

Minutes

DVD No. 423

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, August 20, 2018. Mayor Peggy Dunn presided.

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

Councilmembers Absent: None

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

Others Present: Anne Blessing, Arts in Public Places Initiative Chair and Arts Council Committee Member

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

A motion to approve the agenda as presented was made by Councilmember Harrison; seconded by Councilmember Larson. 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

[from the June 26, 2018 Arts Council meeting]

Approve 2nd and Final Payment and Purchase of Art-on-Loan in the amount of \$15,000.00, to Beth Nybeck, Artist, pertaining to Art on Loan piece entitled, 'Point Defiance,' located to the west of the front of Leawood City Hall, 4800 Town Center Drive

Ms. Bishop stated the art piece has been very well-received. The City has a three-year agreement with the artist and has paid for two of the three years. Payment for the third year would be due in October and the Arts Council Committee recommends the art piece be purchased at this time. The sculpture would remain at the "art on loan" site until another temporary art piece can be located. The sculpture would then be permanently installed at another location.

Mayor Dunn pointed out some people refer to the art piece as the buffalo, which was declared the National Mammal about two years ago. Ms. Bishop confirmed the City has pieces from female artists in other media, but this would be the first from a female sculptor.

Councilmember Sipple stated he likes the art piece, but questioned the excessive amount of visible rust and how long the sculpture would last. Councilmember Larson stated she liked the piece, but was concerned about the rust as well. She asked if there would be preventative maintenance. Ms. Bishop stated the piece is made from COR-TEN steel and is intended to be rusty. The sculpture has a stainless steel base and the artist recently visited and cleaned the base. Ms. Bishop stated a clear coat sealant could be applied to the stainless steel base to keep rust from adhering to the base. She stated the sculpture should last as long as any other COR-TEN pieces. The City has an Art Conservator that cleans art pieces once a year. The piece is owned by the artist and would not undergo yearly maintenance, unless it becomes part of the City's permanent collection.

Councilmember Cain stated there are COR-TEN art pieces throughout the metropolitan area and even bridges are constructed of COR-TEN, so impact of rust on the longevity of the piece should not be a concern.

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

Mayor Dunn recognized Ms. Blessing and thanked her and Ms. Bishop for their attendance.

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. 2018-31 and 2018-32
- B. Accept minutes of the August 6, 2018 Governing Body meeting
- C. Accept minutes of the August 6, 2018 Governing Body Work Session
- D. Accept minutes of the July 10, 2018 Parks and Recreation Advisory Board meeting
- E. Accept minutes of the March 7, 2018 Bike/Walk Leawood meeting
- F. **Resolution No. 4999**, calling for a Public Hearing to be heard on October 1, 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 12728 State Line Road, within the City of Leawood, Johnson County, Kansas

- G. **Resolution No. 5000**, approving and authorizing the Mayor to execute an Artist Agreement between the City and Zach Newton in the amount of \$10,000.00, pertaining to the Leawood Public Art Banner Design and Replacement Project
- H. **Resolution No. 5001**, approving and authorizing the Mayor to execute Amendment No. 2, to that certain Engineering Services Agreement dated April 18, 2016, in the amount of \$22,500.00, between the City and Burns & McDonnell Engineering Company, Inc., pertaining to the design of 143rd Street between Windsor Lane and Kenneth Road [Project # 80129]
- I. **Resolution No. 5002**, approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$115,373.00, between the City and Total Electric, pertaining to the Installation of Traffic Signals at Mission Road and Lee Boulevard [Project # 72081]
- J. **Resolution No. 5003**, approving and authorizing the Mayor to execute an Inter-local Agreement between the City of Leawood and the City of Overland Park, Kansas, pertaining to the 143rd Street Improvement Project from Windsor to Overbrook Road and Kenneth Road between 143rd Street and 145th Street [Project # 80129]
- K. **Resolution No. 5004**, accepting new Public Infrastructure [storm sewers] in connection with the 12500 Linden Stormwater Project in accordance with GASB-34 Guidelines of Reporting Inventory of Assets [Project # 77015]
- L. **Resolution No. 5005**, accepting a Permanent Utility Easement from Grantor Roman Catholic Archdiocese of Kansas City in Kansas, a non-profit corporation, a/k/a Cure-of-Ars, for property located at 9403 Mission Road, pertaining to the Mission Road Improvement Project, from 84th Street to 95th Street [Project # 72074]
- M. **Resolution No. 5006**, accepting a Permanent Sidewalk Easement from Grantors Larry G. Enochs [Deceased] and Lola C. Enochs, for property located at 3527 W. 92nd Street, Lot 1249, Leawood Subdivision, pertaining to the Mission Road Improvement Project, from 84th Street to 95th Street [Project # 72074]
- N. **Resolution No. 5007**, accepting a Permanent Utility Easement from Grantors Larry G. Enochs [Deceased] and Lola C. Enochs, for property located at 3527 W. 92nd Street, Lot 1249, Leawood Subdivision, pertaining to the Mission Road Improvement Project, from 84th Street to 95th Street [Project # 72074]
- O. **Resolution No. 5008**, accepting a Permanent Utility Easement from Grantors John T. Oeffner and Melissa M. Oeffner, for property located at 3528 W. 92nd Street, Lot 1234, Leawood Subdivision, pertaining to the Mission Road Improvement Project, from 84th Street to 95th Street [Project # 72074]
- P. **Resolution No. 5009**, accepting a Temporary Construction Easement from Grantor Barbara A. Patterson, Trustee of the Barbara A. Patterson Trust Agreement dated August 18, 2003, for property located at 3208 W. 143rd Street, Lot 1, Block 5, Charlemagne Manor Subdivision, pertaining to the 143rd Street Improvement Project from Windsor Lane to Kenneth Road [Project # 80129]
- Q. **Resolution No. 5010**, accepting a Temporary Construction Easement from Grantor Ronald Lee King Trustee, for property located at 3000 W. 143rd Street, Lot 2, Stonebridge Estates Replat of Lots 1 & 2, pertaining to the 143rd Street Improvement Project from Windsor Lane to Kenneth Road [Project # 80129]
- R. **Resolution No. 5011**, accepting a Deed of Dedication for Right-of-Way from Grantors Vic Prasad and Rajni Prasad, for property located at 14205 Canterbury Court, Lot 6, Block 4, Charlemagne Manor Subdivision, pertaining to the 143rd Street Improvement Project from Windsor Lane to Kenneth Road [Project # 80129]

- S. **Resolution No. 5012**, accepting a Temporary Construction Easement from Grantors Vic Prasad and Rajni Prasad, for property located at 14205 Canterbury Court, Lot 6, Block 4, Charlemagne Manor Subdivision, pertaining to the 143rd Street Improvement Project from Windsor Lane to Kenneth Road [Project # 80129]
- T. **Resolution No. 5013**, approving a Final Sign Plan for Tomahawk Creek Office Park – Nueterra Capital (Healthcare Investment Firm) – Wall Sign, located north of 114th Street and west of Tomahawk Creek Parkway. (PC Case 78-18) *[from the July 24, 2018 Planning Commission meeting]*
- U. **Resolution No. 5014**, approving a Final Sign Plan for Leawood Executive Centre – Value Health – Wall Sign, located north of 113th Terrace and east of Roe Avenue. (PC 84-18) *[from the July 24, 2018 Planning Commission meeting]*
- V. **Resolution No. 5015**, approving a Revised Final Plat for Leawood Subdivision – Lot 828, located north of 86th Street and east of Ensley Place. (PC 85-18) *[from the July 24, 2018 Planning Commission meeting]*
- W. **Resolution No. 5016**, approving a Revised Final Sign Plan for Cornerstone Presbyterian Church – Monument Sign, located south of 133rd Street and east of Pembroke Lane. (PC Case 86-18) *[from the July 24, 2018 Planning Commission meeting]*
- X. **Resolution No. 5017**, approving a Revised Final Plan for Leawood Plaza – Dalmark Roof Replacement, located north of 123rd Street and west of State Line Road. (PC 93-18) *[from the July 24, 2018 Planning Commission meeting]*
- Y. **Resolution No. 5018**, approving a Revised Final Plan for changes to the façade of a tenant space for Town Center Plaza – Francesca’s - Awning, located north of 119th Street and east of Nall Avenue. (PC Case 92-18) *[from the July 24, 2018 Planning Commission meeting]*
- Z. Police Department Monthly Report
- AA. Fire Department Monthly Report
- BB. Municipal Court Monthly Report

Councilmember Cain requested Consent Agenda Item 7.G. be pulled.
 Councilmember Harrison requested Consent Agenda Item 7.W. be pulled.
 Councilmember Sipple requested Consent Agenda Item 7.Z. be pulled.

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

- 7.G. **Resolution No. 5000**, approving and authorizing the Mayor to execute an Artist Agreement between the City and Zach Newton in the amount of \$10,000.00, pertaining to the Leawood Public Art Banner Design and Replacement Project

Councilmember Cain stated this was Step No. 2 in the City Banner process presented to the Council in her report at the August 6, 2018, Governing Body meeting. The resolution is for an artist agreement with Zach Newton to design the remaining City Banners.

Councilmember Azeltine stated he was very impressed with the banner renderings he had viewed. Mayor Dunn stated she was disappointed the new banners would not be installed until Spring 2019 but understood the reasons for this timeline stated by Councilmember Cain in her report.

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

- 7.W. **Resolution No. 5016**, approving a Revised Final Sign Plan for Cornerstone Presbyterian Church – Monument Sign, located south of 133rd Street and east of Pembroke Lane. (PC Case 86-18) *[from the July 24, 2018 Planning Commission meeting]*

Councilmember Harrison stated the location was in her Ward and she travels past the property many times a day. She is aware of a change of ownership reported in the Kansas City Star newspaper due to merging congregations, and that temporary signage is installed on the monument. The applicant is Cornerstone Presbyterian Church, but the rendering of the proposed monument sign only states “Cornerstone”; it does not include “Church”. The previously-approved monument sign had stated “Covenant Chapel Evangelical Presbyterian Church”. She questioned the accuracy of the proposed monument sign rendering and the tax equity of the Agricultural Zoning of the property.

Mr. Coleman confirmed the proposed monument sign would appear as depicted in the rendering; the change was likely due to branding. A Special Use Permit is required for all places of worship in the City and these have various zoning such as Residential, Agricultural or Commercial. He does not believe agricultural products are grown on the property. Mr. Lambers stated zoning has nothing to do with tax classification.

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

- 7.Z. Police Department Monthly Report

Councilmember Sipple pointed out the decreased caseload of the Municipal Court compared to one year ago, and asked if this was due to reduced Police Department staffing because of retirements and Police Academy training, or due to a decrease in the number of speeding drivers.

Chief Rettig stated as of today, the Police Department is down two officers. There are seven officers in some type of training, so level of staff is expected to improve. To ensure Patrol crews are fully staffed with 11 officers each, the Traffic unit and other units have been depleted. The Traffic unit is responsible for issuing tickets and the Traffic unit is down two or three officers to cover patrols.

Councilmember Osman pointed out the marked increase in the number of thefts from motor vehicles for July 2018 [22] and last month [28], compared to one year ago [7]. He asked if the 22 thefts from vehicles had occurred at the beginning rather than the end of July. Chief Rettig stated the incidents were spread throughout the month. The City has experienced a large number of thefts from vehicles over a weekend in August.

Councilmember Osman stated that Prairie Village and other municipalities were also hit. Chief Rettig stated slow progress to identify the perpetrators has been made. There were many active crime groups involved. One person has been charged and a warrant issued for an accomplice, believed to be a homeless individual. Another crime groups has been identified, but there is one more group active.

Councilmember Osman stated residents have been advised to keep garage doors closed. He stated residents have praised the Police Department for alerting home owners in the early morning hours when open doors have been noted. This does take time away from actual patrols.

Mayor Dunn pointed out that signage at City Park had advised visitors to lock vehicle doors and store valuables out-of-sight. The effort of the Police Department is greatly appreciated and the situation is understandably frustrating for everyone.

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

8. MAYOR'S REPORT

- A. Had the pleasure of attending the "Reveal" of the "Wall of Respect" at the Jewish Community Center of Greater Kansas City [JCC] on August 9, at the invitation of Ms. Jill Maidhof, Director of Jewish Experiences at JCC. The "Wall of Respect" is a mural project that took two years to design and produce. The project is to help people cross cultural boundaries, create understanding and conversation, and to celebrate the contributions of five outstanding cultures in Greater Kansas City: African American, Native American, Jewish, Latino/Hispanic and Asian American. The project is a take-off of the "Wall of Respect" created by African American artists on a dilapidated building in Chicago, having its 50th anniversary in 2017. The JCC project was designed for portability to travel for display at civic organizations, community centers, churches and schools. The artists chose to create the mural on a yurt, a circular tent used by nomads. Educational guides travel with the yurt and there is no cost to host the display. However, assistance is required to erect the yurt and at least one educational program is required to be conducted during the display. The project is very well-done, and visitors of all ages are welcome to participate and add messages to the floor. The project's first stop will be the InterUrban ArtHouse where it will be on display until October. The project team wants to speak with Cultural Arts Coordinator April Bishop, in regard to interest in Leawood as a host site. A picture of the yurt taken at the "Reveal" was displayed for meeting attendees.
- B. Last Friday, Councilmembers Larson, Rawlings, Harrison and Sipple joined me for a tour with the professional team overseeing the Tomahawk Creek Wastewater Treatment Facility. The expansion timeframe on the 40-acre tract is expected to be completed 40 months from the June 25, 2018 start date, about 3.5 years. All effluent is currently being sent to Kansas City, Missouri, for treatment. The six-foot elevation raise of Lee Boulevard will not take place until 2020. There are 1,200 trees planned to be planted as a buffer when completed. It was a most informative tour.
- C. Reminder that the Parks & Recreation Department is hosting "Truckin' It In the Park" this Saturday, August 25, from 5:00 P.M. to 9:00 P.M. in City Park, near the parking for Leawood. There is wide variety in the 15 food truck vendors. This is the fourth year for the event and I hope you all can attend.

9. COUNCILMEMBERS' REPORT

Councilmember Cain – “Adopt-a-Trail” in Parks & Recreation Fall/Winter Program Guide

Councilmember Cain reported the recently-issued Parks & Recreation Fall/Winter Program Guide includes information on a new “adopt-a-trail” program, presented in the first few pages of the guide. The City has over seven miles of trail, and individuals and groups such as organizations and businesses can adopt and clean a portion. Please share this opportunity with friends and neighbors.

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

Schedule a Governing Body Work Session at 6:00 P.M., on Monday, October 15, 2018, for Continued Discussion of Redevelopment Plan for 96th & Lee Boulevard

Councilmember Harrison inquired if the Governing Body would be provided answers to questions posed at the last Work Session regarding sustainability. Mr. Lambers confirmed, and he reminded he awaits receipt of one item to be constructed in the park from each Governing Body member. He has received emails from Mayor Dunn and Councilmember Filla.

Councilmember Azeltine questioned what information would be discussed that would be different or new from discussion in the six prior Governing Body meetings. He stated that a total of 13 or 14 meetings had already been held by the Governing Body, Historic Commission, Parks & Recreation Department and Staff. He suggested Staff develop two or three concept drawings based on data collected over the last three or four years. He does not support another “circular discussion”. Mr. Lambers stated decision on the existing fire station is needed and presentation of the Governing Body items requested for the site.

Mayor Dunn pointed out the costs in regard to keeping the existing fire station had been requested at the last Governing Body Work Session, along with comments the structure may not be kept if the price tag was too high.

Councilmember Cain encouraged that if conceptual drawings are provided in advance, the Governing Body members walk the property with the drawings in-hand, and to enter the existing fire station and old City Hall with explicit directives in mind so an informed, very important decision can be made.

Councilmember Filla stated another meeting is needed because the Governing Body requires the specific information previously requested for decision-making, and to discuss responses received by Mr. Lambers, per his request that each Governing Body member submit one desired item for the site.

Mr. Lambers stated discussion at the last Work Session in regard to the disposition of the fire station was split, three Councilmembers in favor, three Councilmembers against and two Councilmembers with mixed positions. He has not received direction. The result of the proposed Work Session would be a decision on the existing fire station, if it stays as a shelter and if restrooms would be located there. In regard to Governing Body items, the Council would have to agree if they want or not. Thereafter, different scenarios/options would be developed and submitted to the Governing Body. If decisions are reached, this would be the last Work Session.

Councilmember Azeltine stated disagreement with taking votes in a Work Session. Options need to be provided and decision made in a Council meeting. Mayor Dunn pointed out Work Sessions are less formal and more agenda-driven, and Work Session responses do not stand the same as those given in Council meetings. Work Sessions are used for give-and-take discussion to reach a consensus.

Councilmember Sipple stated his understanding of the deliverable requested at the last Work Session was cost estimates for using the existing fire station as a shelter by maintaining columns and roof, as compared to building a new shelter. Cost is an important determining factor in whether to save or demolish the existing fire station. Mr. Lambers assured the cost estimates would be supplied.

Councilmember Cain asked if the only option being considered for cost evaluation is removal of the fire station's walls and keeping the corners, rather than keeping the structure intact for a meeting space, could she submit a request for meeting space as her single desired item. Mr. Lambers confirmed the option to use the existing fire station for meeting space was not being pursued, and that Councilmember Cain could submit this as her one requested item for the site. Councilmember Cain stated her belief there are more options than retaining the four corners and roof of the existing fire station for use as a shelter.

Mayor Dunn stated costs and feasibility advice would be provided to the Governing Body. The idea of keeping the existing fire station for more than a shelter was not embraced by anyone at the last Work Session. Councilmember Cain opined the data should have been provided to attendees for consideration or the property toured. She acknowledged she may be the singleton vote in this regard.

A motion to approve the Agenda Item 15. was made by Councilmember Filla; seconded by Councilmember Harrison. The motion was approved with a vote of 7-1; Nay vote from Councilmember Azeltine for reasons stated.

ADJOURN

There being no further business, the meeting was adjourned at 8:12 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk