

Minutes

DVD No. 420

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, July 2, 2018. Mayor Peggy Dunn presided.

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

Councilmembers Absent: None

Staff Present: Scott Lambers, City Administrator
Patty Bennett, City Attorney
Chris Claxton, Parks & Recreation Director
Mike Pelger, Info. Serv. Specialist II
Ross Kurz, Information Services Director
Mark Tepesch, Info. Serv. Specialist III
Debra Harper, City Clerk
Chief Troy Rettig, Police Department
Richard Coleman, Comm. Dev. Director
Dawn Long, Finance Director
David Ley, Public Works Director
and City Engineer
Cindy Jacobus, Assistant City Clerk

Others Present: David Arteberry, Financial Advisor, Senior Vice President Kansas/Missouri Public Finance Group, George K. Baum & Company

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Osman. The motion was approved with 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 – None

6. SPECIAL BUSINESS

Resolution No. 4958, authorizing the offering for sale of General Obligation Bonds and General Obligation Temporary Notes of the City of Leawood, Kansas; approving the form of Notice of Sale and Preliminary Official Statement to be used in connection therewith; and authorizing the advertisement of such sale in the manner prescribed by law

Mr. Arteberry provided a brief summary of the bond and note process. The City routinely has a Summer offering of General Obligation Bonds and Temporary Notes. The final sale would occur the day of the Governing Body's first August meeting and results presented at that meeting for Governing Body consideration of bids, and then move forward to lock in interest rates and finalize issuance.

Councilmember Sipple inquired the number of times Temporary Notes are reissued before final General Obligation Bonds are issued. Mr. Arteberry stated Temporary Notes are typically issued for one year. Occasionally for longer construction projects, one year Temporary Notes could be rolled over for another year.

Mayor Dunn thanked Mr. Arteberry for his assistance and attendance.

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

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. 2018-24 and 2018-25
- B. Accept minutes of the June 11, 2018 Budget & Finance Committee meeting
- C. Accept minutes of the June 18, 2018 Governing Body meeting
- D. Accept minutes of the April 12, 2018 Sustainability Advisory Board meeting
- E. Accept minutes of the April 10, 2018 Historic Commission meeting
- F. Approve purchase in the amount of \$92,375.00 to Turn-Key Mobile, Inc., for the purchase of 25 Panasonic laptops for the Police Vehicles
- G. Approve purchase in the amount of \$21,514.20, from M & M Golf Cars, for the purchase of [2] Club Car Carryall 500 Utility Vehicles for Parks & Recreation Dept.
- H. Approve 2nd and Final Pay Request in the amount of \$1,000.00, to Kissick Construction Company, pertaining to transportation, site work and installation of the art piece, Dancers, located in the 11500 block of Roe Avenue [north of Town Center Drive and west of Roe Avenue] [Project # 79021]
- I. Approve 2nd and Final Pay Request in the amount of \$621.05, to C-Hawkk Construction, Inc., pertaining to the 2018 North Loop Recreational Bicycle Route [Project # 71026]
- J. **Resolution No. 4959**, calling for a Public Hearing to be heard on August 6, 2018 at 7:30 P.M., or as soon thereafter as may be heard to consider the 2019 Fiscal Budget for the City of Leawood, Kansas

- K. **Resolution No. 4960**, calling for a Public Hearing to be heard on August 6, 2018 at 7:30 P.M., or as soon thereafter as may be heard to consider the vacation of a Right-of-Way located at 2908 W. 86th Street, within the City of Leawood, Johnson County, Kansas [Lot 828, Leawood Plat]
- L. **Resolution No. 4961**, accepting a Permanent Drainage Easement from Grantor Hetti L. Pous, for property located at 3900 W. 124th Street, Lot 56, Berkshire Subdivision, pertaining to the Mission Road Improvement Project, from 119th Street to 127th Street [Project # 72065]
- M. **Resolution No. 4962**, accepting a Permanent Storm Sewer Easement from Grantors David L. Wing and Kristin D. Wing, for property located at 12504 Alhambra, Lot 33, Bristol Place Subdivision, pertaining to the Mission Road Improvement Project, from 119th Street to 127th Street [Project # 72065]
- N. **Resolution No. 4963**, accepting a Permanent Storm Sewer Easement from Grantor Eilert Living Trust, for property located at 3908 W. 122nd Street, Lot 7, Kings Forest Subdivision, pertaining to the Mission Road Improvement Project, from 119th Street to 127th Street [Project # 72065]
- O. **Resolution No. 4964**, accepting a Permanent Utility Easement from Grantors Bryan D. Close and Margret B. Close, for property located at 3900 W. 126th Street, Lot 1, Blk 1, Aintree Manor Subdivision, pertaining to the Mission Road Improvement Project, from 119th Street to 127th Street [Project # 72065]

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

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

- 7.J. **Resolution No. 4959**, calling for a Public Hearing to be heard on August 6, 2018 at 7:30 P.M., or as soon thereafter as may be heard to consider the 2019 Fiscal Budget for the City of Leawood, Kansas

Councilmember Filla asked if budget information is posted on the City's website as the budget moves through the review and approval process. Leawood does an excellent job and smaller municipalities may benefit from having visual access to our documentation. Mr. Lambers stated once the budget is approved, a General Budget Summary without individual line items, is published in its entirety in the Legal Record newspaper. Once published, the Council can only reduce and not increase expenditures. Copies are provided to the public upon request. Finance Director Dawn Long, Budget Manager Kathy Byard and he are available to answer questions. Mr. Lambers would ensure documentation is posted to the City's website.

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

8. MAYOR’S REPORT

- A. Annual Report: American Revolution Tricentennial CD Fund
On July 6, 1976, Mayor William Eddy and the Governing Body at that time accepted custodial care of a Tricentennial Savings Certificate of Deposit [CD] in the amount of \$1,000 and asked that instructions provided in a letter from the Leawood American Revolution Bicentennial Committee be followed by future Governing Bodies. Around July 4th each year an update is provided. Last year the CD earned \$43.40 in interest on a principal amount of \$8,639.28, which brings the current balance of the CD to \$8,682.68. The new CD yields an interest rate of 0.499% and will mature on June 23, 2019. Prior documentation regarding this CD includes a request that if the City of Leawood should ever cease to exist, the funds should be put to good use for the public.
- B. Two articles, one from the June 22, 2018, Kansas City Star newspaper and one from the July/August *KC Studio* magazine, on Kansas native renowned sculpture artist Wendell Castle were shared. Mr. Castle passed away in January at age 85. The Nelson-Atkins Museum of Art will display nine of his last works in the “Wendell Castle: Shifting Vocabularies” exhibit that runs through January 27, 2019. According to the museum, Mr. Castle’s work “...generated creations that skirted the boundaries of both art and furniture.” The City is fortunate to have procured a piece of Mr. Castle’s art. “Faith”, a bronze bench, was purchased for \$50,000 and dedicated in 2002 in Brook Beatty Park.

Mr. Lambers stated he had considered placement of a piece of Mr. Castle’s work at 96th Street and Lee Boulevard. The City’s Cultural Arts Coordinator, April Bishop, has confirmed there are no additional pieces available since all have been donated to museums. Mr. Lambers lightheartedly recalled the purchase requisition for the 2002 purchase in the amount of \$50,000 with just the description of “bench”.

- C. Congratulations to our fair City for its ranking by website Niche.com in the 2018 Best Places to Live in Kansas. Leawood ranked #1 and many other Shawnee Mission area cities did well. The rankings were based on a variety of factors including public schools, crime rates, housing affordability, cost of living and job market.
- D. Congratulations to Rotarian Councilmember Chuck Sipple honored as “Newcomer of the Year” at the Leawood Rotary’s Annual Dinner which I attended. Rotarian Councilmember Jim Rawlings was recognized as “Rotarian of the Year.” Both were surprised by their awards.

Councilmember Rawlings shared that Rotarian Councilmember Lisa Harrison had been unable to attend the dinner and was presented the “Club Champion” award on Thursday morning after the dinner.

Very well-deserved awards for all.

- E. Wishing everyone a happy and safe 4th of July!

9. COUNCILMEMBERS REPORTS – 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. 2896C**, granting to Consolidated Communications Enterprise Services, Inc. [f/k/a Surewest Kansas Licenses, LLC, f/k/a Everest Midwest Licensees, LLC], a contract franchise to construct, operate and maintain a telecommunications system in the City of Leawood, Kansas and prescribing the terms of said contract franchise, and repealing Ordinance No. 2697C [ROLL CALL VOTE]

Ms. Bennett stated the proposed ordinance was a renewal of a franchise to Consolidated Communications that has been in place for many years. Since the lines run through the Axon Conduit under the City’s parkland, a separate Public Lands Use Agreement would also be required.

A motion to pass the Agenda Item 15.A. was made by Councilmember Azeltine; seconded by Councilmember Larson. The motion was approved with a unanimous roll call vote of 8-0.

- B. **Resolution No. 4965**, approving and authorizing the Mayor to execute a Public Lands Use Agreement between the City of Leawood, Kansas and Consolidated Communications Enterprise Services, Inc., pertaining to the installation and maintenance of communications facilities within existing conduit

A motion to approve Agenda Item 15.B. was made by Councilmember Filla; seconded by Councilmember Harrison. The motion was approved with a unanimous vote of 8-0.

- C. **Ordinance No. 2897C**, amending Chapter 11, Article 9 of the Code of the City of Leawood, 2000, by amending § 11-902, entitled ‘Definitions’ and § 11-905, entitled ‘Where Smoking is Not Regulated,’ and repealing existing Sections 11-902 and 11-905 [ROLL CALL VOTE]

Ms. Bennett stated the proposed amendment would clarify questions regarding enclosures and patio seating for businesses and City Staff.

Councilmember Sipple asked how many restaurants in the City have outdoor patios where smoking is prohibited, and if the proposed amendment would be a financial expense to those restaurants. Ms. Bennett stated she was not aware of the number restaurants with patios. Mr. Lambers stated the amendment was for restaurants such as Sullivan’s and Red Door Grill who have patios that are enclosed during the winter. Requiring two sides of such areas to be completely open provides for air flow/circulation. No expense to the restaurant would be expected. The proposed amendment would facilitate City enforcement; there have been instances of non-compliance.

Councilmember Cain stated Sullivan’s patio is surrounded by low-height “pony” walls and she questioned how two sides of their patio could be considered open. Ms. Bennett stated during inclement weather Sullivan’s uses a canopy structure that covers only the center portion of the patio floor. The canopy structure has side flaps that lower to be inside the patio walls.

Councilmember Azeltine inquired if smoking within a 10 ft. radius of any doorway, open window or air intake had been enforced. Mr. Lambers stated sporadic compliance has been noted. Sullivan's has placed ash trays outside the radius, but 100% compliance cannot be guaranteed. Mayor Dunn stated there have been complaints about smoking in regard to all types of buildings.

A motion to pass the Agenda Item 15.C. was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion was approved with a unanimous roll call vote of 8-0.

ADJOURN

There being no further business, the meeting was adjourned at 8:53 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk