

Minutes

DVD No. 416

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, May 7, 2018. Mayor Peggy Dunn presided.

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

Councilmembers Absent: None

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

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 10.

Mayor Dunn stated Troop 10 is sponsored by and has a partnership with the Leawood Lions Club. Troop 10 also has the distinction of producing the most Eagle-rank scouts in the region. She wished the Scouts good luck on their way to Eagle Rank and to enjoy Summer Camp. She thanked the parents for bringing the Scouts and the City Clerk for her coordination of the flag presentation.

2. APPROVAL OF AGENDA

Mayor Dunn stated the agenda had been revised to include a report by Councilmember Osman on North Bicycle Loop Signage under Agenda Item 9. Councilmembers' Report.

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Azeltine. 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

Kids to Parks Day, May 19, 2018

Mayor Dunn read the proclamation into the record and the proclamation was accepted by Ms. Claxton. Mayor Dunn stated many youths use Leawood Parks each day and especially on the weekends. She thanked Ms. Claxton and her staff for all they do to make this possible.

Bike to Work Week, May 14-18, 2018

Mayor Dunn read the proclamation into the record and the proclamation was accepted by Mr. Anderson. Mayor Dunn thanked Mr. Anderson for all he does to promote Leawood as a bicycle-friendly community.

Mr. Anderson presented details of several upcoming fitness events. On Tuesday morning, May 15, the City will sponsor a breakfast stop on a moving bicycle ride in conjunction with Overland Park. He will be serving complimentary coffee and snacks at Elite Cycling, Mission Farms. The 3rd City Employee Bike-to-Work event will be Friday morning, May 18. The ride will begin at Starbucks on 135th Street, proceed through neighborhoods and use the trail system to the Justice Center. The ride will conclude with an employee breakfast. He thanked Mr. Sanders for his support as an employee wellness initiative and Police Administrative Services Coordinator, Lead Certified Instructor and bike enthusiast Ms. Karry Rood for her assistance. About 15 to 20 City employees have planned to participate. The Parks & Recreation Department and Police Department will be hosting a Leawood Family “Stride & Ride” on June 9 at City Park to encourage walking and cycling. The event will include an inaugural ride of the north bicycle loop. Other activities planned are a scavenger hunt trail walk, walking partner networking, mountain bike training, bicycle helmet fitting and B-Cycle display by Bike-WalkKC. The grand finale will be a BMX Stunt Show. The show was used at the Self-Propelled Leawood Master Plan kick-off a few years ago and was a great hit with children.

Councilmember Filla asked Mr. Anderson to distribute flyers on the “Stride & Ride” event.

5. PRESENTATIONS/RECOGNITIONS – None

6. SPECIAL BUSINESS

- A. **Resolution No. 4929**, accepting proposed assessments for Tax Year 2019 for Improvements within the Park Place Development; and authorizing and directing the City Clerk to give notice thereof to the owners of properties within the District by publishing notice thereof and providing written notice to owners of property of such proposed assessments [Project # 83196]

Councilmember Filla inquired if assessment proceeds were being used to pay off bonds ahead of schedule. Ms. Long stated the 119th Street Transportation Development District [TDD] paid off early because sales tax was involved. The proposed resolution does not involve sales tax, but only property assessments.

A motion to approve Agenda Item 6.A. was made by Councilmember Harrison; seconded by Councilmember Larson. The motion was approved with a unanimous vote of 8-0.

B. **Public Hearing** Consider the 2019-2023 Capital Improvement Program [C.I.P.] for the City of Leawood

Mayor Dunn stated the Governing Body had an extensive Work Session on the C.I.P. as did the Planning Commission, who recommended approval.

Mayor Dunn opened the Public Hearing. No one was seen or heard to speak.

A motion to close the Public Hearing was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.

C. **Resolution No. 4930**, approving the 2019-2023 Capital Improvement Program [C.I.P.] for the City of Leawood

Councilmember Filla asked for the disposition of the trail modification in the City Hall area discussed at the Governing Body's C.I.P. Work Session. Mr. Lambers stated the item is on hold as direction had been for review by the Parks & Recreation Advisory Board. If decided to expend funds, the item will come back before the Governing Body as a C.I.P. amendment.

A motion to approve Agenda Item 6.C. was made by Councilmember Filla; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 8-0.

Mayor Dunn thanked everyone for their hard work on the C.I.P., including Budget Manager Ms. Byard.

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. 2018-15, 2018-16 and 2018-17
- B. Accept minutes of the April 16, 2018 Governing Body meeting
- C. Accept minutes of the April 16, 2018 Governing Body Work Session
- D. Accept minutes of the January 9, 2018 Historic Commission meeting
- E. Accept minutes of the February 8, 2018 Sustainability Advisory Board meeting
- F. Accept minutes of the January 11, 2018 Sustainability Advisory Board meeting
- G. Accept minutes of the November 9, 2017 Sustainability Advisory Board meeting
- H. Approve 10th and Final Payment in the amount of \$1,000.00, to V.F. Anderson pertaining to the 2017 Residential Reconstruction Project [Project # 80217]
- I. Approve revised purchase amount from \$63,366.00 to \$72,128.81 [addition of \$8,762.81] to American Equipment authorized purchase from November 2017 of Unit 614 for Parks Water Truck
- J. Approve purchase in the amount of \$97,683.08, from Westfall GMC, for [1] GMC truck; and [1] Isuzu Chassis for Parks Dept.
- K. Approve purchase in the amount of \$16,936.00, from American Equipment, for an Isuzu Truck Body for Parks Dept.

- L. Approve Massage Establishment License for KC Wellness, located at 10308 State Line Road, in accordance with Code § 5-510 of the Code of the City of Leawood, Kansas 2000
- M. **Resolution No. 4931**, approving and authorizing the Mayor to execute a Service Agreement between the City and All City Management Services, to provide School Crossing Guard Services for an annual amount not to exceed \$69,232.00, for the 2018-2019 and the 2019-2020 school years; and an annual amount not to exceed \$69,933.00 for the 2020-2021 school year
- N. **Resolution No. 4932**, approving and authorizing the Mayor to execute a Purchase Agreement for an amount not to exceed \$69,000.00, between the City and Axon Enterprise, Inc., pertaining to the purchase of Tasers and Taser equipment over a 5-year period for the Police Department
- O. **Resolution No. 4933**, approving and authorizing the Mayor to execute a Professional Service Agreement for an amount not to exceed \$20,000.00, between the City and Olsson & Associates, pertaining to Design Professional On-call services
- P. **Resolution No. 4934**, approving and authorizing the Mayor to execute a Service Agreement between the City and Brown Midwest Commercial Construction in the amount of \$37,995.00, pertaining to the Tomahawk Park Baseball Infield and Outfield Renovation Project, located at 3951 W. 119th Street [Project # 74095]
- Q. **Resolution No. 4935**, waiving the bidding process, in accordance with Charter Ordinance No. 39, pertaining to the replacement of audio/visual equipment for the Lodge at Ironwoods Park, located at 14701 Mission Road; and Oak Room located in the Community Center at City Hall, 4800 Town Center Drive
- R. **Resolution No. 4936**, approving and authorizing the Mayor to execute an Independent Contractor Agreement for an amount not to exceed \$170,000.00, between the City and Mission Electronics, Inc., pertaining to the replacement of audio/visual equipment for the Lodge at Ironwoods Park, located at 14701 Mission Road; and Oak Room located in the Community Center at City Hall, 4800 Town Center Drive
- S. **Resolution No. 4937**, approving and authorizing the Mayor to execute an Amendment No. 1, to that certain Professional Service Agreement between the City and Shafer, Kline & Warren, Inc., dated April 3, 2017, in the amount of \$29,310.00, pertaining to the Leawood South Stormwater Project, TM-04-008 [Project # 80255]
- T. **Resolution No. 4938**, waiving the bidding process, in accordance with Charter Ordinance No. 39, pertaining to the construction of a two bay addition to the Public Works Maintenance Facility located at 14303 Overbrook Road
- U. **Resolution No. 4939**, approving and authorizing the Mayor to execute a Design/Build Contract in the amount of \$883,264.00, between the City and Bruner Contracting, pertaining to construction of a two bay addition to the Public Works Maintenance Facility located at 14303 Overbrook Road [Project # 76050]

Councilmember Osman requested Consent Agenda Items 7.L., 7.M. and 7.P. be pulled.

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

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

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

- 7.L. Approve Massage Establishment License for KC Wellness, located at 10308 State Line Road, in accordance with Code § 5-510 of the Code of the City of Leawood, Kansas 2000

Councilmember Osman thanked the City Administrator and Staff for proactive development of a code last year for massage therapy establishments. A personal colleague in another municipality has a problem with a massage therapy location and that municipality has no code, requiring numerous contacts with that City's Council and even legal authorities. Having a code is a testament that Leawood is thinking ahead.

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

- 7.M. **Resolution No. 4931**, approving and authorizing the Mayor to execute a Service Agreement between the City and All City Management Services, to provide School Crossing Guard Services for an annual amount not to exceed \$69,232.00, for the 2018-2019 and the 2019-2020 school years; and an annual amount not to exceed \$69,933.00 for the 2020-2021 school year

Councilmember Filla thanked the City for funding crossing guard services and was pleased to see a service proposal from the company used previously. She inquired if there was any indication of individual crossing guard continuity and how guard absences were handled. Police Chief Rettig stated at 143rd Street and Nall he had encountered several different guards, but some crossings are staffed by the same guards. The company has done a good job in regard to absences and the Police Department has filled in when infrequently needed. Councilmember Filla asked Chief Rettig to monitor continuity, an important criteria when contracting services.

Councilmember Osman stated the proposed Service Agreement, Appendix B, provides the guard locations. He asked if the additional guards used at 103rd Street and Mission Road during the Brookwood Elementary School construction would continue. Chief Rettig stated Overland Park had paid for the services of the two crossing guards during the construction and having additional guards would not continue. Leawood pays for one guard at this location.

Councilmember Osman asked who paid for the crossing guard services at Curé of Ars. Chief Rettig stated this was unknown, but likely Prairie Village; services are not paid by Leawood. Mayor Dunn stated she was not aware of a guard at that location, but students have provided crossway assistance in the past. Councilmember Osman stated adults assist crossings at 92nd, 93rd and 94th Streets in Prairie Village by activating the crosswalk signal.

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

- 7.O. **Resolution No. 4933**, approving and authorizing the Mayor to execute a Professional Service Agreement for an amount not to exceed \$20,000.00, between the City and Olsson & Associates, pertaining to Design Professional On-call services

Councilmember Sipple asked if the contract was open-ended for ad-hoc small projects or if there was an outstanding project list, and for an estimate of how long the amount proposed would last. Mr. Ley stated services would be on-call. In the past, services provided included modeling a stormwater box culvert recommended by the Stormwater Management Committee and traffic signal timing on Roe Avenue at 115th Street and Town Center. The proposed amount of service should go through 2018.

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

- 7.P. **Resolution No. 4934**, approving and authorizing the Mayor to execute a Service Agreement between the City and Brown Midwest Commercial Construction in the amount of \$37,995.00, pertaining to the Tomahawk Park Baseball Infield and Outfield Renovation Project, located at 3951 W. 119th Street [Project # 74095]

Councilmember Osman stated the renovation was one of many needed due to two significant flood events last year. It takes an extensive amount of time for FEMA [Federal Emergency Management Agency] reimbursement funds to be received for public areas that were impacted. He asked for a status update on any open FEMA-related reimbursements. Mr. Lambers stated the City continues to work with FEMA on claims and this project is eligible for some reimbursement. The City needs to proceed with the renovation because of seasonal use. He does not anticipate this for other projects.

Councilmember Filla noted a significantly lower bid had been received from another vendor. Mayor Dunn stated the amount was not a bid, but a landscape engineer estimate of cost.

Councilmember Filla asked for an explanation of “laser grading.” Mr. Anderson stated perimeter stakes would be installed and a machine that adjusts according to laser line would be used. The area has minimal slope and proper subtle grading is needed. The City does not have this equipment and if the City would attempt to renovate would likely deal with standing water puddles. Grading of right outfield is needed because infield material was relocated by the flooding.

Mayor Dunn requested an estimate of project duration. Mr. Anderson stated if the agreement is approved tonight, the contractor is prepared to start tomorrow or the following day, and the project is to be completed by May 21, 2018. The quick project start date and turnaround was likely one of the reasons for only one bid response. The fields are used mostly for T-Ball, but also for other ball activities as well.

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

8. MAYOR'S REPORT

- A. Congratulations to the Leawood Stage Company on a superb musical revue, "An Enchanted Evening," celebrating their 20th anniversary. Watch for more events throughout all of 2018. Councilmember James Azeltine was selected as a soloist for a November production, which should not be missed.
- B. Much appreciation to Leawood Rotary working in collaboration with the Parks & Recreation Department on the Rotary Tree Grove. The first 20 trees of a 3-year beautification project was begun at Ironwoods Park a couple of weeks ago.
- C. Police Chief Troy Rettig and his leadership team joined me at three recent D.A.R.E. [Drug Abuse Resistance Education] graduations. The first was at St. Michael the Archangel where Officer Emily Craighead runs the program. The other two are run by Officer Phil Goff and were held at Brookwood Elementary and Curé of Ars. Leawood resident and Fox4 Television Anchor John Holt was special guest speaker. Both officers do an exceptional job.
- D. City Administrator Scott Lambers and I joined Police Chief Troy Rettig and members of his department at the MOCSA [Metropolitan Organization to Counter Sexual Assault] event where a presentation was delivered focusing on their mission "to improve the lives of those impacted by sexual abuse and assault."
- E. I participated on a panel with other area mayors for five Johnson County Chamber Leadership Groups on the topic of "Regionalism." John Holt served as the moderator.
- F. Councilmembers Mary Larson, Chuck Sipple and James Azeltine joined me on the National Day of Prayer where organizers held a prayer ceremony near our flag pole in front of City Hall. Those in attendance offered prayers for all of us.
- G. At a recent United Community Services of Johnson County meeting, Executive Director Julie Brewer presented the strategic vision and workplan report for a Healthy Johnson County. I have provided you all copies of the slides that were shared with the Advisory Board for your information.
- H. The Hadassah Greater Kansas City Chapter once again held their Nurses Council Walk for Health in Leawood's Gezer Park. I presented a proclamation celebrating the 100th anniversary of the Hadassah School of Nursing. Representative Joy Koesten was also in attendance.
- I. My thanks to Councilmember Chuck Sipple for representing the City of Leawood at the recent KC Nepalese Society New Year celebration.

9. COUNCILMEMBERS' REPORT

Councilmember Andrew Osman

North Bicycle Loop Signage

Councilmember Osman stated he is a strong advocate of biking that brings community together and is a win-win situation, and more should be done to enhance biking to work and in general. He has received numerous telephone calls, emails and text messages from residents about the recently installed north bicycle loop signage, and wanted to bring forth for the record, whether or not the comments are valid or justified. He stated it is good to hear from the public and comments should be considered in regard to the South Bicycle Loop Signage project to be undertaken in the next two years and for signage in entirety. Comments include concerns about large signs erected in front yards and not in the right-of-way, no prior resident notification, the overall large number of signs, visual clutter and signs being not aesthetically appealing. The family demographics of The Cloister is changing to a mix of young and older residents, and their residents question the rationale for additional signs in the area at this time. He stated there are numerous signs, and as planning is undertaken for the south bicycle loop, the number and size of signs needs to be reviewed.

Councilmember Filla stated she had received one request for the purpose of the signage. She suggested Councilmember Osman provide inquirers information on the North Bicycle Loop kick-off ride scheduled for June 9. Excitement needs to be created by also placing information on the City's website and through a press release.

Mayor Dunn stated she and Mr. Lambers had conducted an inspection today. Mr. Lambers stated he observed two types of supports is used for the signage; light posts and free-standing posts. Signs on free-standing posts were installed at the property lines in the public right-of-way, which many residents view as their front yard. There may be the possibility to relocate several signs on free-standing posts to light or stop sign posts. The City wants to learn from this experience. Better communication is needed, especially in regard to free-standing post signs. He and Mr. Anderson will inspect all of the North Bicycle Loop signage to make possible adjustments.

For the record, Councilmember Cain stated she had received several telephone calls from residents who were not pleased. In the past she has also received comments from residents in her Ward about different types of signs on free-standing posts such as "No Thru Street."

Mayor Dunn thanked Councilmember Osman for bringing this to the attention of the Governing Body and City Staff, and Mr. Lambers and Mr. Anderson for their continued review.

10. CITY ADMINISTRATOR REPORT – None

11. STAFF REPORT – None

COMMITTEE RECOMMENDATIONS

12. PLANNING COMMISSION

[From the April 10, 2018 Planning Commission meeting]

- A. **Ordinance No. 2884**, amending Section 16-4-1.2 of the Leawood Development Ordinance entitled "Location and Height of Accessory Uses, Buildings and Structures" and repealing existing section 16-4-1.2 and other sections in conflict herewith. (PC Case 37-18) [ROLL CALL VOTE]

Mr. Klein stated proposed amendments Agenda Items 12.A. and 12.B. were related. Agenda Item 12.A. permits structures in the front yard set-back and Agenda Item 12.B. allows the structures in residential districts. One free-standing structure would be permitted per lot on private property, not in the right-of-way. No accessory items could be located within 10 ft. of the free-standing structure and the structure must be maintained in good repair.

Councilmember Harrison asked if an existing free-standing structure has accessory items within 10 ft., would this be grandfathered or required to be removed. The structure had been built and then a granite stone bench added. Ms. Bennett stated the City would need to review to determine what was built before code publication. Structures may not be illegally built, and installation may have occurred during the moratorium. A bench may be able to be relocated away from the structure. Mayor Dunn suggested the structure might be relocated.

Councilmember Cain noted the proposed amendment did not clearly address definitions of front yard set-back and right-of-way. Right-of-way is not well understood by the public. Ms. Bennett stated the structure must be located on private property. The width of right-of-way varies throughout the City, so could not be codified. The Public Works Department is very helpful to residents in regard set-backs and right-of-way lines.

Councilmember Osman provided additional history on the proposed amendment for the audience that included Boy Scouts. Several years ago a young boy approximately the age of the Boy Scouts in attendance came before the Council in regard to a structure he had built to hold books. The City did not have a code to allow or prohibit the structure. The Council had several meetings over a few years and input from Home Owners Associations [HOAs] to develop standards. HOA deed restrictions supersede City Code.

Councilmember Filla stated the City's Code prohibited such structures, but the code was put on hold during the investigation. The City needed to consider structure maintenance, public right-of-way and the type of materials that might be placed within the structure. City Staff did an excellent job to survey the HOA's for input. The HOA, the first level of governance, may restrict the structures.

Councilmember Osman agreed and thanked Councilmember Filla for the clarification in regard to code prohibition.

Councilmember Osman asked for clarification of the use of materials similar to the neighborhood, Agenda Item 12.B., Item 32)f. In Prairie Village, a structure was built with a Swiss Family Robinson theme. He inquired if art would classify as materials common to the area. Mr. Coleman stated the intent is for the structure to reflect the materials of the house on which it is located or the character of the neighborhood, rather than the use of a cartoon character with a door in the mouth for access.

Councilmember Osman suggested on a small lot, the home's front porch may be within 10 ft. of the structure, and the front porch might then be used for accessories. Mr. Coleman stated no lots would have a front porch located within 10 ft. Most people would not wish to place the structure next to their home, but would place as close to the street as possible.

For the record, Mayor Dunn stated the City had never issued a citation to the boy for the structure, and there was no cost involved. A Courtesy Letter was sent to explain regulations. A moratorium of the ordinance was thereafter approved by the Governing Body.

Mayor Dunn inquired how the public would be advised of the ordinances and if Courtesy Notices would be issued. Mr. Coleman stated that was not intended and structure locations are unknown. Mr. Lambers stated these structures had been under discussion and investigation for three years. The entire City would be surveyed to identify all structures and ancillary items, and those structures reviewed for compliance. Courtesy Notices would be issued for violations, encouraging owners to contact City Hall.

Mayor Dunn pointed out as previously mentioned by Councilmember Osman and Filla, HOA deed restrictions may be more prohibitive than City Code. Prior survey results revealed that some HOAs do not allow the structures.

A motion to pass Agenda Item 12.A. was made by Councilmember Osman; seconded by Councilmember Harrison. The motion was approved with a unanimous roll call vote of 8-0.

- B. **Ordinance No. 2885**, amending Section 16-4-1.3 of the Leawood Development Ordinance entitled “Permitted Accessory Uses, Buildings and Structures” and repealing existing section 16-4-1.3 and other sections in conflict herewith. (PC Case 38-18)
[ROLL CALL VOTE]

A motion to pass Agenda Item 12.B. was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with a unanimous roll call vote of 8-0.

Mayor Dunn thanked Mr. Klein, Mr. Coleman, Ms. Bennett, Mr. Lambers and all who had worked on the item.

13. OLD BUSINESS – None

14. OTHER BUSINESS – None

15. NEW BUSINESS – None

ADJOURN

There being no further business, the meeting was adjourned at 8:25 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk