

Minutes

DVD No. 418

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, June 4, 2018. Mayor Peggy Dunn presided.

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

Councilmembers Absent: Debra Filla

Staff Present: Scott Lambers, City Administrator	Brian Anderson, Parks Superintendent
Patty Bennett, City Attorney	Richard Coleman, Comm. Dev. Director
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	Sergeant Troy Osborn, Police Dept.
Sergeant Jordan Couturier, Police Dept.	Cindy Jacobus, Assistant City Clerk
Debra Harper, 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 a 1st Class Boy Scout working towards Star Rank from Troop 10.
2. **APPROVAL OF AGENDA**

A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 7-0.

3. **CITIZEN COMMENTS** – None
Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. It is not appropriate to use profanity or comment on pending litigation, municipal court matters or personnel issues. Comments about items that appear on the action agenda will be taken as each item is considered. **CITIZENS ARE REQUESTED TO KEEP THEIR COMMENTS UNDER 5 MINUTES.**
4. **PROCLAMATIONS** – None

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

Police Chief Troy Rettig introduced Mr. Bob Hamilton from the Kansas Department of Transportation.

Mr. Hamilton stated he is one of four Law Enforcement Liaisons with the Kansas Department of Transportation. He is privileged to cover the northeast corridor. All liaisons are retired from law enforcement; two are former Sheriff Officers and two are former State Troopers. He worked 33 years with the Johnson County Sheriff's office. The liaisons work with AAA Insurance to evaluate law enforcement agencies and determine award recipients for traffic safety. The Leawood Police Department was one of 34 agencies to receive an award. The department was recognized for Operation Impact, which is a group of officers who meet monthly to discuss traffic issues on both sides of the state line; employee policy requiring seat belts to be worn; school bicycle rodeos; youth camp safety presentations; an eight-week citizen academy that covers traffic safety; hosting a child passenger safety technician course; and over 200 safety seat installations performed this year by the Leawood Police and Fire Departments. Leawood received the highest award, platinum, for the fifth consecutive year which is unusual for any department. The award contains a gemstone to represent this five-year achievement. Leawood was one of only 16 departments to receive the platinum award. He thanked the Governing Body for supporting the Leawood Police Department and traffic safety efforts. In 2017, 229 lives were lost on highways, and 355 lives the year before. As of May 31, 2018, there have been 154 lives lost, a 12.3% decrease which he hopes will continue.

Mr. Hamilton expressed thanks to Chief Rettig for providing an indoor-outdoor venue of the Justice Center parking lot for Mr. Hamilton's news conference on seat belt "Click It or Ticket."

Chief Rettig thanked Mr. Hamilton for the award, the Governing Body for their support and the Parks and Recreation and Fire Departments for their assistance. He introduced Police Sergeant Jordan Couturier who is a safety seat installation expert and Sergeant Troy Osborn who would be moving to the specialty unit next week and who would be responsible for ensuring the City receives the award next year.

Mayor Dunn thanked Mr. Hamilton for arriving one hour prior to the meeting and expressed appreciation that Mr. Hamilton had personally presented the award. Mr. Hamilton stated he had presented a platinum award to the Roeland Park Police Department just prior to coming to the meeting.

Mayor Dunn thanked Chief Rettig for his leadership and for his great team.

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 Nos. 2018-20 and 2018-21
- B. Accept minutes of the May 21, 2018 Governing Body meeting
- C. Accept minutes of the January 3, 2018 Bike/Walk Leawood meeting
- D. Approve renewal of Cereal Malt Beverage [CMB] license for Price Chopper # 500, located at 13351 Mission Road

- E. Approve Co-op Bid in the amount of \$36,266.00 from Roberts Chevrolet Buick for the purchase of Chevy Tahoe for Leawood Fire Dept.
- F. Approve Change Order No. 1, in the amount of \$44,933.00 to GBA Builders, LLC, for landscaping of the retaining wall located along College Boulevard between Indian Creek Bridge and Brookwood [Project # 80602]
- G. Approve purchase in the amount of \$135,815.00, from All Access Equipment for an aerial lift for Parks Maintenance
- H. Approve 1st and Final Payment in the amount of \$36,995.00, from Brown Midwest Commercial Construction, pertaining to the Tomahawk Park Baseball Infield and Outfield Renovation Project, located at 3951 W. 119th Street [Project # 74095]
- I. **Resolution No. 4947**, accepting and approving the 2017 Annual Report regarding the Public Art Impact Fee, and providing for no change to such Impact Fee, pursuant to § 12-609 of the Code of the City of Leawood, Kansas, 2000
- J. **Resolution No. 4948**, accepting and approving the 2017 Annual Report regarding the Leawood 135th Street Corridor Impact Fee, and providing for no change to the amount of such Impact Fee, pursuant to § 13-509 of the Code of the City of Leawood, Kansas, 2000 *[[from the March 27, 2018, Planning Commission meeting]*
- K. **Resolution No. 4949**, accepting and approving the 2017 Annual Report regarding the South Leawood Transportation Impact Fee, and providing for no change to such Impact Fee Rate, pursuant to § 13-609 of the Code of the City of Leawood, Kansas, 2000 *[[from the March 27, 2018 Planning Commission meeting]*
- L. **Resolution No. 4950**, approving and authorizing the Mayor to execute a Professional Service Agreement in the amount of \$20,000.00, between the City and Continental Consulting Engineers, for engineering and construction coordination services pertaining to the Tennis Court Renovation Project located at City Park, 10601 Lee Boulevard [Project # 71025]
- M. **Resolution No. 4951**, approving a Revised Final Plan for Tomahawk Creek Condominiums – Pool Pergolas, located north of Town Center Drive and west of Tomahawk Creek Parkway (PC Case 50-18) *[[from the May 22, 2018 Planning Commission meeting]*
- N. **Resolution No. 4952**, approving a Revised Final Plan for changes to the façade of a building for Town Center Plaza – Pottery Barn, located north of 119th Street and east of Nall Avenue. (PC Case 51-18) *[[from the May 22, 2018 Planning Commission meeting]*
- O. **Resolution No. 4953**, approving a Final Plan for Ranch Mart – Duck Donuts Outdoor Patio, located north of 95th Street and east of Mission Road. (PC 52-18) *[[from the May 22, 2018 Planning Commission meeting]*
- P. **Resolution No. 4954**, approving a Revised Final Plat for Enclave at Highland Villas – Fourth Plat, located south of 143rd Street and east of Nall Avenue. PC Case 53-18) *[[from the May 22, 2018 Planning Commission meeting]*
- Q. **Resolution No. 4955**, approving an Eligible Facilities Request for the addition of RRU (Remote Radio Units) and associated equipment at Saddle and Sirloin Cell Tower for AT&T, located north of Lee Boulevard and east of Mission Road. (PC Case 54-18)

Councilmember Harrison requested Consent Agenda Item 7.I. be pulled.

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

- 7.I. **Resolution No. 4947**, accepting and approving the 2017 Annual Report regarding the Public Art Impact Fee, and providing for no change to such Impact Fee, pursuant to § 12-609 of the Code of the City of Leawood, Kansas, 2000

Councilmember Harrison noted the Staff Memo “cc:” list incorrectly stated Mr. Ley’s title as “Interim Director of Public Works.” Mr. Ley is the Director of Public Works, a title he has earned and a position he is successfully filling.

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

8. MAYOR’S REPORT

- A. Councilmember Chuck Sipple, Fire Chief Dave Williams and Police Chief Troy Rettig joined me at an Iftar dinner hosted by the Dialogue Institute of Kansas City. This was a “Fast-Breaking Dinner” during the Holy Month of Ramadan.
- B. Pleased to see Police Sergeant Jordan Couturier present in the audience. Sergeant Couturier was once again in charge of Leawood’s Law Enforcement Torch Run Team this year. The run raises funds and awareness for Special Athletes across the State of Kansas. Twelve officers, including three new team members, ran 100 miles and exceeded their goal of raising over \$2,500 for Special Olympics Kansas. Special thanks to Fire Battalion Chief Scott Gilmore and his crew on the ladder truck who helped with a golf ball drop at the Justice Center during the lunch break midpoint of the run. This new event helped raise an additional \$270. The weather was pleasant. Thanks to Sergeant Couturier for his advocacy of Special Olympics.
- C. Reminder that the Parks & Recreation Department in conjunction with the Leawood Arts Council will begin “Grinnin’ & Groovin’” events each Tuesday morning June 5 through June 26 at the Ironwoods Amphitheater or The Lodge, depending on weather. The events are free and go for one hour starting at 9:30 A.M. On June 12, Jim Cosgrove, “Mr. Stinky Feet,” will perform. This promises to be a great series once again.

Councilmember Cain reminded attendees about the upcoming “Stride ‘N Ride” bicycle/walk event this Saturday, June 9, starting at 9:00 A.M. at City Park. Councilmember Sipple stated he was looking forward to the official opening ride of the north bicycle loop with Parks & Recreation Department Staff and some neighbors as part of the “Stride ‘N Ride” event.

9. COUNCILMEMBERS’ REPORT – None

10. CITY ADMINISTRATOR REPORT – None

11. STAFF REPORT – None

COMMITTEE RECOMMENDATIONS

12. PLANNING COMMISSION – None

13. OLD BUSINESS – None

14. OTHER BUSINESS – None

15. NEW BUSINESS

- A. **Ordinance No. 2891C**, amending § 13-509 of the Code of the City of Leawood, Kansas, 2000, entitled, “Annual Review,” pertaining to the 135th Street Corridor Transportation Impact Fee, and repealing existing § 13-509 and other sections in conflict herewith [ROLL CALL VOTE]

Mr. Ley stated the proposed amendment would change responsibility for the annual review from the Planning Commission to the Public Works Committee, before being brought to the Council for approval. The Public Works Committee is typically aware of traffic and transportation issues. Mayor Dunn stated the proposed change was sensible.

A motion to pass the ordinance was made by Councilmember Cain; seconded by Councilmember Larson. The motion was approved with a unanimous roll call vote of 7-0.

- B. **Ordinance No. 2892C**, amending § 13-609 of the Code of the City of Leawood, Kansas, 2000, entitled, “Annual Review,” pertaining to the South Leawood Transportation Impact Fee, and repealing existing § 13-609 and other sections in conflict herewith [ROLL CALL VOTE]

Mr. Ley stated the rationale for the proposed amendment was the same as stated for Agenda Item 15.A.

Councilmember Harrison inquired if the Public Works Committee was aware of the changes and expressed concern about additional workload. Mr. Ley stated the committee was not yet aware of the changes. He stated the 135th Street Corridor Transportation Impact Fee and the South Leawood Transportation Impact Fee fund balances would be zero after all funds are used this year.

Mayor Dunn stated the Public Works Committee receives all their assignments from the Governing Body, and she anticipated annual review would require about 15 minutes of committee discussion. Public Works Committee Chair Councilmember Osman stated the committee takes all assignments very seriously. He stated the committee would not be meeting on Wednesday, June 6.

A motion to pass the ordinance was made by Councilmember Cain; seconded by Councilmember Sipple. The motion was approved with a unanimous roll call vote of 7-0.

- C. **Resolution No. 4946**, authorizing the improvement of a certain section of Mission Road, a Main Trafficway, between 133rd Street and 143rd Street within the City of Leawood; providing for issuance of General Obligation Improvement Bonds of the City to pay the costs thereof pursuant to § K.S.A. 12-689 and for the issuance of temporary notes of the City pending the issuance of said Bonds; and expressing the intent to reimburse certain costs of the project so incurred from proceeds of General Obligation Bonds; and authorizing and improving certain related matters and actions [Project # 80175]

Councilmember Azeltine stated he did not recall prior project temporary bonds issued with a lead time of five years. Ms. Long stated bonding would occur in increments, with \$1 Million initially bonded for design work. Requesting authorization for the entire project cost is more convenient and efficient. Incremental bonding has been done in the past and was used for 143rd Street Project. Incremental bonding remains an option.

Mr. Ley stated in 2019, the City would hire an engineer for preliminary engineering design, and would obtain right-of-ways and relocate utilities for this section of Mission Road. The project is scheduled for 2022 construction and the bulk of temporary bonds would be issued in 2022. Mr. Lambers expressed belief it is best to proactively bring the entire project cost of \$14 Million before the Council, rather than piecemeal incremental amounts.

Mayor Dunn stated she had previously inquired with Ms. Long about the project south of 143rd Street. Mr. Ley stated work on Mission Road between 143rd Street to 151st Street is scheduled for 2024. Mayor Dunn noted there would not be much time between the two portions of Mission Road work.

A motion to approve Agenda Item 15.C. was made by Councilmember Rawlings; seconded by Councilmember Larson. The motion was approved with a unanimous vote of 7-0.

- D. Schedule Executive Session to be held on Monday, August 20, 2018, at 6:00 P.M., for Personnel Matter; City Administrator's annual review

A motion to approve Agenda Item 15.D. was made by Councilmember Azeltine; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 7-0.

- E. Executive Session immediately following Regular Council Meeting, to consult with attorney regarding matters subject to the attorney-client privilege; discuss matters relating to the acquisition of real property

Ms. Bennett stated the motion for the Governing Body recess into Executive Session would require additional language of "a recess period of 30 minutes to discuss possible acquisition of real property pursuant to preliminary discussion of acquisition of real property exception under K.S.A. 75-4319(b)(6), with open meeting to resume in Chambers at 8:30 P.M.

Ms. Bennett confirmed to Mayor Dunn the 30 minute duration was a suggestion, not a statute requirement.

A motion to recess into Executive Session for a period of 30 minutes to discuss possible acquisition of real property pursuant to preliminary discussion of acquisition of real property exception under K.S.A. 75-4319(b)(6), with open meeting to resume in Chambers at 8:30 P.M. was made by Councilmember Cain; seconded by Councilmember Harrison. The motion was approved with a unanimous vote of 7-0.

Mayor Dunn reconvened the open meeting at 8:30 P.M., stating for the record no action would be taken by the Governing Body based on the Executive Session.

ADJOURN

A motion to adjourn was made by Councilmember Cain; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 7-0.

The meeting was adjourned at 8:30 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk