- N. Approve Massage Establishment License for Endeavor Health LLC, located at 4707 College Boulevard, in accordance with Code § 5-510
- O. **Resolution No. 4908**, approving and authorizing the Mayor to execute an Amendment to that certain Service Agreement dated February 20, 2017, extending it until April 2, 2019, in the amount of \$64,680.00, between the City and Next to Nature Landscape, LLC, pertaining to right-of-way and median maintenance
- P. **Resolution No. 4909**, approving and authorizing the Mayor to execute an Inter-local Agreement by and between the City of Leawood and the Board of County Commissioners of Johnson County, Kansas [BOCC] and the City of Prairie Village, pertaining to the Mission Road Improvement Project between 84th Street and 95th Street [CARS # 320001184] [Project # 72074]
- Q. **Resolution No. 4910**, approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$34,547.80 between the City and C-Hawkk, Construction, Inc., pertaining to the 2018 North Loop Recreational Bicycle Route [Project # 71026]
- R. Declaration of Surplus Property; Ironhorse Golf Course Maintenance Equipment; Parks & Recreation Equipment

Councilmember Sipple requested Consent Agenda Items 7.A. and 7.Q. be pulled.

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

- 7.A. Accept Appropriation Ordinance Nos. 2018-11 and 2018-12

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

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

- 7.Q. **Resolution No. 4910**, approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$34,547.80 between the City and C-Hawkk, Construction, Inc., pertaining to the 2018 North Loop Recreational Bicycle Route [Project # 71026]

Councilmember Sipple inquired if the project would be completed by a bicycle event scheduled for Saturday, June 9, 2018. Mr. Ley stated that per the contract, the project is to be completed by the Wednesday before the bicycle event, June 6, 2018. Logo information has been provided to the sign manufacturer and sign posts would be pre-installed and ready when signs are available for installation.

Councilmember Harrison pointed out the numerous bicycle route/lane signs, many on their own post, along 143rd Street and Mission Road, in one view up to four signs are visible. She inquired if there are regulations in regard to the required distance between signs. Mr. Ley stated signs are not required, but the City typically places signs at intersections. Last year on 133rd Street, the City striped the roadway for bike lanes and no signs were erected.

Councilmember Harrison suggested the potential cost savings in materials and mowing, and visual de-clutter if the City could add the bicycle signs on existing posts for speed limit and street lights. Mr. Ley stated on this project the engineer was requested to review at existing poles, and only posts needed were installed on property lines. To limit the number, the City installed the bare minimum every 800 ft. to 1,000 ft.

Councilmember Filla commended the Bike/Walk Committee for their work on implementing Self-Propelled Leawood, the City's bicycle/pedestrian master plan. The committee will once again submit application for designation as a Bicycle Friendly Community. The last application resulted with just an honorable mention. The bicycle-friendly signage is an investment and should help the City with Bicycle Friendly Community designation. She thanked Staff and reminded everyone to participate in the June 9, 2018 bike event, and begin their training now.

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

8. MAYOR'S REPORT

- A. Sincere sympathies to the family of Leawood resident Lewis Nerman on the passing of his mother, Margaret Nerman, on March 21 at the age of 95. A beautiful obituary in the Kansas City Star newspaper noted some of her many major accomplishments. She and her husband were great supporters of art, having beautiful art work in their home. In 2005 she received the Leawood Advocate for the Arts Award for philanthropy in support of the arts, and in 2007 the nationally renowned Nerman Museum of Contemporary Art opened at the Johnson County Community College. Johnson County Board of Commissioners Chairman Ed Eilert is in attendance tonight.
- B. Pleasure of sharing an abbreviated State of the City address with the Leawood Rotary. My thanks to Rotarians Councilmembers Jim Rawlings, Lisa Harrison and Chuck Sipple for sitting through it again, and to Information Services Director Ross Kurz for attending to assist with the slide presentation.
- C. Congratulations to Chair Mary Tearney and the Leawood Arts Council for the art show and reception held at Gallery V Fine Arts. It was a lovely event.

- D. Councilmember Jim Rawlings, City Administrator Scott Lambers and nearly all Department Heads joined me to hear the Johnson County Board of Commissioners Chair Ed Eilert deliver his 2018 State of the County address. This was sponsored by the Johnson County Public Policy Council. I have shared written materials provided at the event to the Council by mail. The County is headed in the right direction under the leadership of Chair Eilert and the Commission.
- E. Congratulations to Ironhorse Golf Course Advisory Board Chair Dick Fuller and the Troon management group on the great article featuring Ironhorse Golf Course and Vista 154 in the March issue of Tee Times. The illustrated article was passed to the Council.
- F. In the April issue of 435 Kansas City Magazine, there was a contest involving Jackson County versus Johnson County to determine who was Number One. Leawood was prominently showcased in both the shopping section and the parks/outdoors section – both were determined a “tie” between the two counties. She trusts Johnson County Board of Commissioners Chair Ed Eilert has seen the very nice article. The magazine with marked article was passed to the Council.

9. COUNCILMEMBERS’ REPORT - None

10. CITY ADMINISTRATOR REPORT - None

11. STAFF REPORT

Accessory Structures

Ms. Bennett stated City Administrator Scott Lambers had asked that instead of renewing the ordinance enforcement moratorium, an ordinance to allow with restrictions as discussed last year be brought back before the Governing Body. The restrictions are provided in the Staff Memo and include, but are not limited to, their number, location and size, as well as associated structures.

Ms. Bennett stated last year Mr. Lambers had shared Home Owners Association [HOA] survey responses on such structures. There are some HOAs that prohibit these structures, so a property owner should check with their HOA. Ms. Bennett confirmed to Mayor Dunn that the strictest regulations, either that of the HOA or the City, would need to be followed. Mayor Dunn mentioned the survey of HOAs had been valuable and a second survey was conducted due to lack of response.

Ms. Bennett confirmed to Councilmember Sipple the Leawood Development Ordinance [LDO] would not need to include any language about HOA restrictions, similar to the City’s allowance of certain roofs and fences that are not allowed by some HOAs.

Ms. Bennett stated a proposed LDO amendment to allow, with restrictions, would be probably be an agenda topic for the Governing Body meeting scheduled for May 7, 2018.

COMMITTEE RECOMMENDATIONS

12. PLANNING COMMISSION - None

13. OLD BUSINESS

Resolution No. 4911, approving and authorizing the Mayor to execute an Hours of Operation Memorandum of Understanding between the City and the Johnson County Board of County Commissioners [BOCC] pertaining to the construction of improvements to the Johnson County Wastewater Treatment Plant located at approximately Lee Boulevard and Mission Road

Ms. Bennett stated when the application on the proposed treatment plant expansion project was last heard by the Governing Body, there were questions raised about how to handle hours of construction outside those in City Code. The proposed Hours of Operation Memorandum of Understanding [MOU] addresses such hours and notifications. The County has promised to provide their contact information for questions and a website to follow construction progress.

Mayor Dunn thanked Johnson County Board of Commission Ron Shaffer for attending and she recognized the Johnson County Board of County Commissioners Chair Ed Eilert.

On behalf of the Board and Johnson County Wastewater, Chair Eilert thanked the Governing Body for consideration on this important project, and expressed appreciation for City support. With the MOU and by working with City Staff, we want to be good neighbors, providing information and taking concerns into consideration. Some aspects of the project will require longer than normal work hours, such as pouring concrete. The City and neighbors will be kept informed.

Mayor Dunn expressed appreciation, stating Leawood residents are a discerning populous. She thanked Chair Eilert for being amenable and other Johnson County Staff for attending.

A motion to pass the agenda item was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 6-0.

14. OTHER BUSINESS - None

15. NEW BUSINESS - None

ADJOURN

There being no further business, the meeting was adjourned at 8:07 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk